



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
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Mr Iván López Van Der Veen
Chairman
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By email

secretaria@ldac.eu

Subject: External dimension of landing obligation – consultation of stakeholders

Our ref.: Ares(2016)4031427

Dear Mr López,

Thank you for your reply of 9 September 2016 to our stakeholder consultation on the draft Commission delegated regulation on the application of the landing obligation with regard to certain NAFO fisheries.

Your reply goes beyond the content of the draft delegated regulation and addresses, among others, issues related to asymmetry in the distribution of quotas between NAFO Contracting Parties and among the EU Member States, incomplete data on the level of discards in NAFO and the difficulties with implementing the flexibilities provided under Article 15 of the Basic Regulation due to the lack of scientific data and the potential incompatibility between such rules and NAFO conservation and enforcement measures (NCEM). Although important, these issues go beyond the scope of this exercise and cannot be addressed in the relevant delegated act, the objective of which is to clarify that the landing obligation does not apply to certain NAFO fisheries where an inconsistency between NCEM and the landing obligation (Art. 15 of the Basic Regulation) has been identified.

I would also like to thank you for providing us with the information on the situation with regard to discards in NAFO which will be very useful when we prepare a delegated act

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setting out potential *de minimis* provisions for the fisheries in non-Union waters. Using this opportunity, I would like to bring you up-to-date with regard to where we are on this.

As you are probably aware, Member States have confirmed to us that they have no plans to present Joint Recommendations for the adoption of discard plans including *de minimis* exemptions for fisheries in non-EU waters as laid down in Article 15(5)(c) of the Basic Regulation. In such case, it falls upon the Commission to prepare and adopt a delegated act to set any appropriate *de minimis* exemptions based on sound scientific advice. To be able to do so, the conditions of Article 15(5)(c) must be fulfilled, i.e. *de minimis* can only be established if (i) increases in selectivity are very difficult to achieve, or (ii) there is a need to avoid disproportionate costs of handling unwanted catches (for those gears where unwanted catches per fishing gear do not represent more than a certain percentage, to be established in a plan, of the total annual catch of that gear).

We have therefore requested STECF to provide scientific advice for the fisheries concerned in non-Union waters. As soon as such scientific advice is available, we will consult LDAC, as well as other concerned stakeholders, on possible rules for a *de minimis* exemption.

I would like to take this opportunity to thank LDAC for its continued cooperation and contribution to the effective implementation of the landing obligation.

Yours sincerely,

João AGUIAR MACHADO

