

European Commission
Directorate General for Maritime Affairs and Fisheries
Policy Development and Coordination
Mare A2
1049 Brussels
Belgium
Att. Ernesto Peñas Lado, Director
Ref/ BSAC/2015/8

Copenhagen 1st February 2016

Your ref: Areas (2015) 5562731 – 03/12/2015

Dear Ernest Peñas,

In response to your letter from 3rd December 2015 asking the BSAC for a report on experience so far with the implementation of the landing obligation, please find attached to this letter comments and input compiled by the BSAC Secretariat. It contains the outcome of discussions held during the recent Joint Working Group on 26th-27th January 2016, as well as written comments provided by some member organisations.

Time has not allowed us to compile it under the different headings, but the information given provides a comprehensive and up to date picture of experience gathered across the Baltic.

We hope this adds to the overall picture and that it will serve as a useful contribution to the planned seminar on the landing obligation on 24th February 2016 as well as further work on the functioning and dynamic of the landing obligation.

Kind regards,



Sally Clink

Annual report on the implementation of the landing obligation (Regulation (EU) 2015/812 amending Regulation (EU) 1380/2013, Article 15.14)

In response to the Commission's request addressed to the BSAC to submit information on the implementation of the Landing Obligation and in accordance with Article Regulation (EU) No 1380/2013 on the CFP, the following information has been provided by the BSAC members with reference to:

- **steps taken by Member States and producer organisations to comply with the landing obligation:**
 - **steps taken by Member States regarding control of compliance with the landing Obligation:**
 - **information on the socioeconomic impact of the landing obligation:**
 - **information on the effect of the landing obligation on safety on board fishing vessels:**
 - **information on the use and outlets of catches below the minimum conservation reference size of a species subject to the landing obligation:**
 - **information on port infrastructures and of vessels' fitting with regard to the landing obligation:**
 - **for each fishery concerned, information on the difficulties encountered in the implementation of the landing obligation and recommendations to address them.**

Information gathered during the BSAC Joint Working Group meeting on 26th-27th January 2016:

Michael Andersen, the Chair of the Demersal Working Group of the BSAC stated that fishermen have difficulties in understanding the waste of fish resources resulting from the landing obligation related to the prohibition to use undersized fish for human consumption. He also stated that given the fact that the landing obligation was introduced only at the start of 2015 for the Baltic, the experience related to the landing obligation is at present very limited. Even if the landing obligation has created problems in some Baltic cod fisheries, the rather clean fishery in the area has allowed for reasonable solutions.

Substantial problems are expected in fisheries where the catch is taken as a mix of several economically important species in a composition that can only be partly anticipated. The TACs for several of these stocks/species are often set with a higher concern for political decisions than for the relative abundance on the fishing grounds.

According to the Danish fishermen, discards are lower than anticipated. The main problem encountered is that undersized fish cannot be sold for human consumption purposes and are sent to fishmeal. Problems arise from the fact that the unwanted catch has to be handled, stored and transported separately.

The Danish Fishermen Producers Organisation pointed to the difficulties which could arise with sorting plaice onboard, once this species is covered by the landing obligation.

Michael Andersen said that the main concern in relation to the implementation of the discard ban however, is that it has been introduced without the necessary adjustments to the technical regulations. Thus it forces fishers to continue fishing with gears that have been documented to be the very cause of the problem. There is a widespread feeling in the sector that they are being punished for doing something they are forbidden to change. Concern is building as to how this will be reflected in relation to compliance.

Benny Schmöde from the German Cutter and Coastal Fishermen's Association indicated that significant additional costs are related to the obligation to transport the unwanted catch separately.

Pehr Eriksson, Swedish Fishermen's Association, stated that fishermen have encountered difficulties with the implementation of the landing obligation, but they refer to single boats and not to the infrastructure in the ports.

Katarzyna Wysocka, Darłowska Group of Fish Producers and Shipowners stated that in the opinion of Polish small-scale fishermen, the implementation of the landing obligation is contrary to the protection of fish stocks. She pointed out that small-scale, low impact fishermen use very selective nets, which are characterized by a 70% survival rate of the fish escaping through the nets and in her view an exemption from the landing obligation should be introduced for small boats.

