

Minutes of the DG MARE Seminar on the Landing Obligation

Brussels, 15th November 2017

João Aguiar Machado, Director General DG MARE, greeted the participants and thanked them for their presence. He recalled that practical problems had emerged in the implementation of the LO, and the purpose of this seminar was therefore to gather proposals and comments from the stakeholders. He gave an overview of the various issues surrounding the LO, in particular he highlighted the need to correct the monitoring and control procedures and the catch recording system, given the multitude of fishing gears used, especially in the Mediterranean. He also recalled the importance of defining what to do with the unwanted part of the catch and how to handle this, emphasizing that the EC was aware of the fact that fishery operators were attempting to reduce discards, which was much appreciated.

Veronika Veits (Directorate D- Fisheries Policy Mediterranean and Black Sea) explained how the day would be structured, with the organisation of four separate working groups (WG) to deal with the different issues applying a bottom-up approach. Two WGs took place in the morning, one on limited contingent species and one on the Control Regulation and documentation; a further two WGs took place in the afternoon, one on technical solutions and one on markets. She then presented all the speakers who would provide input during the workshops: Francesca Arena (DG MARE); Mario Santos (EFCA); Klara Ulrich (Discardless project); Francesc Maynou - MINOW Project; Gilberto Ferrari (OP Italiana); Chiara Biagi (DG MARE); Norman Graham (DG MARE).

WG 2 Control and Catch Reporting Issues

Francesca Arena (Head of the Fisheries Control and Inspections Unit) introduced the issue of control and catch reporting and announced that there would be three presentations: one by the EFCA, one on catch notification by ICES and then one by DG MARE on the future of the Control Regulation, in order to understand the Member States' obligations and omissions and on the revision of the Regulation. She assured the participants that all the presentations would be made available on the website after the meeting.

Using slides, Mario Santos (EFCA) provided an overview of all the Joint Development Plans and in particular he highlighted the number of JDPs in the various areas, pointing out that 143 inspections were carried out concerning the Mediterranean.

The second presentation by Eskild Kirgegaard (President of ICES) covered the impact of the LO on opinions on fishing opportunities. The ICES representative explained how the ICES dealt with the LO and the impact of the data collected. Catch data are divided into "landing" (above Minimum landing size and below Minimum landing size) and "discard". She gave the example of Norway lobster in the Irish Sea and went on to present the exemptions. She informed the meeting that for 2018 there would not be any changes to the discard totals. On the matter of logbook data, those concerning discards were insufficient and she pointed out that they had also carried out several monitoring exercises with on-board observers but they had proved to be high risk, she further stated that it was frequently difficult to get observers accepted on board. She gave the example of the Eastern Baltic Cod Stocks, demonstrating the increase in discards in recent years compared to the total catch, also presenting the catch composition.

The coordinator opened the discussion which was highly technical and centered mainly on the Baltic Sea.

Micheal Andreson (Baltic AC) took the floor and pointed out that the refusal to accept observers on board was often dictated by the fact that the observers did not feel safe on board. He also called for more consideration of the needs of the fishers.

Alex Rodriguez (LDAC) said that he found the presentation interesting and requested further information on the implementation of the LO outside the EU due to the presence of shared stocks, he asked how the quality of the data could be improved.

The presentation by DG MARE “Effective control of the Landing Obligation” followed. The meeting was informed that one of the objectives was to attempt to identify the difficulties in the current CFP, because in the current regulation does not contain specific obligations and therefore it proves difficult for the MS to implement the regulation in a uniform manner. The EC noted that the EFCA had repeatedly described the difficulties in identifying violations and therefore solutions were being sought for the future. John Etterman of DG Mare took the floor, he reiterated how difficult it was to implement adequate controls, describing two aspects, one on land and one at sea. Authorities faced significant problems in monitoring the LO. He pointed out that where indications of non-conformity were concerned, CCTV registrations demonstrated differences in catch composition between boats equipped with on-board CCTV and those without. Undeclared discards were therefore increasingly proving to be a significant problem. He provided an overview of all the possible means with which to carry out monitoring and control activities at sea, specifying that the use of observers was a very expensive option, because it was impossible to cover 24h and where smaller fishing vessels were concerned there was too little space as well as safety issues. He mentioned REM remote control, perhaps the most effective option with dedicated software, he also indicated that CCTV could be a good solution, however he said that MS had encountered some problems. He underlined that there was no regional agreement or EU legislation for a standardised application of this technology and that there was also the issue of privacy, which should not be underestimated. Another possible solution could be the revision of the Control Regulation, which could include the use of CCTV on high-risk fishing vessels, i.e. those which can produce large quantities of discards in a short time, while for other vessels there would be a regionalised risk assessment, in the framework of the EFCA. The meeting was reminded that the challenges were the maintenance and installation costs, as a large number of cameras would be needed to get a comprehensive picture of the situation, and in addition another box would be required to record data, after which there would need to be data exchange between MS. He pointed out that protocol of understanding would be required between MS and that a large quantity of video data would need to be observed, so many people or *ad hoc* software would be needed.

The EFCA representative pointed out that a model was being studied for risk assessment and impact in terms of objectives.

The representative of the Baltic AC called for an acceptable and feasible legal framework to be established, i.e. a technical regulation that allows fishers to operate within the law and not to have to fish unnecessarily. He also recalled that the applicability of any law was a key issue. The fishers themselves understand the discard ban and actively do not want to destroy nature.

