BSAC response to the Commission's questionnaire on the landing obligation

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Background: Five years from the full operationalisation of the landing obligation, the Commission is gathering evidence to support the evaluation of the landing obligation in terms of meeting the objectives of the 2013 reformed Common Fisheries Policy (CFP)[1]. For this, a questionnaire[2] was set up to aid in the collection and validation of existing data already gathered.

The BSAC Secretariat prepared this reply based on the past BSAC work on the topic including the BSAC White Paper on the implementation and revision of the CFP[3]. In addition, all BSAC members were consulted in writing.
In parallel, the BSAC members encouraged to take part individually in the questionnaire.
The BSAC held several meetings focused on the implementation of the landing obligation[4], including joint workshops with BALTFISH and EFCA in 2017, 2019 and 2022. Another joint workshop is planed later in 2024 after the publication of the latest EFCA report on the implementation of the landing obligation.
Hopefully, these general comments will add to the overall picture and will serve as a useful contribution to the assessment on how the landing obligation is currently working, as well as to improve its functioning.

General evaluation

As stated in the BSAC response to the Commission's survey to inform the second report on the implementation of the Multiannual Plan for the Baltic Sea[5], the BSAC is of the opinion that the implementation of the landing obligation (LO) has not been fully successful.

Data needs

As concerns the trends in discards, the BSAC is eagerly waiting for the EFCA report on the implementation of the LO in the Baltic Sea in 2019-2021. The BSAC stands ready to discuss the evaluation of the LO in the Baltic with EFCA and BALTFISH.

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[1] Article 2.5a of the Regulation No 1380/2013 on the CFP Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (europa.eu)

[2] This questionnaire forms part of the "Study supporting the evaluation of the landing obligation – Common Fisheries Policy" under the framework contract CINEA/2021/OP/0011 – [Lot 1]. The study is being undertaken by a consortium of partners contracted by the EU Commission (CINEA), acting on behalf of the Directorate-General for Maritime Affairs and Fisheries (DG MARE).

[3] White-paper-02-05-2022forprintandweb.pdf (bsac.dk)

[4] [Modtagerfelt] (bsac.dk); [Modtagerfelt] (bsac.dk)

[5] BSAC-answer-COM-quest-MAP-report2024-2025-1.pdf; [Modtagerfelt] (bsac.dk)

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Control and compliance

As stated in the BSAC White Paper on the implementation and revision of the CFP, the most obvious and critical issue related to the LO is whether it is controlled and/or complied with. Neither is the case.

Control and implementation of the landing obligation can be improved through the revised Control Regulation and the Technical Measures Framework, whereby gear changes and developments can be more swiftly implemented.

Pilot projects

REM Pilot Project in the Baltic Sea 2022-2023 (EFCA - BALTFISH)[6]

According to EFCA, the introduction of REM, CCTV and data captured on sensors is the most efficient measure to enforce the LO. In 2021, the BALTFISH Control Expert Group, supported by EFCA, submitted to BALTFISH High Level Group (HLG) a proposal for a joint regional pilot project on REM in the Baltic Sea. HLG agreed that each participating MS should select a minimum of two vessels to participate in the pilot project on voluntary basis and regardless of fleet segment, with exception of Finland who does not intend to actively participate in the project but indicated would be involved in the REM WG meetings and follow progress. The implementation of the one-year project started in October 2022.

Baltfish Member states have been invited to provide some information on the ongoing REM pilot projects. Answers were received from Sweden, Latvia (response came from a fishing organisation), Germany, Lithuania, Denmark and are all presented in Annex 1.

These answers show that most Member States are working on REM pilot projects although they are all at very different stages of implementation. They seem to concern primarily pelagic vessels but also include bottom trawling ones like in Denmark. REM pilot project in some Member States face difficulties in the implementation of the projects: legal and technical difficulties, absence of answer to the call for tender, few volunteer vessels, etc. They all plan to be used to learn lessons on the practical installation, control possibles (video footage review), and generally understand how can REM help increase compliance with the LO and recording of catches.

Landing Obligation exemptions

The BSAC has been regularly consulted by the Member States group BALTFISH regarding draft joint Recommendations covering exemptions. This was the case for salmon[7] and plaice[8] in 2019, 2020, 2022, 2023. The BSAC membership positions on these exemptions is split. While the BSAC generally supports these exemptions, the minority position is very concerned by these propositions.

Some BSAC members call for more research on survivability for cod catches from the gillnet fisheries that could justify an exemption.

