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The EU Landing Obligation – policy intentions and practical reality

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Landing obligation in the EU

- Major challenge – each taking their share of the work: managers (COM, MS with regionalization), MS administration and control agencies, industry, Member States, Advisory Councils

- Not all answers provided in law (CFP) – work on solutions while implementing.

The landing obligation is not a complete discard ban

- Coverage: catches of species subject to catch limits & catches of species subject to minimum sizes. Application is progressive until 2019.
- Exemptions: prohibited species, species with a high survival rate and catches damaged by predators.
- *De minimis*: up to 5% of total annual catches of all species subject to the landing obligation can be discarded: increases in selectivity very difficult to achieve or avoid disproportionate costs of handling unwanted catches.
- Inter-species flexibility for catches of species over quota or for which an MS does not have quota: Up to 9% of the quota of the target species.
- Year-to year flexibility of up to 10% of the permitted landings of a MS.
- Catches of species below the minimum conservation reference size cannot be used for direct human consumption; but can be used for industrial uses of indirect human consumption.
- Catch TAC. Discard levels taken into account when formulating TAC.

9% inter-species quota flexibility

- Use quota from target stock for by-catches.
- By-catch stock has to be within safe biological. limits (specified in TAC & quota Regulation).
- MS decide on use.
- Scheveningen group – guidelines.
- In use in the Baltic: western herring against sprat quota.

TAC adjustments

- From landings TAC to catch TAC.
- 2016 first application in North Sea & Western Waters
- Calculation based on existing discards brought under the landing obligation.
- No increase of overall F; respect Fmsy.

Discard plans

- Discard plans are foreseen in Articles 15.6 and 7 of Regulation 1380/2013.
- So far 8 such plans have been adopted. 4 for pelagic species, 1 for the Baltic and 3 for demersal species. Several other are in preparation.
- 6 of them include survivability exemptions (e.g.: mackerel and herring in purse seine fisheries and anchovy, horse mackerel, jack mackerel and mackerel in artisanal purse seine fisheries).
- 7 include de minimis rules (all but the Baltic Sea discard plan) .Generally speaking, the de minimis is close to 5% and more often than not the extra 2% and 1% are added; and
- 2 (the Baltic Sea and demersal in the North Sea and Union waters of IIa) include MCRS for one species (cod and Norway lobster, respectively).

SWAPS

- SWAPS of quotas between MS can be an important tool to reduce the choke-species problem at MS level.
- Close to 2000 swaps take place every year, some are recurrent and take place every year (e.g.: the Franco-Spanish agreement), others are not.
- DG MARE is analysing the evolution of swaps before and after the entry into force of the LO (period 2012-2015, plus a comparison of the first 4 months of 2016 to the same period of preceding years).
- Evolution of SWAPS compared with the evolution of TAC. Quota uptakes taken also into account.

