

Scheveningen / NWW Control Expert Groups request to EFCA

Possible answers to question 34 of DG MARE questionnaire on the implementation of the Landing Obligation: “Information on the difficulties encountered in the implementation of the landing obligation (LO) and recommendations to address them” (Difficulties relating to monitoring, control and enforcement)

	Difficulties	Recommendations
<u>Lack of legitimacy and of understanding of the LO rules</u>	<ul style="list-style-type: none"> There is a strong feeling of a wide lack policy legitimacy and widespread lack of understanding of the landing obligation rules amongst the industry. The LO was built on absence of vital underlying foundation, i.e. no compliance with pre-existing discard logging obligation (the active declaration of > 50kg discards in every trip according to art. 14 of Council Regulation (EU) 1224/2009) resulting in trying to get compliance with that rule at same time as compliance with LO. Until MS fully up-grade their systems in accordance with the Commission Implementing Regulation (EU) 2015/1962, the existing provision in the Fisheries Activity Report (FAR) will continue to be used to report discards. For the time being, the fishermen are not able to use the codes LSC, BMS and DIM in this discard report. In the discard report the fisherman will report by species and weight (it being implicit that de <i>minimis</i> can be identified from the species). 	<ul style="list-style-type: none"> Better communication and dialogue with industry and other stakeholders is desirable in this respect. Recording discarded fish (subject or not to the LO) is a key challenge
<u>Monitoring the use of <MCRS catches</u>	<ul style="list-style-type: none"> Measures to deal with <MCRS catches and effectively monitor uses are not completely established. Currently the problem is attenuated by the low volume of <MCRS catches being landed 	

<p><u>No obvious monitoring and control options available</u></p>	<ul style="list-style-type: none"> • There is no key control tool in force at a regional or EU level to monitor with sufficient guarantees the compliance with the landing obligation provisions. • Authorities are merely adapting existing control tools, but no control tool exists to truly detect, therefore to effectively deter, non-compliance with the LO. • There has been little implementation of REM systems and control observers as control tools so far. • Data gathered through inspections at sea ("last haul") useful for monitoring, but not as an enforcement tool. • Currently, the SCIP/JDP in the Baltic Sea does not cover all species subject to LO.* 	<ul style="list-style-type: none"> • There is general agreement on that a combination of control tools would be needed for monitoring. • REM systems and the control observers emerge clearly as major tools to be considered. The idea of using the "last haul" from inspections at sea as reference data to determine a baseline of observed discards is also recommended, in combination with data from control observers and REM equipped vessels. • A compliance evaluation of the LO with a goal of developing intelligence as a 'reference fleet' basis for future risk based control actions should be pursued under demersal fisheries as well as for some pelagic fisheries. • A revised Baltic Sea SCIP including all species subject to LO.*
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*Answer and recommendation changed from regional to national difficulties by Sweden.