

Common fisheries policy (CFP): landing obligation

2013/0436(COD) - 17/12/2013 - Legislative proposal

PURPOSE: to facilitate the implementation of the landing obligation envisaged under the Common Fisheries Policy reform (CFP).

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the central objective of the [future Regulation seeking to amend the Common Fisheries Policy](#) is to progressively eliminate discards in all EU fisheries through the introduction of a landing obligation for catches of species subject to catch limits and species covered by minimum sizes in the Mediterranean.

The European Parliament in its plenary vote in February 2013 agreed the gradual introduction of the landing obligation with a starting date of 2014 for pelagic fisheries, highly migratory species and salmon in the Baltic and extending to all fisheries in the Union in the following years.

Subsequently, political agreement has been reached by the European Parliament and Council on the Basic Regulation with a new start date for implementation of the landing obligation of 1 January 2015.

In the framework of the reform, it is the intention of the Commission that a new technical measures framework will be developed as part of the reform which, over time, should facilitate the full implementation of the landing obligation as envisaged. However, this new framework will almost certainly not be in place in time for the first group of fisheries to be covered under the landing obligation. Therefore legislation is required to remove any legal and practical impediments to implementation on a transitional basis while this new framework is being developed.

IMPACT ASSESSMENT: no specific Impact Assessment has been carried out as the impacts of introducing a landing obligation have already been assessed under the impact assessment supporting the reform of the CFP. High levels of discards are identified as an important driver of the lack of environmental sustainability of the CFP in the impact assessment.

CONTENT: the main action of the proposed Regulation is to facilitate the implementation of the landing obligation envisaged under the Common Fisheries Policy reform by removing all existing provisions from EU technical measures and control regulations that run contrary to the landing obligation.

On the technical measures regulations several provisions contained in the current regulations contradict the landing obligation and oblige fishermen to discard. These are minimum landing sizes (MLS), catch composition rules and bycatch provisions.

In particular, in order to ensure the implementation of the landing obligation Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms should be amended by:

- requiring all unintended catches of marine organisms subject to the landing obligation caught in excess of catch composition rules should be landed and counted against quotas;
- replacing minimum landing sizes for marine organisms subject to the landing obligation with minimum conservation reference sizes;
- requiring all unintended catches of marine organisms caught in excess of bycatch provisions in specific areas, at specific times and for specified gear types to be landed and counted against quotas.

In addition, in order to ensure legal certainty, provisions relating to an area closure for the protection of juvenile haddock in ICES division VIIb should be amended.

With the same purpose, the Commission seeks to amend:

- Council Regulation (EC) No 2187/2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound;
- Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea;
- Council Regulation (EC) No 1098/2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks;
- Council Regulation (EC) No 254/2002 establishing measures to be applicable in 2002 for the recovery of the stocks of cod in the Irish Sea (ICES division VIIa);
- Council Regulation (EC) No 2347/2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks.

Council Regulation (EC) 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy also needs to be aligned with the landing obligation. The modifications required concern changes to:

- fishing authorisations;
- recording of data on all catches particularly when below minimum conservation reference sizes;
- a higher margin of tolerance for catch estimates below 50 kg in logbooks and transshipment declarations;
- establishment of rules for remote electronic monitoring (REM) for the recording of data for monitoring the landing obligation at sea;
- separate stowage of catches and control of marketing of catches below minimum conservation reference sizes;
- establishing the conditions for the use of control observers for monitoring purposes;
- the definition of the violation of the landing obligation as a serious infringement.