**The North Sea Advisory Council**

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**NSAC Advice in Development**

**This is paper is NOT approved NSAC advice.**

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**Letter to Control Agency and Member States on Monitoring Control and Enforcement under the Landing Obligation**

The EU landings obligation will come into force in the North Sea demersal fisheries on 1st January 2016, initially for a limited number of species but for all species as of January 1st 2019.

The shift to a landing obligation will involve many challenges. It is in many respects a paradigm shift and STECF has pointed to the many risks associated with this change, however, the move to results based regional management is also an opportunity for the industry and the regions to improve upon the current management framework which has been heavily criticised. The NSAC strongly believes that these risks will be reduced and opportunities fully embraced if the fishing industry is actively engaged in finding solutions to the practical problems associated with implementing the landing obligation.

The NSAC is concerned that unlike other elements of the landing obligation, monitoring, control and enforcement has not been widely consulted on by regional groups of Member States or the Commission, despite it being an integral part to its success. To help guide discussions, the NSAC has prepared on overview of how we view Monitoring, Control and Enforcement (MCE) in relation to the landing obligation and changes in the new CFP.

Monitoring, control and enforcement

1. Effective monitoring, control and enforcement (MCE) will be an essential component of successful implementation of the landing obligation. Whilst enhanced reporting represents an opportunity to greatly increase scientific knowledge and thus improve the knowledge basis of fisheries policy, the control regime will need to be adapted to the practical and economic realities of fishing and focused primarily on achieving high levels of compliance with the landings obligation. There will need to be a shift in focus from monitoring and control on land to monitoring and control at sea.
2. Discard plans should recognise that the reporting requirements within the landing obligation represent a major increase in the reporting burden for masters and crews of fishing vessels. Whilst acknowledging that a shift to full catch documentation can be associated with a reduction in micro-management of fishing activities, it will be very important for the operators that the recording burden associated with full recording of catch is to be proportionate.
3. A number of challenges and issues arise when discussing exemptions and concrete measures for monitoring and controlling demersal fisheries, some of the more obvious of those are listed below:
4. *Minimum standards*: Article 15.13 of the CFP Regulation stipulates that “Member States shall ensure detailed and accurate documentation of all fishing trips and adequate capacity and means, such as observers, closed-circuit television (CCTV) and others”. To support a level playing field, Member States should agree on regional minimum standards for MCE measures, ideally within the framework of discard plans themselves. It will be important for such minimum regional standards to be both proportionate and compatible and ideally extend to non-EU countries participating in the region (eg. Norway in the North Sea) and for minimum standards to also be compatible with neighbouring regions to minimise confusion for vessels operating between regions.
5. *Recording of catch*

Monitoring the discard ban will be challenging, in particular with the use of any flexibility mechanism. Fisheries requiring exemptions will need to be subject to enhanced monitoring of catches. It will be appropriate to put in place a risk based approach with more detailed monitoring as risk increases. If self-sampling programmes are implemented, there must be a robust process to validate data collected this way.

1. *Sanctions*:

Non-compliance of the landing obligation could have perverse outcomes in terms of stock assessments and the long-term health of fisheries and the marine environment. There needs to be a common and strong legal framework, with an appropriate sanctioning system to act as a strong deterrent to illegal activities so as to support compliance across regions and a level playing field. The NSAC is also strongly supportive of other measures to encourage compliance with the landing obligation such as the development of training and information packs/workshops at various ports.