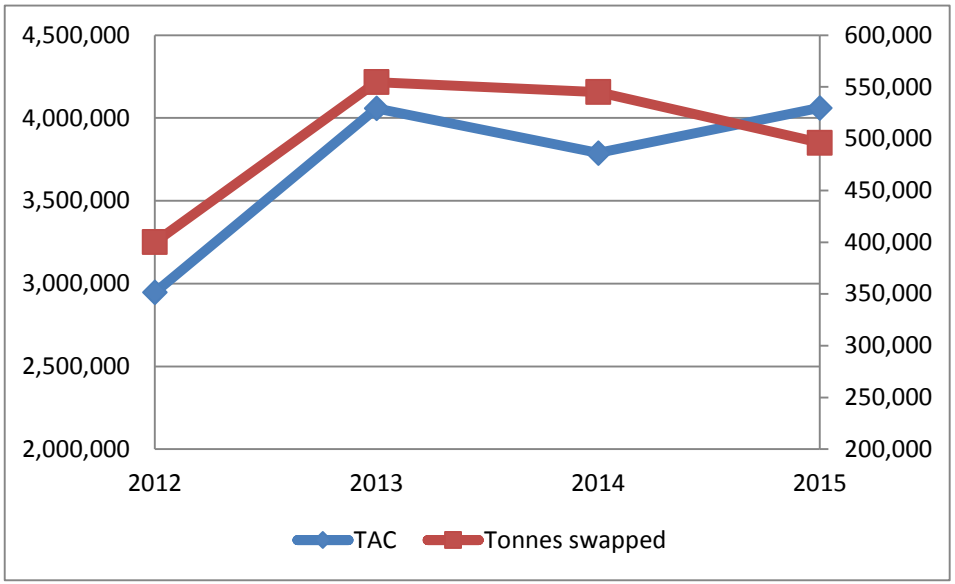
SWAPS

- The number of swaps is increasing since 2012, but the tonnes swapped are decreasing since 2013.
- The tonnes swapped in 2015 decreased 9% over 2014.
- In the first 4 months of 2016, both the number of swaps and the tonnes swapped decreased compared to the same period in 2015.
- However, the number of swaps and the tonnes swapped in the first 4 months of 2016 is still very much above those in the same period of 2014.

SWAPS	2012	2013	2014	2015
Number of swaps	1,388	1,581	1,752	1,961
Tonnes swapped	400,157	554,647	545,158	496,062

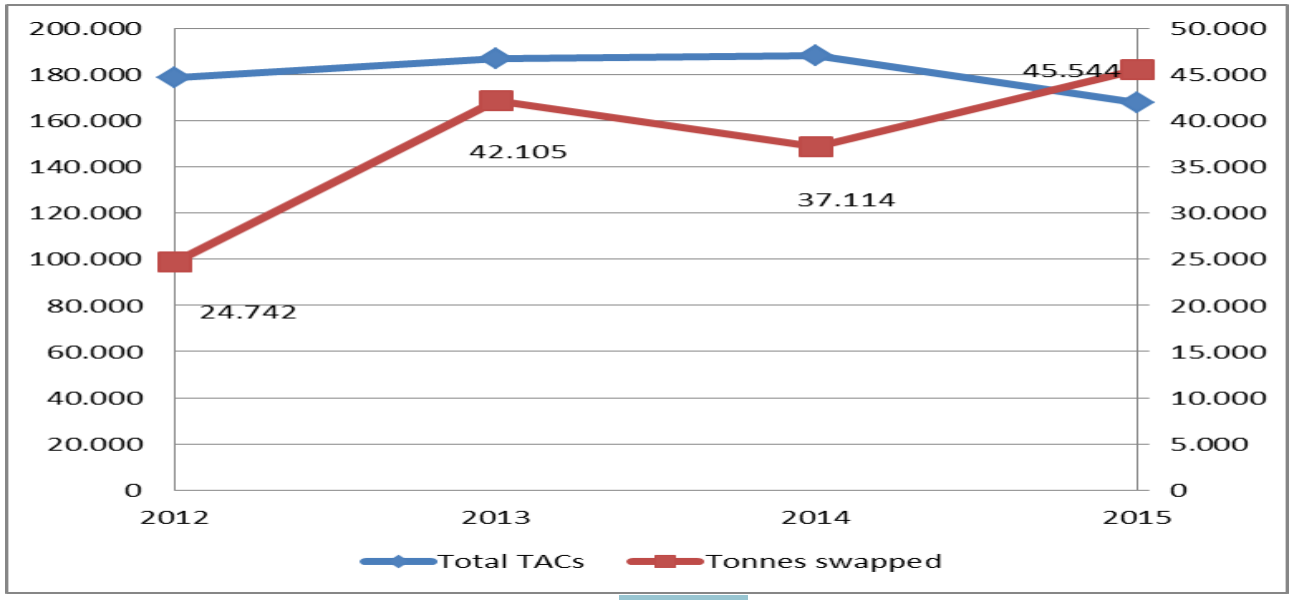
TAC and SWAPS at aggregated level

- Significant change in trend in 2015. Swaps decreased by 15% compared to 2014 (and 11% compared to 2012); and that, in spite of a TAC increase. Positive correlation broken.



COD

- The aggregated picture: Significant increases of tonnes swapped in 2015 and that in spite a decrease in TAC.
- Hence the change of trend seem opposite to the general one. When quota up take is counted, trend falls in line with general one
- the first 4 months of 2016 saw a -31% reduction in the number of swaps and a -22.3% in the tonnes swapped compared to 2015.

