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The Nature Conservancy 

**Subject: Urgent Need for Fully Documented Fisheries - AGRIFISH Ministers Meeting - 15/16<sup>th</sup> December 2020**

Dear Commissioner Sinkevičius and Federal Minister Klöckner,

**European Union (EU) fishers are currently being granted extra quota despite general non-compliance with the Common Fisheries Policy (CFP)'s landing obligation<sup>1</sup>.** A recent scientific paper<sup>2</sup> confirms that since 2015, fishers have been given additional quota to account for the extra non-commercial catch that they have to land. However, unaccounted discarding has continued in excess of the set quotas and Member States are not enforcing accurate documentation to monitor and contain this behaviour. According to International Council for the Exploration of the Seas (ICES) and Scientific, Technical and Economic Committee for Fisheries (STECF) scientist Dr Lisa Borges, this combination of increased quotas, unaccounted discarding and lack of Remote Electronic Monitoring (REM, including CCTV), is causing unprecedented pressure on our public resource and threatens to “implode the Total Allowable Catches (TACs) system”, which is the fundamental basis of EU fisheries management<sup>2</sup>.

In 2015, the EU initiated the obligation to land and count all fish caught. To ease the transition to a system where TACs refer to catches rather than landings only, the majority of EU TACs were increased to account for the portion of catch that was previously discarded and would now be landed<sup>3</sup>. Dr Lisa Borges' paper<sup>2</sup> now shows an average annual upward adjustment of 36% in TACs in 2015, increasing

<sup>1</sup> [https://ec.europa.eu/fisheries/press/fisheries-north-sea-and-north-western-waters-landing-obligation-not-respected\\_en](https://ec.europa.eu/fisheries/press/fisheries-north-sea-and-north-western-waters-landing-obligation-not-respected_en)

<sup>2</sup> Lisa Borges (2020), The unintended impact of the European discard ban, ICES Journal of Marine Science, IN PRESS, DOI: 10.1093/icesjms/fsaa200

<sup>3</sup> ClientEarth (2020). Setting Total Allowable Catches (TACs) in the context of the Landing Obligation. <https://www.clientearth.org/latest/documents/setting-total-allowable-catches-tacs-in-the-context-of-the-landing-obligation/>

to 50% in 2020 through the application of “top-ups” (to cover previous discards) and then “top-downs” (for continued exemption discards).

However, discarding has not declined at any significant level and Member States have not complied with their obligation to account for all catches. The magnitude of the TAC increases and the continued discarding have likely resulted in a substantial and widespread increase in fishing mortality, which undermines the accuracy of scientific data, the ability of scientists to give reliable advice for fishing limits, and therefore the ability of governments to make appropriate fisheries management decisions in line with EU legislation and international fisheries obligations.

#### **The Solution:**

The European Commission and the Council of the European Union must urgently clamp down on this issue, when setting fishing limits for 2021 and beyond. This includes both the fishing limits set by the EU alone through the TAC Regulation for 2021 (being discussed on 15th-16th December 2020) and those set in negotiations on stocks shared between the EU and the UK.

The CFP cannot meet its sustainability objectives without full catch documentation and accountability. **The extra quota top-ups that have been granted to Member States and fishers over the past few years through the TAC Regulation to cover the previous discard fraction should be withheld where compliance and accountability are not demonstrated. In other words, the ‘discard fraction’ of the quota should only be released for fishers and Member States that can fully and accurately document and report their total catches, for example by using REM, including CCTV. This should be implemented from 1st January 2021, starting with the most critical fish stocks.**

At the same time, the Commission and the Council should agree on a mandatory REM regime in the revision of the Fisheries Control Regulation. Indeed, **REM has proven to be one of the most effective and efficient tools to ensure fully documented and reported catches. However, while we await an effective revision of the Fisheries Control Regulation that ensures that all catches are documented and reported, including through a mandatory REM regime, the TAC and Quota Regulation is the key vehicle to prevent overfishing in 2021.**

Fully documented fisheries have been given quota increases in several TAC and Quota Regulations in recent years. It is a feasible and practical approach that will incentivise sustainable fishing practises to the benefit of both fishers and fish stocks.

Yours sincerely,

A handwritten signature in black ink, consisting of a series of loops and a horizontal line extending to the left.

Marta Marrero Martin, Director of Ocean Governance at The Nature Conservancy

On behalf of:

Birdwatch Ireland

Coastwatch

ClientEarth

Environmental Justice Foundation

Danmarks Naturfredningsforening

Deutsche Umwelthilfe

Dutch Elasmobranch Society

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Good Fish Foundation

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