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[6] Presentación de PowerPoint (bsac.dk); See BSAC, EFCA, BALTFISH Workshop report p.10: [Modtagerfelt] (bsac.dk)

[7] Salmon joint Recommendations: https://www.bsac.dk/recommendations/?advice_search=salmon+joint+recommendation&from=&to=

[8] Plaice joint Recommendations: https://www.bsac.dk/recommendations/?advice_search=plaice+joint+recommendation&from=&to=

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Relation to other policies

Furthermore, the BSAC is of the opinion that the Baltic Multiannual Plan (MAP) has not contributed to achieving the implementation of the landing obligation. For example, some of the provisions of the MAP have even been counterproductive in the implementation of the landing obligation as the ranges of target fishing mortality levels set out in the MAP are too rigid and do not allow for a more adaptive management.[9]

According to the White Paper, the failure to meet the objectives of the landing obligation should be considered by lawmakers in the context of the fisheries management set-up as a whole. The BSAC suggests that in order for the Landing Obligation to work better, two things are needed:

- Focus on technical measures:

In particular, the process for introducing the possibility to use new fishing gears through Joint Recommendations has proven cumbersome with excessive delays in the drafting and adoption of delegated and implementing acts[10]. The development of alternative gears can help implement better the landing obligation.

The BSAC is of the opinion that in order for catch accountability to work, the fishers (commercial and recreational) should be given the freedom to choose the fishing gear that best matches their specific conditions.

- Improve fisheries monitoring and control.

Landings and weighing operations must be monitored, recorded, and controlled by qualified, impartial operators. This aligns with the objectives of the CFP and the revised Control Regulation.

Regarding landings of small pelagic in bulk, the fishmeal industry has adopted in 2021 an industry standard for mandatory use of either monitored, ISO17020 type A certified 3rd party for full registration of all small pelagic bulk landings, national authorities, or weighting operators authorised by the national authorities.[11] The goal is to ensure all bulk landings are handled in a unified registration system.

In this respect, the Commission Implementing Regulation (EU) 2024/1474 of 24 May 2024[12] represents one further step towards proper registration and monitoring. However, we strongly recommend introducing uniform sampling plans for by-catch, ensuring consistent sampling frequency and requirements across all European ports where unsorted catches are landed.

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[9] https://www.bsac.dk/wp-content/uploads/2024/02/BSAC-answer-COM-quest-MAP-report2024-2025-1.pdf

[10] https://www.bsac.dk/wp-content/uploads/2023/11/BSACreply_questionnairetechnicalmeasures2023-2024-34.pdf

[11] EFFOP's industry standard: https://effop.org/wp-content/uploads/2021/04/Industry-standard-for-draining-and-weighing-of-unsorted-pelagic-landings.pdf

[12] Commission Implementing Regulation (EU) 2024/1474 of 24 May 2024 laying down rules for the application of Article 14(4), point (a), of the Council Regulation (EC) No 1224/2009 as regards derogation from the margin of tolerance in estimating catches for unsorted landings and transhipments from small pelagic, industrial and tropical tuna purse seiners fisheries http://data.europa.eu/eli/reg_impl/2024/1474/oj

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Current variations in sampling plans between countries are not justified and do not create a level playing field.

From a larger perspective, the BSAC welcomes the upcoming evaluation of the CFP which may lead to its possible revision. The BSAC has at several occasions recommended a revision of the CFP to grant fishers greater flexibility in organising fishing activities, and in selecting the gears they use, in order to ensure the best environmental and economic outcomes. The BSAC stands ready to draw on its expertise in order to deliver advice and input to the CFP evaluation later in 2024.

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Annex 1: Answers received from Sweden, Latvia, Germany, Lithuania, Denmark regarding information on the ongoing REM pilot projects in each Member State.

For Sweden, the Swedish Agency for Marine and Water explained that *Sweden conducted a trial with REM-systems on board two pelagic vessels during 2023. One of the vessels is exclusively active in the Baltic Sea, and the other in both Baltic Sea and the North Sea. Since no demersal vessel participated, the Agency had difficulties to evaluate issues related strictly to the landing obligation.*

Some of the main findings from the trial are:

- *Possible to detect species other than the target species on pelagic vessels.*
- *Possible to see whether any slipping would occur.*
- *Possible to monitor whether sampling of species composition is carried out. It is also possible to identify bycatch species during the sorting process.*
- *Installation process is time consuming – important to consider the size and complexity of the vessel.*
- *Masking features are necessary in order to protect privacy.*

Lessons learned from the trial will be useful in the detailed design of future rules and systems.

