

## **Steps taken by Member States and producer organisations to comply with the landing obligation**

1. *Have you initiated, supported, participated in or implemented any measures and/or studies relating to the avoidance of unwanted catches though spatial or temporal changes to fishing behaviour ( for example, studies/pilots on real time closures)?*

The geographical aspects of discards is part of a project currently conducted by the sector with support from the European Maritime and Fisheries Fund.

2. *Which fleet segments/fisheries do these measures and/or studies apply to?*

Not applicable.

3. *What has the uptake of these measures and/or studies been in the fleet segments/fisheries to which they are applicable? Please provide the number and proportion of vessels in the segment/fishery.*

Not applicable.

4. *Have you initiated any changes to your quota management system to implement the landing obligation?*

Yes

The Netherlands has a system of individual transferable quota (ITQ's) for the most important commercial species. The system is also used to limit the number of vessels that can target those species, by limiting the number of basic rights in the system. Without a basic right, a vessel cannot acquire ITQ's.

Under the Dutch system a vessel was not allowed to land species for which ITQ's are needed and for which it had no ITQ. However the ban to land fish without quota was considered to be non-compliant with the landing obligation. It was therefore necessary to adjust the system.

From the 1<sup>st</sup> of January 2017 the ban to land fish without ITQ's was added with a ban to leave the port with a certain fishing gear when a vessel does not have ITQ's for the species that can be expected to be caught with this gear. The threshold for expected catches is set at 10 per cent. In order to determine for which gears the threshold applies a scientific study was undertaken by Wageningen Marine Research.

Vessels without a basic right to acquire itq's are banned to use certain gears for which it was scientifically proven that the catches of ITQ species

are expected to exceed the threshold. In the period 2012-2015 those gears were only rarely used by those vessels. However a ban was needed to ensure that no new targeted fisheries would develop. Apart from a ban to use those gears, it is also forbidden to carry those gears on board.

When a vessel does not have ITQ's for a species for which the landing obligation applies and for which ITQ's are needed, it has to acquire so-called 'landing quota' from the Netherlands Enterprise Agency. To minimize the risk of new targeted fisheries on species for which an ITQ is needed, the price of landing quota is set at about 90% of the market price. A reservation was made on a national level to cover those cases. For members of a producer organization it is not necessary to acquire landing quota's as the excess catches will be deduced from the catch possibilities from the entire group.

*5. For stocks managed through catch limits, have you conducted a quantitative analysis to identify potential national choke species?*

Yes, Wageningen Marine Research has identified potential choke species, as input for a interregional workshop on choke species organised by the United Kingdom. In this meeting the problems and possible solutions were discussed. The work on choke species needs to be continued as it necessary that the occurrence of choke species needs to be resolved before the landing obligation comes into full effect in 2019.

*6. Have you pursued any exemptions to the landing obligation (either for high survival or de minimis) in the development of regional joint recommendations?*

For the joint recommendation of the North Western Waters Group for pelagic species in 2014 the Netherlands has asked for a de minimis exemption for the by catch of boarfish up to 1% in 2015 and 0.75 per cent in 2016 for vessels targeting horse mackerel with pelagic freezer trawlers.

For the joint recommendation of the Scheveningen Group in 2015 the Netherlands has asked for a de minimis exemption for common sole smaller than 19 cm, up to a maximum of 3.7% of the total annual catches of this species by vessels using beam trawl with a mesh size of 80-90 cm in ICES Subarea IV. This de minimis is based on the fact that increases in selectivity are very difficult to achieve and handling those fish will lead to disproportionate costs.

Exemptions are proposed by member states, but once adopted by the regional group in the joint recommendation and included in a delegated act, can be used by fishermen from all member states that fit the criteria. For Dutch vessels the de minimis for sole caught with the so called Belgian net device is in particular relevant.