After the meeting

Written contribution from the Sweden Pelagic Federation (PO)

Nearly all the pelagic catches in the Swedish pelagic fishery are put unsorted into RSW tanks. The LO has not changed the way in which the fishery is carried out and the fish is handled. What causes most concern is the fact that there have been no changes to the technical measures. That means that it is very likely that the catch composition (sprat-herring) will not function according to the statutory meshsize. Since everything has to be landed, it is extremely important that changes are made to the technical measures so they conform to the landing obligation and so every fisherman can take responsibility for what he catches in relation to his quota.

The Sweden Pelagic Federation PO has been carrying out trials using grids in the pelagic fishery in order to minimise bycatch of mainly saithe in the Skagerrak. The initial tests have given some positive results. We even think that this method can be used to minimise bycatches of demersal species if that becomes a problem in the Baltic in the future.

However, we have not experienced this in the past 25 years due to the development of the trawl with large meshes.

The biggest problem that we are experiencing with the LO is the way in which the national authorities are interpreting and applying the EU rules.

The interpretation that we are experiencing is that all species have to be estimated from the very first kilo of catch. That means that the individual fisherman has to assess every single species that gets pumped into the tanks. Since these are very small quantities, it is absolutely impossible to do this. This needs to be changed so that the entire catch can be estimated. Then after landing, the individual species and their weights can be calculated.

Another problem related to this is that Sweden is developing an ITQ system for the pelagic species. This makes it difficult to cover small catches of other species (demersal). Our national authorities do not allow quota swops of other species than pelagic. This creates the problem that species have to be landed, but it is difficult for us to count them against the given quotas. That makes it very important to change the rules in order for the LO to work in practice.

Written contribution from National Chamber of Fish Producers:

In relation to the implementation of the Landing Obligation (Regulation (EU) 2015/812 amending Regulation (EU) 1380/2013, Article 15.14, as Producers Organisation whose members are vessel owners and the same time the operator of the Local First Sales Point we hereby present our comments:

- Due to food safety provisions, fishing vessels are not suitable for storing discards. Veterinary inspections require that discards (unwanted catch), as the catch not suited for human consumption, are marked with category 3 label and stored in special containers and compartments used only for this purpose. It should be ensured that these discards have no contact with the fish for consumption, both during the transport to the port and during landing operations. This raises great fear among fishermen that another obligation is being imposed on vessel owners, that is to modernize their vessels to adapt them to these requirements, which is not easy and in many cases just impossible from the technological point of view (safety card, classification certificate).
- The fishing ports lack adequate infrastructure to store and handle the unwanted catches. The entities responsible for taking over the unwanted catch have not been identified. Our organisation bought with its own funds a special container for storing the unwanted catches. Since discards are considered to be category 3 and are treated as fish waste, we have been obliged to make an agreement with a company entitled to treat this waste. The money received for the waste is paid to fishermen and our organisation pays the energy costs of freezing, water and disinfectants used to wash the containers as well as remuneration of staff etc.

Written contribution from the Danish Fishermen and the Danish Fishermen PO

There is recognition of the efforts made by the control and inspection authorities to give the fishermen guidance on what the landing obligation would mean and entail for the different fisheries.

However, the whole process surrounding the development of the discard plan, including tight deadlines up to the implementation of the landing obligation, as well as the need to adapt other legislation through the Omnibus Regulation created a period of considerable uncertainty for the fishermen about which rules applied.

Whereas the landing obligation in the Baltic has meant additional work for the fishermen in terms of sorting, registering and separate storage of catches, there are no specific remarks so far from experience gathered during 2015 with respect to safety on board.

The fact the fish below the minimum conservation reference size (MCRS) cannot be sold for human consumption has a negative effect on earnings and is an unnecessary restriction on the Danish fishery. In addition, it can prove to be difficult and costly for the Baltic fishermen to dispose of the fish that cannot be used for human consumption. They are looking forward to seeing well thought out solutions for port installations which can be used for handling this fish. This is a major challenge and does stand in the way of acceptance by the industry of the landing obligation.

Finally, there is a repeated call for simplification of the technical rules currently in force, so that the fishers have greater freedom to choose the gear that they use, as well as simplification of the control regulation.