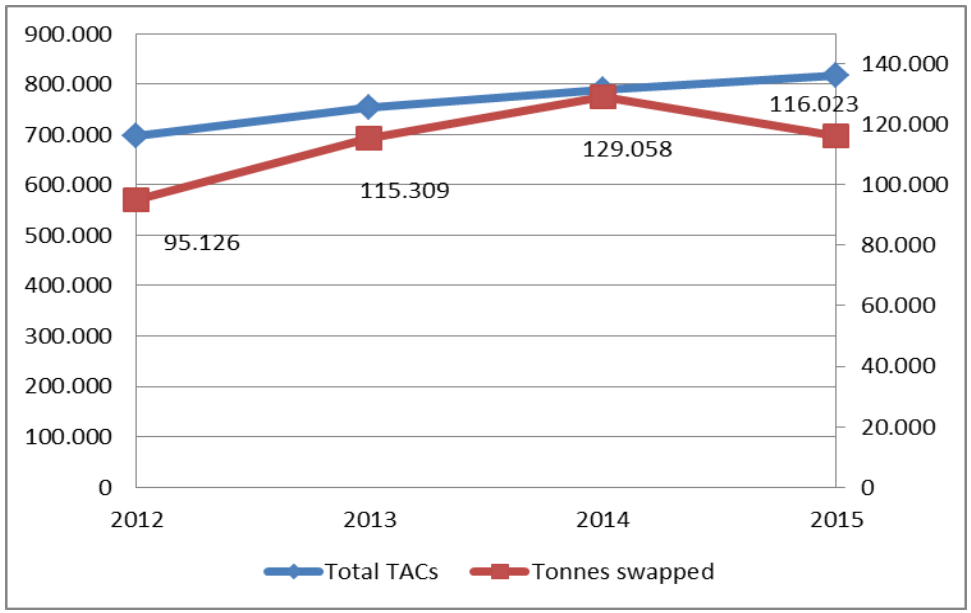


COD in the Baltic

- Cod is covered by the LO since 2015 in the Baltic.
- Swaps of cod in the Baltic decreasing yearly since 2012 until 2015. In 2015 they were less than half the tonnes in 2012. There was a very serious decrease in 2013 and a quite serious one in 2015.
- Looking at the first four months of each year in the period 2012-2016, tonnes swapped are decreasing since 2012. In the first four months of 2015 they were 42% less than in 2014.
- However, the first four months of 2016 saw a very significant recovery compared to the abrupt fall in the same period in 2015, but still the result is below the rest of the period.

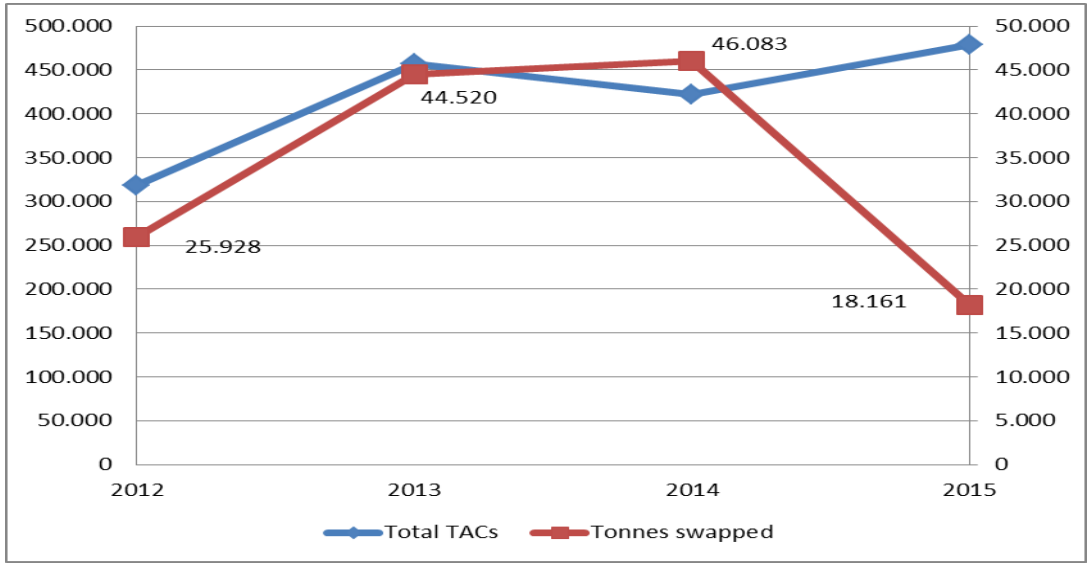
Herring

- Tonnes increased in parallel with the increase of the TAC until 2014, but diverged in 2015: even if TAC continued to increase, swaps decreased.
- The first 4 months of 2015 saw a 4-fold increase compared to 2014. Swaps in first 4 months of 2016 decreased by 50%.



