



Advice

Annual Report on the Implementation in 2022 of the Landing Obligation

Brussels, 30 March 2023

1. Background

In line with Article 15(14) of the Regulation on the Common Fisheries Policy, the European Commission reports annually on the implementation of the landing obligation of the year prior to the report based on information transmitted by the Member States, the Advisory Councils and other relevant sources to the Commission.

Since 2016, this reporting is included in the Commission's annual communication on the state-of-play of the Common Fisheries Policy and the consultation on the fishing opportunities. Although the legal obligation of the Commission to annually report expired in 2020, the Commission decided to continue the exercise.

In previous years, advice¹ was adopted to transmit information to the European Commission about the implementation of the landing obligation, particularly available uses and market outlets, effect on prices and presence in the markets, socioeconomic impacts, infrastructure and cooperation, and control, inspection and enforcement. Under the Work Programme of Year 7 (2022-2023), the MAC committed to adopt advice about the implementation in 2022 of the landing obligation.

¹ <https://marketac.eu/annual-report-on-the-implementation-in-2021-of-the-landing-obligation/>

2. Available uses and market outlets

First of all, we would like to highlight that the effects of undersize fish on the market are negligible. Data on landings of undersize fish from the Member States should confirm this.

In theory, there are different uses and market outlets available for catches below the minimum conservation reference size, such as fish meal, fish oil, pet food, food additives, pharmaceuticals, and cosmetics. In practice, no real market had been developed for these catches, including due to the lack of a definition of “direct human consumption”. On account of the derogations in place (regional discard plans), in several geographical areas, fishers are allowed to maintain their fishing activities without bringing nonmarketable catches (below the minimum conservation reference size or damaged) back to port.

In some geographical areas (e.g., Netherlands), fishmeal was reported as an outlet, but at a very limited capacity, which can cope with the current low quantities of less than ten tonnes per week. In case exemptions were not in place, the mentioned fish would have to be trucked to a fishmeal plant in Germany, around 450km distance one way. Across the EU, fishmeal and fish oil factories have not observed changes in the received raw materials because of the landing obligation.

3. Effect on prices and presence in the markets

Across the different geographical areas of activity, no effect of the landing obligation on market prices for fishery products were reported, including due to the derogations currently in place. Prices are independent of the landing obligation and are being affected by other factors. Problems have been reported related to catches of species for which a particular Member State, PO or fisher does not have a fishing quota and for which there is also no commercial interest, for example boarfish. These species do not have an impact on the prices, but face a lack of commercial interest.

Since the entry into force of the landing obligation, the perceived increase in presence of fish below the minimum conservation reference sizes in the market has been negligible, including due to the derogations. In multi-species fleets, several problems were resolved with *de minimis* exemptions, while the majority of fleets targeting one or two species do not encounter problems.

4. Other relevant socioeconomic impacts on the catching sector, upstream businesses, processors as well as on consumption

In the context of the existing derogations, operators believe that the socioeconomic impacts have been negligible. Nevertheless, operators express concern that a full implementation of Article 15 of the Common Fisheries Policy Regulation would further decrease the profitability of the fishing sector, plus it would lead to shorter fishing trips and smaller marketable fish volumes. There are operators that maintain that the landing obligation rules have already translated into an increased number of working hours of board without a higher income, while also representing a greater risk of accidents.

5. Infrastructure and cooperation between fishing sector and potential buyers

In the view of the fishmeal and fish oil sector, their factories maintain a good cooperation with the fishing sector, purchasing and processing the received raw materials. Even though the fishing sector complies with the rules to bring additional species to port, it remains difficult to find a solution for products without a direct commercial value or to develop alternative businesses, as these are not profitable, meaning that there are no alternatives that match supply and demand.

In the view of the fishing sector, it is not possible to properly market the landed fish, so the obligation to land should essentially be an obligation to fully document the catch in a reliable manner, while also providing undersized fish with a chance of survival. The obligation should not

compromise the activity of vessels for the targeted species, plus fishers must be compensated when bringing catches ashore, unwanted or not.

6. Control, inspection and enforcement in market outlets

Fishery operators report the occurrence of regular control, inspection and enforcement activities by public authorities in relation to primary production activities. European fishmeal and fish oil operators report minor changes, but draw attention to the development of a code of conduct².

7. Recommendation

In the context of the report on the implementation in 2022 of the landing obligation, the European Commission should take into account the information outlined above, plus the recommendations provided on 27 April 2022³, from a market perspective, concerning the implementation of the landing obligation.

As mentioned before, in the implementation of the landing obligation, the main priority must be the avoidance and minimisation of unwanted catches, including through increased gear selectivity. The catching of fish below minimum conservation reference size should be exceptional. The aim should not be the creation of a market for undersized fish. As such, it is important to highlight that the effects of undersize fish on the market are negligible. As mentioned above, data on landings of undersize fish from the Member States should confirm this.

² More information about the development of the mentioned code of conduct is available here: <https://effop.org/news-events/effop-weighing-standard-and-video-recording-of-pelagic-landings-presented-for-eu-member-states-efca-and-dg-mare/>

³ Section 7 of the advice “Annual Report on the Implementation in 2021 of the Landing Obligation”: <https://marketac.eu/annual-report-on-the-implementation-in-2021-of-the-landing-obligation/>



The MAC remains available to assist in the evaluation of any data concerning the impact of the implementation of the landing obligation on the market, as it becomes available.