

## **TO THE 12 EU MEMBER STATES WITH LONG DISTANCE FLEETS IN EXTERNAL WATERS**

In Madrid, on 7 April 2016

**Subject: Request to set up a dedicated Member States' Group to analyse the application of the landing obligation in non-EU long distance waters**

Dear Government representatives of Spain, Portugal, Italy, France, United Kingdom, Republic of Ireland, The Netherlands, Germany, Poland, Denmark, Lithuania and Estonia,

I am writing to you on behalf of the LDAC members to express our concern for the application of the landing obligation (hereinafter, LO) for the European fleet fishing in non-EU waters. Article 15 of Regulation (EU) No. 1380/2013 of 11 December 2013 on the Common Fisheries Policy (hereinafter, CFP Basic Regulation)<sup>1</sup> establishes that the latter would be implemented on 1 January 2017 for the species defining the fishery and no later than 1 January 2019 for the rest of species. It is expected that the transitional period from 2017-2019 will bear complex situations owing to a lack of data on discards and the scarce scientific knowledge available regarding some by-catches for which there is a zero quota or a very limited quota. The application of all justified exemptions and possible flexibilities to the landing obligation, as provided for in article 15 of the CFP regulation, needs to be ensured to avoid potential problems for the operations of the EU fleet.

Besides, for any derogation from the LO, there needs to be a conflict between the Regulation itself and the rules of the RFMOs and the Commission ought to adopt delegated acts, in conformity with article 15.2 as a result of the supremacy of International Law and the international obligations that the EU has signed as a contracting party. Within the LDAC, we believe that the best way to issue these delegated acts would be in line with the regional cooperation procedure among Member States provided for in article 18 of the CFP Regulation. This requires mandatory consultation of the Advisory Councils by Member States' groups which is a prerequisite for this important subject.

Therefore, it is deemed necessary to address this issue with a regional and coordinated approach enabling a common view and perspective of the problems to be tackled and the possible solutions for the affected fisheries and/or species.

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<sup>1</sup><http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:354:0022:0061:Es:PDF>

As a result, the LDAC Executive Committee, in its meeting held on 25 November 2015 in Madrid, agreed to propose setting up a dedicated Working Group to the EU Member States with presence in long distance waters. Some members of the catching sector proposed that Spain lead this group initially since it is the country with more presence and fleet activity operating in external waters.

The LDAC is committed to supporting the Group of Member States and to working in the preparation of an opinion or recommendation identifying those key aspects where the LO affects Community fleets, providing examples of particular problems and their consistency with regulations of third countries' waters, RFMOs and international waters. In this sense, the LDAC requested the Commission to provide a study entrusted to a consortium led by MRAG and called "Opinion on discard management in EU fisheries beyond EU waters"<sup>2</sup>. The LDAC received this study in December 2015 and is currently analysing the reports that address matters of scientific, legislative and technical nature regarding the implementation of the LO in non-EU waters.

**In the light of the foregoing, the LDAC kindly requests:**

- 1. A Group of Member States be set up for fisheries in long distance waters, with the recommendation that it should be led initially by Spain and followed by a rotating chairmanship, with a structure adapted to the problems of the different fisheries, for example through the creation of subgroups dealing with areas managed by RFMOs.**
- 2. The participation of the LDAC as a body that brings all stakeholders together in the process of discussion and development of proposals for discard plans, through the presence of a balanced delegation at all meetings of the Technical Groups and High Level Groups of the Member States, and carrying out a follow-up of the work of the Member States and issuing opinions when appropriate.**
- 3. An urgent schedule be set up for the completion of the discard plan by the Member States to be submitted to the Commission 6 months prior to its coming into force, in accordance with provisions established in article 15.**

We would like to offer once again our collaboration in the participation and guidance process as a body representing the stakeholders, and we look forward to your reply.

Yours faithfully,



Juan Manuel Liria, LDAC Chair

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<sup>2</sup>Ref. MARE Contracts No. 3 (PHASE I) and No. 6 (PHASE II)/2015