



**European Association of Fish Producers Organisations (EAPO)
(Northern Pelagic Working Group – NPWG)**

To:

European Commission

Commissioner for Environment, Maritime Affairs and Fisheries

Mr K. Vella

1049 Brussels

Belgium

Re.: Implementation landing obligation pelagic fisheries

23 October 2014

Dear Mr Vella,

Before anything, I would like to congratulate you with your appointment as Commissioner for Environment, Maritime Affairs and Fisheries and I would like to warmly welcome you to the realm of fisheries and fisheries management in Europe. I do this on behalf of the Northern Pelagic Working Group, which is an active player in the Pelagic Advisory Council representing the pelagic catching industry in the UK, France, Germany, Poland, the Netherlands, Sweden, Ireland and Denmark. We look forward to working very closely with you and your officials during your term of office.

The start of your term coincides with the introduction of one of the core elements of the reformed Common Fisheries Policy, the landing obligation. From 1 January 2015 pelagic and industrial fishermen and fishermen in the Baltic Sea will be obliged to land everything they catch and this will seriously change the operational reality of fishermen active on their fishing grounds.

This is a paradigm shift in the European fisheries policy. This major change in policy and management direction coincides with another dramatic change: the discards plans to accompany the landing obligation have been developed entirely by the Member States. The European Commission has been virtually left in the margin of this regionalized process all together and seems to date to be rubber stamping the regional discards plans. This major shift in EU policy poses a very significant obstacle for the pelagic industry, particularly concerning the implementation of this policy in a workable and effective manner.

And all this happens in a context of large uncertainties. There is the legal uncertainty that I am sure you are aware of: fishermen will be operating from 1 January 2015 in a contradictory legal framework that on one hand makes it illegal to discard but on the other hand makes it illegal to land all fish. The

reason for this contradictory legal framework is the apparent failure to adopt the Omnibus Regulation that addresses this situation by the institutions before 1 January 2015.

And often overlooked but very real is the uncertainty about the real magnitude of discarding in the various fisheries. This uncertainty adds to the uncertainty of the stock abundance as assessed by science. The obligation to land all catches will most certainly inform us about the discrepancy between the assessed stock abundance and the real abundance on the fishing grounds.

Finally, we don't know how the landing obligations will be monitored in the various sea basins by the Member States, some who have already given signals that they are not yet prepared for the tasks to enforce and control the landing obligation as of 1 January. As pelagic catching industry we are very concerned about a complete lack of level playing field from 1 January 2015 on this essential aspect of fisheries control and enforcement of the landing obligation.

It is against this background of dramatic changes with many unknowns that the Pelagic Advisory Council unanimously tabled in 2014 as an essential recommendation the need for adaptability and flexibility in the initial phase of the landing obligation. This recommendation was echoed in the jointly recommended discards plans that the Member States have developed and submitted in 2014.

This urgent need for adaptability and flexibility is precisely why I write this letter to you on behalf of the pelagic fishing industry.

The implementation of the landing obligation in a workable and effective manner requires a hands-on approach, a pragmatic way to quickly inform the policy makers and fisheries managers of unforeseen developments, awkward situations and unwanted outcomes of the new rules. So that these situations can be catered for rapidly and effectively, neither disrupting the effective fisheries operations nor undermining the working of the landing obligation. We foresee a need for pragmatic, hopefully temporary solutions which can be identified, developed, adopted and implemented quickly.

In this light we consider that there is an urgent need to make a joint effort through a committee with a hands-on assignment to closely monitor the introduction of the landing obligation from 1 January 2015 onwards. The remit of this committee – we would see it as a Regional Adaptive Management Group – would include the discussion and assessment of the information brought to this committee by the industry, ACs and Member States on progress, but also on obstacles and difficulties related to the landing obligation. We envisage that this Group would also have the task to find and formulate solutions that can be applied rapidly.

This course of action will not only be very helpful for the fisheries that come under the landing obligation in 2015, but it can also act as template for fisheries which will be affected in later years. We believe that the new CFP in its provisions, in particular Articles 15.6 on discard plans and 18 on regionalization, allows, even calls, for this adaptive management. This in our view could be effected where necessary through the adjustment and amendment of the recently adopted delegated acts.

We envisage a committee with active participation of the following players:

- Stakeholders (representatives of pelagic industry and the Pelagic Advisory Council)
- Member States (chairs of the regional groups of Member States),
- European Commission (DG MARE),
- Advisory services (chair/expertise of the STECF discards working group),

- Control and enforcement services (European Fisheries Control Agency, expert group on compliance under establishment of Article 37 of the new CFP).

Our key concern is that we arrive at a situation on 1 January where no one feels responsible for the complexities related to a sensible, workable and smooth transition to an implemented landing obligation. This would leave the fishermen alone to deal with all kinds of small and large problems which were not discussed, envisaged or thought of during the process of negotiating and developing the new CFP.

We have been working very hard to avoid situations where fishermen feel that there is a disjointed and uneven implementation of the landing obligation and to ensure their buy-in, which we consider a *sine qua non* for a successful fisheries policy. The initiative outlined above of establishing a Regional Adaptive Management Group would certainly give a very strong signal and contribute to a better understanding among fishermen of the policy and its implementation.

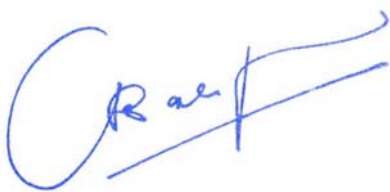
Mr Commissioner, there is little time left to prepare an effective, workable and pragmatic way for an adaptive introduction of the landing obligation. We count on your sense of realism and hope that you will embrace among your first decisions as Commissioner this hands-on approach through setting up a Regional Adaptive Management Group for the pelagic landing obligation.

We are of course fully at your disposal if you need to further discuss our request formulated in this letter.

I also would like to use this opportunity to invite you and your new team to meet with us at your earliest convenience to discuss a range of very important issues and initiatives of the EU pelagic industry.

Yours sincerely,

Northern Pelagic Working Group

A handwritten signature in blue ink, appearing to read 'Gerard van Balsfoort', with a large, stylized initial 'G' and a long horizontal stroke extending to the right.

Gerard van Balsfoort

(chair Northern Pelagic Working Group)