Sprat

- TAC increases in 2012 and 2013 were accompanied by increases in tonnes swapped. A reduced TAC in 2014 did not impede swaps to grow even further. However, a 13% increase of the TAC in 2015 was accompanied by a 61% reduction of tonnes swapped.
- Sharp increase in tonnes swapped in the first 4 months of 2016 compared with the same period of 2015.



Preliminary conclusions on swaps

- Very incomplete picture so far. LO in force for a bit more than 1 year for pelagics and the Baltic and for barely 6 months for demersals.
- It does not seem that swaps are helping in the implementation of the LO.
- In aggregated terms and for the majority of the analysed species, swaps decrease since 1 January 2015 (or 2016), sometimes in parallel (but faster than) with TAC decreases, in other cases in spite of increasing TACs.
- Why?
  - **MS are more reluctant to do swaps at least of the beginning of the implementation of the LO because of the danger of choke points?**
  - **Another could be that MS are using inter-species flexibility instead of swaps (as is the case in the Baltic with sprat and herring)?**

Technical measures

- Technical measures have to contribute to the objectives and the implementation of the landing obligation.
- The new, draft technical measures proposal is about simplification and better regulation: results-based and a regional approach.
- Sets out common rules for all EU fisheries: maintain current conservation standards.
- Providing flexibilities at regional level via regionalisation: multiannual plans:
- Technical measures can be readily amended and tailored to local circumstances

Technical measures and the landing obligation

- The gradual elimination of discards requires technical (gear design and operation) and tactical changes (closed or restricted areas) brought about by technical measures.
- Minimum conservation reference sizes are set: protect juveniles.
- High grading and slipping prohibited.
- Pilot projects to reduce unwanted catches.
- For the first time, targets are set in the technical measures proposal (Article 4).
- Catches of marine species below MCRS not to exceed 5% by volume; and
- Bycatches of marine mammals, marine reptiles, seabirds and others don't exceed levels to achieve good environmental status.

The EMFF and the landing obligation

- The EMFF contributes to the implementation of the LO:
- Measures to **reduce discards and unwanted catches**: Articles 39 (innovation linked to the gradual elimination of discards and by-catches), 38 (increasing gear selectivity & equipment to reduce discards) and 42 (use of unwanted catches).
- Measures to **reduce the costs of landing:** Articles 38 (onboard investments to treat unwanted catches), 43 (investments in infrastructures to facilitate compliance with the landing obligation), 68 (finding new markets for unwanted catches) and 69 (support for the processing of catches that cannot be destined for human consumption).

The EMFF and the landing obligation

- Measures to **increase the costs of discarding**: 10%+ of the EMFF resources under shared management are allocated to control and monitoring. Equipment like CCTV can be supported by the EMFF up to 80% of its costs.
- Other EMFF measures can have a bearing on the implementation of the LO: Data collection and advisory services & partnerships between scientists and fishermen.
- MS have proposed thousands of projects in these areas.
- Under direct management, on top of further expenditure on control, monitoring and data collection, pilot projects intended to reduce discards and unwanted catches can also be supported.

Concluding remarks

- The landing obligation is there to stay.
- We are aware of difficulties. Implementation on the making.
- The flexibilities offered by Art 15 of R1380/2013 can be further used, provided adequate justification is offered.
- Important to have the new technical measures regulation up and running as soon as possible
- The possibilities offered by the EMFF have to be fully used. We will insist on MS on the necessity to devote EMFF resources to the implementation of the LO, every time an amendment to an EMFF operational programme will be submitted to the Commission for approval.

Concluding remarks: markets and swaps

- Markets for unwanted or undersized catches do not seem to be developing. There are interesting possibilities, though. For example, the global omega 3 market size was USD 1.82 billion in 2014 and is expected to witness substantial growth in the years to come.
- Swaps do not appear to be the tool to deal with choke points we expected. How to foster their effectiveness?
  - **Increase transparency of swaps?**
  - **Facilitate swaps between producer organisations directly or by stakeholders other than MS?**
  - **Facilitate or make possible exchanges other than fish to fish?**
- Exploit the edges of relative stability?

European Commission

Thanks for your attention!

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