The Italian representative, Gilberto Ferrari, specified that the aim was to achieve common regulations for the Mediterranean Sea, simple models were required, because Mediterranean fishers were not pirates, they just need common rules that are easy to explain, he stressed that the gap was increasing. The meeting was informed that Italy was categorically opposed to CCTV as an approach. He further recalled that, through the

MEDAC, attempts were being made to find alternative solutions with a serious approach. In Italy inspections had increased and the violations had fallen, the sanctions system had been fine-tuned and sanctions concerning undersized specimens had been decriminalised to administrative penalties, which had already produced results.

Francesca Arena confirmed that the EC did not consider Mediterranean fishers to be pirates, however the provisions of Art. 15 of the Regulation were not being fully and correctly applied, means and tools were therefore being sought to enhance the capacity of MS in identifying cases of non-compliance and subsequently their opportunities to take appropriate measures. While it was recognized that Italy had modified its sanction system, the situation in the Mediterranean was highly specific and could be compared to that of the North Sea, in particular concerning discards where there was a tendency to land more than necessary. She underlined that the approach presented would not be applied in a uniform way, but the CCTV idea would follow the risk-assessment approach (fleet type, activity, stocks), as there were categories of vessels that were more at risk. She recalled that the issue on the table was the possibility of inserting this tool into legislation; while Italy may not agree, other MS would like to use this tool but were not currently able to as it was not specified in the legislation.

Mr Ferrari underlined that he did not represent Italy as a Member State, he represented the Italian professional fishers. He also emphasised that in Italy the LO was being applied to small pelagic fisheries alone (10% of the active fleet).

Elena Ghezzi (Legacoop ACI) underlined the concern surrounding the use of CCTV and in the risk assessment she requested that vessel size be taken into account, as well as the matter of privacy. She underlined the need for controls all along the supply chain, because there were negative mechanisms that had to be eliminated. She said that it was necessary to question whether Reg.1224/2009 and Reg. 404/2011 were actually applied in the MS or implemented in the single legislations of the MS. She recalled that the most recent report by the EU Court of Auditors mentioned this matter and should be taken into due consideration. She further underlined that these matters were all linked to the conditionality of EMFF aid, emphasising that where the application was different this would also lead to different access to aid for the EC fishers.

Francesca Arena confirmed that gaps were highlighted in the Control Regulation evaluation report and in the report of the Court of Auditors and that the EC was working on the implementation of the regulation; there were many aspects to be improved at this stage it was important to concentrate on the future. She agreed that a level playing field was not always guaranteed for all the EC fishers and that was why the revision of the Control Regulation had been reopened, it would probably not come into force before 2021.

Pascal Savouret (EFCA) informed the meeting that data sharing between Member States was another matter that was under scrutiny.

The Baltic AC representative expressed the opinion that placing CCTVs everywhere was absurd, in some cases they could be used but there were also alternatives. For example, a different mesh size would reduce discards, or allowing fishers to use more selective gear, but the EC would not appear to be interested.

Byorn Stockhausen pointed out that observation systems like CCTV have been used in Denmark for years and are feasible done. He also confirmed that perhaps talking about pirates in the Mediterranean was excessive, however he asked for an explanation of the differences in data collection with and without cameras.

Sylvie Chavroz (CRPMEM PACA-MEDAC) also underlined that the word “pirate” was probably an exaggeration and that the fishers had attempted to use more selective systems to try to safeguard stocks, but the rules could only be applied if they were applicable, she wondered whether these rules could be managed at regional level, with the contribution of the fishers.

Gilberto Ferrari (Federcoopesca) pointed out that there had been an increase in controls, and the EC had agreed an action plan with the MS, as envisaged under the Control Regulation, to bring about improvements. These new rules had raised the bar by increasing controls without implementing more severe solutions, this represented an important balance. Good sense must be maintained as the principal condition.

Marta Carreras (Oceana-MEDAC) referred to what had been said about the Mediterranean, agreeing that in general it was different to other seas in a negative way, with 90% of the stocks over-exploited and a high percentage of small vessels. She underlined that data was scarce given the large size of this fleet, it was therefore necessary to improve follow-up but also the management of the resources themselves. She pointed out that it was important to obtain data on catch and discards, and this was particularly critical in the Mediterranean; she said that it may not be necessary to adopt CCTV, but it was certain that work was needed to find the most appropriate solution. The management of fishery species must be fair.

The Dutch delegation representative pointed out that his administration was in favour of CCTV. He said that it was up to the EC to review the rules in order to create a legal framework for this tool. A solution could be found for the technical issues, including those relating to privacy. Regarding the buy-in, he said that greater flexibility could be required concerning technical measures, but he was worried about the limited time frame.

The CNPMEM representative, Mr Normandie, asked how an average would be calculated using CCTV data if all the vessels were completely different.

The representatives of ICES expressed the opinion that a lot of data could be collected using CCTV and these data would provide a positive contribution to research. He underlined his surprise at the general concern about CCTV, since this kind of observation system was ubiquitous in everyday life; in this case cameras would not be installed in the cabins but on the nets. He could not see the problems, just the opportunities.

Pascal Savouret (EFCA) pointed out that CCTV was conceived to prevent fishing vessels from discarding catch that should be landed, as such it represented a tool to put the inspection services in a position to act. There were already cameras for security purposes, in this case there would be other cameras in places where there were opportunities for discarding, he underlined that it was not a deterrent.

Francesca Arena thanked the participants for the heated discussion and summarised the main points raised. She invited the participants to consult the website to download the presentations.