As regards the use of the de minimis, the de minimis for boarfish was used extensively, there was moderate use of the de minimis for vessels using

the so called Belgian net device, limited use of the deminimis for undersized sole. Furthermore there was limited use of the deminimis to discard nephrops below the MCRS.

*7. What studies or evidence have you collected or produced in order to support such a request?*

A quantitative analyses to determine the percentage of this undersized fish present in the catches and an estimation of the costs of handling the undersized fish.

*8. What steps have you taken to ensure that the amount discarded under granted deminimis exemptions does not exceed the permitted volume in the delegated act?*

The registration of the deminimis was explained in various meetings with fishermen and/or producer organisations. Informative meetings on the landing obligation were organised the end of November and the beginning of December 2015 in Stellendam, Urk and Den Helder.

The landing obligation was also discussed at meetings between the Producer Organisations and the Netherlands Enterprise Agency (RVO), the agency in charge of fisheries management. Individual fishermen with catches that would fall under the landing obligation received a letter from RVO explaining the rules applicable to them, including how to use the deminimis.

Information on the landing obligation was also provided in various information leaflets sent to fishermen by RVO, among which the leaflet from December 2015.

Furthermore a set of questions and answers was developed in collaboration with sector representatives.

The use of the deminimis was monitored during the year and discussed with representatives of the sector.

*9. What has been the utilisation of any granted deminimis exemptions in the fleet segment/fishery to which the exemption applies? Please provide total weight and proportion of catch discarded under this exemption for each fleet segment/fishery to which an exemption applies.*

In 2016 it was is not yet possible to quantify the use of the deminimis exemptions for the demersal sector due to limitations in the electronic logbook. It is not possible to distinguish between discards falling under a deminimis and discards falling under other exemptions (damaged) or not yet falling under the landing obligation.

However in the monitoring it was assumed that all discarded sole fell under the deminimis and even in this case the deminimis was not exhausted.

In the pelagic sector the use of the deminimis for boar fish was heavily used, but not exhausted.

*10. Have any of your vessels utilised the provision to discard fish which shows damage caused by predators?*

Unknown, there is no specific code in the electronic logbook for this.

*11. For stocks managed by catch limits, did you make use of the provisions for inter-annual or inter-species flexibility?*

No

*12. In the development of joint recommendations, has consultation with the Advisory Councils and other relevant stakeholders taken place?*

Yes

The North Sea Advisory Council (NSAC), the Pelagic AC and the North Western Waters AC were invited to closely collaborate with the regional groups. The AC's were invited to advise on the phasing in of the landing obligation, they were given the possibility to identify challenges and solutions as well as advise in formulating exemptions, in light of Article 18(2) of the Basic Regulation. There has been regular and detailed engagement between the Regional Groups and the ACs. The ACs have been invited to attend, in part, meetings of the Scheveningen High Level Directors group and the Technical group. Additionally, Member State representatives have attended the meetings of the Advisory Councils.

*13. Following the adoption of the delegated act for a discard plan, have steps been taken to ensure adequate understanding among stakeholders of their obligations under the provisions of the act?*

Yes, see answer to question 8

*14. Are there any other steps not covered by the questions above that you have carried out to effect compliance with the provisions of the landing obligation?*

Yes In 2015 the Netherlands has adopted a implementation agenda in collaboration with the sector organisations. The support for the landing obligation among fisherman is very low. The implementation agenda was started to allow the government and the sector organisations to work together despite a difference in view with regard to the landing obligation. Sector and Government agreed that the aim of the landing

obligation is to increase selectivity by reducing discard. It was agreed that the demersal sector should reduce discards with 35% in return for support from the government to achieve a workable landing obligation, with exemptions where necessary. Funding from the European Fisheries Fund and the European Maritime and Fisheries Fund was made available to the sector to start projects to increase selectivity, investigate and enhance the survivability rate of discards, investigate how to best handle catches on board and after landing and investigate how the unwanted bycatch can best be marketed. Also a project on fully documented fisheries was conducted.