For Latvia, the Latvian Fisheries Association explained that *Latvia developed a new procurement procedure for the third time this year and announced a procurement tender. This was preceded by meetings with fishermen to introduce them to the REM pilot project.*

The 3rd attempt to identify the applicants with the help of procurement and thus start the implementation of the pilot project has ended without results. The deadline for submitting applications was at the end of May this year, no applicant has submitted an offer.

As a result, no actions will be taken this year - it depends on the project implementation deadline. The plan is to start talking/thinking next year - but at the moment it is not clear what to talk about, because the fishermen do not voluntarily want to participate in the project. Moreover, the arguments of the Ministry of Agriculture that from 2028, it will be mandatory, then neither the Ministry of Agriculture nor the State Environmental Service will be able to help anymore, but until then the requirement of the fisherman's obligation to provide the State Environmental Service with relevant data will be included, unfortunately, did not work!

For Germany, the German Federal Agency for Agriculture and Food (BLE) explained that *it is launching currently a call for tender to carry out a REM pilot project. The aim of this call for tender is to establish an IT infrastructure to be technically prepared to gather footage from participating vessels in our FMC in Hamburg. These footage data should be combined with all other data available: sensor data, VMS, Logbook etc.*

The REM systems are to be installed on two voluntarily participating fishing vessels in the North Sea and the Baltic Sea. According to ongoing negotiations between the EU and Third Countries like UK, Norway, Greenland and Island it is possible that it could come to the requirement to have REM installed on board of Pelagic Trawlers fishing in Scottish waters already as of September 2025. This would increase the probability of getting pelagic vessels earlier on board as volunteers.

Actually, the call for tender still is subject to internal legal difficulties which we hope to overcome as soon as possible. The call for tender furthermore includes the obligation for the

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successful bidder, to care for the installation on board of the participating vessels. Subsequently a vessel monitoring plan should be drawn up in cooperation between the vessel owner or master, the FMC and the REM suppliers approved. A plan of the vessel indicating where the cameras are to be installed and defining the catch handling areas, connections to the central system, etc. is essential.
The overall aim of the Pilot Project is primarily to determine whether compliance with the rules regarding the landing obligation and correct recording of catches in the logbook can be improved by REM, which issues require additional sea controls and what effort REM means for fisheries control per vessel. Furthermore, an initial assessment should be made of the extent to which the information obtained in this way can be used in court in the event of non-compliance with regulations in Germany in the future.

For Lithuania, the Lithuanian Ministry explained that *REM (remote electronic monitoring) is currently a pilot project to monitor fishing operations on board a fishing vessel using cameras, sensors and independent VMS data.*
The owner of the vessel Ramus is the only vessel that has volunteered to participate in the project. Ramus is equipped with 7 cameras, sensors, independent VMS and a black box that collects all the data. When the vessel reaches 4G connection area, the information is transmitted to the servers of the Lithuanian Fisheries Service. The information is then reviewed and evaluated by the Authority's inspectors. Specialized analysing tool is used to analyse all data.
Vessel Ramus operates in Baltic Sea as pelagic trawler targeting SPR/HER. REM pilot project started in January 2024 and will be conducted all year long until end of December 2024. The evaluation of the results is planned in the Q1 of 2025.

For Denmark, the Danish Fisheries Agency (Fiskeristyrelsen) explained *that it has implemented several REM projects to enhance oversight and compliance in fisheries management. A large scale project commenced in the Kattegat in late 2020, involving 12 voluntary vessels equipped with cameras to document bycatch and adherence to the landing obligation. By March 2022, the project advanced to mandate REM for vessels using bottom-trawling gear that had operated for 20 or more days in the Kattegat, affecting about 73 vessels, with installations completed by July 2023. The agency reviews up to 5 pct. of the video footage for compliance, increasing the review percentage if risk behaviors are observed. In May 2024 the Danish Minister for Food, Agriculture and Fisheries announced that the REM project in the Kattegat will be transformed into a voluntary scheme, most likely by the end of 2024.*
Additional Danish scientific trials/projects including REM include an experimental fishery in the Baltic Sea during 2022-2023, where two vessels documented cod bycatch in the sandeel fishery. In 2023, another project compared fishing effort of a gillnet vessel above 12 meters and vessels below 12 meters and another trial with a trawler fishing for flatfish. A new scientific trial takes place in the Kattegat in 2024, focusing on trawl fishing for greater weever.
Furthermore, the Danish Pelagic Producers Organization (DPPO) announced in 2022 their voluntary installation of REM systems on all 11 of their vessels, with data review expected to begin in 2024.

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