



## Advice

### Annual Report on the Implementation in 2021 of the Landing Obligation

Brussels, 27 April 2022

#### 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.

In previous years, the MAC adopted advice<sup>1</sup> acknowledging the crucial importance of the questions to the Member States on the outlets for catches below the minimum conservation size of species subject to the landing obligation as well as the questions on the socioeconomic impact of the landing obligation. It was stated that specific information, on a regional basis, on the effects of the implementation of the landing obligation in relation to catches below the minimum conservation reference sizes as well as information pertinent to the market of fishery and aquaculture products is needed. Furthermore, it was stated that, taking into account that the landing obligation had been in force for a limited period of time and that temporary exemptions have been put in place for a number of species, it was difficult to estimate the impact on the EU seafood market.

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<sup>1</sup> The most recent was adopted on 8 March 2021 concerning the implementation of the landing obligation in 2020: <https://marketac.eu/2020-implementation-of-landing-obligation/>.

As highlighted by EFCA representatives at the “BALTFISH / BSAC / EFCA Workshop on Monitoring, Control, and Enforcement of the Landing Obligation”<sup>2</sup>, in the context of pelagic fisheries in the Baltic Sea, the 2017-2018 compliance evaluation found an overall good level of compliance with the landing obligation in herring and sprat fisheries as well as salmon fishery. Information from STECF and ICES for fleet segments targeting herring, sprat and salmon seems to indicate low discard ratios. Data is being collected for the evaluation of compliance in the 2019-2022. The level of compliance with the landing obligation in 2019-2021 is higher than in the past.

In 2020, EUMOFA published a study on market outlets for unwanted catches<sup>3</sup> that states that the available data on landings of unwanted catches is incomplete and incomparable between EU Member States. The study determined that, although there are several possible utilisation options for unwanted catches, fishmeal, fish oil and animal feed were the only economically and practically viable markets outlets. Furthermore, the price achieved is very low. In 2021, STECF concluded that quantitative information on the landing obligation improved, but that a complete overview is still missing<sup>4</sup>. Under the Work Programme of Year 6 (2021-2022), the MAC committed to adopt advice to the European Commission on the annual implementation.

## 2. Available uses and market outlets

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, across the different geographical areas of activity, the only reported outlets were fishmeal (Cádiz, Croatia), pet food and animal feed for mink farms (Netherlands). In other geographical areas, no market mechanism is available to dispose of undersized catches

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<sup>2</sup> Report available on BSAC’s website: <http://www.bsac.dk/Meetings/BSAC-meetings/Joint-EFCA-BALTFISH-BSAC-Workshop-on-Landing-Oblig>. See page 3.

<sup>3</sup> <https://op.europa.eu/en/publication-detail/-/publication/aec12d1c-5d00-11ea-8b81-01aa75ed71a1>

<sup>4</sup> <https://publications.jrc.ec.europa.eu/repository/handle/JRC127688>

(Lugo, Cantabrian Northwest). At same time, there are geographical areas where catches are not landed due to derogations in place (e.g., Netherlands) or where operators report that their fishing gear prevents the capture of undersized fish (Conil, Lugo, Cantabrian Northwest)<sup>5</sup>.

### **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. Prices are independent of the landing obligation and are being affected by other factors. Fishery operators report that the lack of effect is due to the derogations currently in place, which translates in no modification in the offer, due to continued use of the same outlets as from before the landing obligation (Croatia)<sup>6</sup>, and due to the use of highly selective gears, including for bottom and surface longline. In the case of Spain, it has been reported that the landing obligation mainly covers species for which no quota is available, so the situation has been solved through approved inter-species flexibilities. Since the entry into force of the landing obligation, no increased presence of fish below the minimum conservation reference sizes in the markets has been perceived.

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

From a market perspective, there are operators, particularly in the artisanal fleet, that do not report any relevant impacts. There are fleet segments, such as purse seine and trawling, that report a direct impact on the crews, since the landing obligation generates more work on board

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<sup>5</sup> According to the information provided, the artisanal fishing fleet in Conil uses mesh with sufficient light opening and a type of hook with dimensions that prevent the capture of catches below the minimum conservation reference size. Closures are also established to prevent immature captures. Operators in the North of Spain also report using large mesh sizes in their coastal trawlers, which prevents undersized catches.