*15. Which fleet segments/fisheries do these studies/pilots apply to?*

Both the pelagic and the demersal sector

*16. What has the uptake been of these measures in the fleet segments/fisheries to which they are applicable? Please provide the number and proportion of vessels in the segment/fishery.*

Not applicable.

### **Steps taken by member states regarding control of compliance with the landing obligation**

*17. Has information been provided by Member States administrations and control agencies to fishermen?*

Yes see answer to question 8.

*18. Have guidelines been provided by Member States administrations and control agencies for inspectors?*

Yes

The work procedures are described in work protocols and the inspectors are instructed to work accordingly. Also a hand out was developed for use during at sea inspections. The hand out contains a flow chart with the obligations per area, gear and species and information on registration and (de minimis) exemptions.

Furthermore a training for inspectors was organised by the Food Safety Authority.

*19. Have new control and monitoring tools been used by Member States?*

No, but the Netherlands has participated in the "last observed" haul project from EFCA. Data gathered through this tool are useful for monitoring, but not as an enforcement tool. The results of this project will be used as input for a future risk based approach.

With regard to control the Netherlands has chosen a step wise approach. In 2016 the inspection agency in the Netherlands has focussed on providing guidance and explanation with regard to the landing obligation. In 2017 the focus of inspections will be on the correct registration of discards.

The Netherlands emphasizes that there should be a level playing field with regard to the control and inspection of the landing obligation across the various inspection agencies of the different member states. Therefore the Netherlands actively participates in the control expert group meetings of the regional groups. In the Scheveningen Group the development of a compliance evaluation tool is currently discussed. This tool is based on data from various sources, a reference fleet, inspections et cetera and can be used to assess compliance with the landing obligation, so that where necessary extra measures can be taken.

In the context of level playing field Dutch inspectors have participated in a training session for inspectors from North Sea Member States organised by EFCA

*20. Have the member states administration and control authorities monitored below Minimum Conservation Reference Size (MCRS) catches at and after landing (traceability)?*

Yes. The monitoring of the MCRS was done during the supervision of the common marketing standard.

The producer organisations in the Netherlands have agreed to take measures to prevent the marketing of demersal fish under MCRS for human consumption on a voluntary basis. The fish is made unsuitable for sale in the regular commercial channels and sold as category three material.

The pelagic sector freezes the below MCRS fish together with the damaged fish.

*21. Has control and monitoring been based on risk assessment?*

The new tools that are being developed are risk based. At the moment the regional groups are still discussing the use of these tools.

*22. Has the last observed haul approach elaborated by EFCA as a tool for monitoring the landing obligation and to derive targets for potential inspections been used?*

Yes, the information that was gathered during this approach was sent to EFCA. There the information was used for the development of a risk assessment tool.

### **Information on the impact of the landing obligation**

23. The costs of the landing obligation depend on the exemptions that will be granted when the landing obligation is fully implemented and also on the question to what extent the sector will succeed in increasing selectivity. In 2016 the sector estimated the costs at over €25 million per year.

### **Information on the effect of the landing obligation on safety on board fishing vessels**

24. *Have there been any reported incidents of overloading of vessels causing stability problems?*

No, because of the stepwise approach the Scheveningen Group and the North Western Waters Group have taken with regard to the implementation of the landing obligation for the demersal sector, these problems have not yet occurred. However during a pilot project in which a Dutch vessel complied with the landing obligation it became apparent that overloading is an issue, certainly for smaller vessels. Those vessels will be forced to return to port early and will be very fully loaded.

25. *Have there been any reported problems of overloading vessels forcing them to return to port early?*

No, but the landing obligation is not yet fully implemented. An estimation from the fisheries sector is that when the landing obligation is fully implemented around 70 per cent of the smaller vessels (<221 KW) will be forced to return to port early.

