

European Association of Fish Producers Organisations
Association Européenne des Organisations de Producteurs dans le secteur de la pêche



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Mr. João AGUIAR MACHADO
Director-General for Maritime Affairs and Fisheries
DG MARE - European Commission
1049 BRUSSELS

EAPO17-07

Oostende, 27 March 2017

Dear Director General,

Subject: Reporting of Landing Obligation Experience

Further to our meeting on 14 February and looking ahead to the meeting between the European Commission and the Member State Fisheries Directors on 28 March, EAPO wishes to provide the following input.

The current Member States reporting on the Landing Obligation (LO) appears to be focussed on 2015-2016 experiences. The Northeast Atlantic fisheries representatives within EAPO agree with the Member States' findings that no major issues have been experienced, although a first choke situation has been identified. The entire Belgian fishery in area VIIhjk came to a halt as a consequence of a quota exhaustion of one stock under LO in that area, Sole VIIhjk.

EAPO has on many occasions warned about the dangers in connection with full implementation of the LO as of 1 January 2019, as described in the CFP. To our knowledge this is not reflected in the Member States' reports up till now, albeit in many Member States the authorities already expressed a similar concern. Some fisheries ministers have even announced that they will not stop their Member State's fishery on target species because of the exhaustion of any TAC or quota.

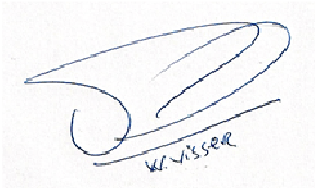
Some EAPO members have organised trials in which the application the CFP's full LO to mixed fisheries is simulated, for instance the Best Practices projects in the Netherlands. The results of such trials identified several forms of choke situations, with fisheries being brought to a halt sometimes within the first three months of a management year. Another assessment was the excessive cost to operationally cope with under-MCRS catches. These trials highlighted the unsurmountable technical, organisational and economics problems with which fishermen will be confronted in 2019. Even without such trials it was already clear that fishermen will no longer be motivated to invest and/or work in fisheries if no acceptable solution is found to apply article 15 of the CFP.

Other references can be found in the first results of funded projects and in seminars on the EU LO. This led to several unofficial statements by scientists that under the current conditions a full implementation of the EU LO as of 1 January 2019 is not achievable. Third country presentations on their experiences with addressing discard practices, clearly indicated that to be successful any substantial reduction or ban of discards took or will take many more years than planned in the EU CFP. EAPO members have witnessed such presentations from Australia, Canada, Chile, Iceland, New Zealand, Norway and the U.S.A..

EAPO has expressed its view in position papers in 2016 on the implementation of the LO (27 January), on the Member State Joint Recommendations for the North West Waters (30 June) and for the North Sea (25 July), available on www.eapo.com/index.php?page=publications. At this point in time we are even more convinced that an alternative approach will be needed. It will be necessary to make full use of the exemption possibilities in a far more flexible way than currently interpreted. For instance survivability and de-minimis exemptions need to be introduced as of 2018 without prior full scientific evidence. In order to obtain such required evidence more time and funding will be needed than currently available till 1 January 2019 (full implementation) or even 1 June 2018 (deadline for Member States Joint Recommendations for 2019).

Accordingly EAPO herewith recommends the European Commission to address this with the Member States Fisheries Directors and obtain a genuine view on the (non-)achievability of a full LO implementation in 2019 and on the application of the flexibility as suggested by EAPO. If required, we can supply within a few months a detailed analysis of the expected chaotic situation in 2019. It is our genuine belief that a total failure of the implementation of article 15 of the CFP is imminent.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'P. Visser', with a stylized flourish above it.

Pim Visser,
President