<sup>6</sup> Croatian producers explain that the fish is transferred from the net to thermals ponds from which these are selected, frozen and settled as fishmeal for tuna.

and increases working hours, but without a higher income because the catches cannot be sold. The increased workload also implies a higher risk of accidents in the activity of the crews. Operators currently not affected by the landing obligation express concern with expected future impacts, such as undertaking the landing of the fish, managing the products, which might lack value, in the auction, and increased operating costs. Overall, the landing obligation increased awareness on the bycatch problem. It is an opportunity for underutilised bycatch species to achieve increased market recognition and better prices.

### **5. Infrastructure and cooperation between fishing sector and potential buyers**

In order to close the gap between supply and demand, infrastructure and equipment, both on board and on land, are needed for the collection of the raw material, including to improve the shelf life of the products. The landing obligation entered into force without the necessary infrastructure being foreseen, especially considering the lack of market value for these products. If the product arriving the port has no value, it remains difficult to find a solution, even if the cooperation between the fishing sector and the potential buyers is improved.

The objective of the landing obligation is to reach a better targeting of fishing actions to avoid discarding the catch. This should prevent fishing non-targeted species and resources. Therefore, for both the fishing sector and the processing sector, it is difficult to build market strategies for the landed quantities, since the catch is supposed to become as occasional as possible, or even accidental. If the quantity of fish caught is limited, focusing on catches for direct human consumption would also be relevant.

In line with Recital 12 of the CFP Regulation and Article 7 of the CMO Regulation, to make the best use of the species available in EU waters, actions should be undertaken to allow the access to markets of less known local species, for example via consumer awareness and wholesalers' /

retailers' strategies<sup>7</sup>. In this effort, fishery POs could play an even more effective role in the reduction of this waste of resources and towards a more sustainable exploitation of marine biological resources.

## **6. Control, inspection and enforcement in market outlets**

Fishery operators report the occurrence of regular control, inspection and enforcement activities by public authorities in the first sale, transport, export, markets, and points of sale. These can involve officials from fisheries authorities, police forces, customs, and regional bodies. These actions are standardised and not only focused on the implementation of the landing obligation. In the case of geographical areas where derogations are in force, no specific inspections concerning the implementation the landing obligation take place.

## **7. Recommendations**

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. Therefore, in the context of the implementation of the landing obligation, from a market perspective, the MAC believes that the European Commission and Member States should:

- a) Continue to improve the analysis on outlets<sup>8</sup> for catches below the minimum conservation size of species subject to the landing obligation as well as on the

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<sup>7</sup> In line with recommendation f) of the MAC Advice on Health and Environmental Value of Seafood, adopted on 8 October 2021: <https://marketac.eu/health-environmental-value-of-seafood/>.

<sup>8</sup> In accordance with point 11 of Article 15 of the Common Fisheries Policy Regulation, for the species subject to the landing obligation, the use of catches of species below the minimum conservation reference size shall be restricted to purposes other than direct human consumption, including fish meal, fish oil, pet food, food additives, pharmaceuticals and cosmetics.



socioeconomic impacts of the landing obligation, especially in the context of the annual reports on the implementation of the landing obligation;

- b) Provide specific information, on a regional basis, on the effects of the implementation of the landing obligation, including on the existing specific exemptions, in relation to catches below the minimum conservation reference sizes as well as other information pertinent to the market;
- c) Develop the necessary infrastructure, including processing capacity, and equipment, both on board and on land, for the collection of the raw material of fish below minimum conservation reference size, if required. It is worth noting that, based on the knowledge collected by the MAC, the presence of fish below minimum conservation reference size in the market does not appear to be significant;
- d) Ensure that, if relevant, control, inspection and enforcement activities focused on the landing obligation are undertaken within the context of other regular controls, avoiding overburdening operators.

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.