26. *Have there been any reported incidents or accidents on board that can be attributable to excessive workloads?*

No but during the pilot project conducted, it became soon apparent that the resting times of the manning was significantly reduced. To address this a vessel will have to take extra staff on board (two men) or reduce the amount of hauls.

27. *Have any national legislation related to safety on board of fishing vessels arising from the landing obligation been amended or introduced?*

No

28. *Have you provided or received any funding under article 32 (Health and Safety) of EMFF or article 3 (Eligible operations on safety) and article 6(Eligible operations on working conditions) of Commission Delegated Regulation (EU) 2015/531 to mitigate against potential safety issues*

No. No funding is provided under article 32 of EMFF or article 3 and article 6 of Commission Delegated Regulation (EU) 2015/531. There has been no other funding provided to mitigate against potential safety issues caused by the landing obligation.

*29. What have been the main reported uses and destinations for catches below mcrs?*

Demersal: non human consumption, category 3 material according to the animal byproducts regulation (EC) 1069/2009

Pelagic: This fish is mainly sold as animal feed, e.g. to tuna farms.

*30. Have you carried out any studies or pilot projects considering the potential use for such catches?*

The sector has in a project with support from the European Fisheries Fund explored several possibilities. It turned out that finding high value markets was not straight forward. Potential (new) users need a continuous supply of high quality product. However this requires amongst others that the discards are treated the same way as the fish for human consumption. Which is costly.

It became apparent that the development of new markets for discards might take years. The initial aim of the project was to find markets that would at least cover the costs of landing the fish. This goal was not achieved. However the project results gave a good insight in the issues that need to be addressed to find higher value markets and how complicated this process is.

*31. Have you provided funding under Article 38 of the EFF for modifications on board vessels for the handling of catches on board?*

No not yet.

At the moment the Netherlands is in the process of creating the national regulation for an application process for investments under this article

*32. Have you provided funding under Article 43 of the EMFF for investment in the infrastructure of fishing ports, auction halls and shelters for the handling of unwanted catches?*

No

*33. Have you provided funding under Articles 68 and 69 of the EMFF for investment in marketing measures and the processing of fishery and aquaculture products?*

Article 68: Yes. At this moment there is a tender for subsidies for € 2,8 million. We have not yet selected the projects.

Article 69: No



## **Information on the difficulties encountered in the implementation of the landing obligation and recommendations to address them.**

The landing obligation is a major challenge in a mixed flatfish fishery. Increased selectivity is very difficult to achieve without significantly increasing the costs.

Experience in pilot projects shows that with the current fishing practices and a landing obligation without exemptions vessels will have to acquire extra labour (on average two men) on board or reduce the amount of hauls per journey. Furthermore an estimated 70 per cent of the Dutch vessels will need to get back to port early.

The total costs of the landing obligation for the demersal sector is estimated at over €25 million. The costs of handling the undersized fish on board and after landing are significant. For example the fish still needs to be washed and iced in order to be preserved in an acceptable condition. So far the sector has not succeeded in finding destinations for the unwanted by catch that will at least cover those costs.

An assessment by Wageningen Marine Research shows that there are various species risking to choke the Dutch fisheries when the landing obligation is fully implemented. This issue needs to be addressed in order not to have to close the fisheries for target species early.

There is currently no key control tool in force at a regional level or EU level to monitor the compliance with the landing obligation with sufficient guarantees. Systems like the Electronic Report System are not upgraded in accordance with the landing obligation. Authorities are merely adapting existing control tools but no control tool exists to truly detect non-compliance with the landing obligation.

The major problem however is the lack of support for the landing obligation by the ( Dutch) demersal sector. Therefore it is necessary to find solutions that make the landing obligation workable for fisher men. The landing obligation should be used as a tool to increase selectivity and not as a goal in itself. Finally in order to increase the support in the sector for the landing obligation it is important that there is a level playing field with regard to control of the landing obligation.