

6 June 2024

Mr. Virginijus Sinkevičius

**Commissioner** for Environment, Oceans and Fisheries

c/o: **President** of the European Commission, Ms. Von der Leyen; **Commissioner** Hahn; SG.E.3, Head of Unit; DG MARE, Director General Vitcheva; DG MARE, Director D; DG MARE D.4, Head of Unit

**Re: Focus on full implementation of the landing obligation**

Dear Commissioner Sinkevičius,

On behalf of European Justice Foundation, ClientEarth, WWF, Seas at Risk, Oceana and Sciaena, we are writing to request an update on a key commitment you made at the beginning of the European Commission's current mandate: to focus on *"the full implementation of the reformed Common Fisheries Policy, including the landing obligation"*, and the *"enforcement of EU law within your field"*, taking *"swift action if EU law is breached"*, as well as *"a zero-tolerance approach to illegal, unreported and unregulated fishing"*.<sup>i</sup>

The undersigned NGOs have applauded your follow up to these commitments, including by initiating several infringement proceedings in 2021 against Member States for failing to ensure full implementation of the landing obligation.<sup>ii</sup>

In this regard, we **ask you to provide (1)** a detailed inventory of current infringement proceedings launched against EU Member States for failure to control and enforce the landing obligation - notably against France, Spain ([INF 21 4681](#)), the Netherlands, Belgium and Ireland ([INF 21 5342](#)); **(2)** what (legal) steps the Commission will take to address these cases of non-compliance; and **(3)** how it will help ensure the *"extensive, illegal and undocumented discarding of catches in several sea basins"* ends.<sup>iii</sup>

As you know, the landing obligation was introduced in 2015 and has been fully in force since 2019. It serves to gradually eliminate discards, and requires that catches are brought and retained on board, recorded, and landed by EU vessels, so that these catches are counted against the applicable quotas.

EU Member States are obliged to ensure the effective control, inspection and enforcement of all fishing activities carried out under the CFP - including the landing obligation - and must ensure detailed and accurate documentation of all fishing trips and adequate capacity and means, such as CCTV<sup>iv</sup>.

However, at the start of this year the Commission presented an alarming assessment of the current situation regarding the implementation of the landing obligation:<sup>v</sup>

- Member States still *"do not ensure control and enforcement of the LO [landing obligation]"*;
- *"Illegal and undocumented discarding of catches"* remains *"prolific"* and *"discard rates have not changed since the introduction of LO"*;
- *"The failure to correctly implement the LO undermines the objectives of the CFP and may have severe environmental consequences"*, including *"overfishing"*.

We would add that this situation risks affecting determination of annual fishing opportunities<sup>vi</sup>, both internationally and bilaterally.<sup>vii</sup> As you noted in 2021, without accurate reporting of catches *"setting quotas just has no purpose"*.<sup>viii</sup>

This risk remains even with a new requirement to install CCTV on board vessels of 18 metres and above. As Commissioner Hahn noted in a recent debate, this new requirement will apply only from January 2028 and to *"just 6.7% of the EU fleet"* and of that percentage only to vessels at high risk of illegal discards.<sup>ix</sup> As the vast majority of the EU fleet is not covered under this obligation, the risk that *"illegal*

and undocumented discarding of catches” will remain “prolific” is high - unless Member States finally step up and start ensuring adequate control and enforcement.

Your words from 2021 remain true today: “We urgently need effective control tools to properly enforce the landing obligation” and: “how can we call for zero tolerance against illegal, unregulated and unreported fishing by third countries if we do not show exactly the same zero-tolerance approach in our own waters?”<sup>x</sup>

This is why we are making the aforementioned three requests. It is also why we fully support a continuation of the focus on full implementation of the landing obligation during the next Commission mandate and oppose any rollback of this “[key pillar](#)” of the Common Fisheries Policy.<sup>xi</sup>

Yours sincerely,

Steve Trent  
CEO & Founder



Anaïs Berthier  
Head of EU Affairs



Pascale Moehrle  
Executive Director and Vice President, Europe



Gonçalo Ferreira De Carvalho  
Executive Coordinator



Dr Monica Verbeek  
Executive Director



Ester Asin  
Director, WWF EPO



<sup>i</sup> [https://commissioners.ec.europa.eu/system/files/2022-12/mission-letter-sinkevicius-2019-2024\\_en.pdf](https://commissioners.ec.europa.eu/system/files/2022-12/mission-letter-sinkevicius-2019-2024_en.pdf)

<sup>ii</sup> <https://www.transparentfisheries.org/2021/09/28/commission-reprimand-an-opportunity-for-france-and-spain-to-reform-eu-fisheries-controls/>

<sup>iii</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2021:316:FIN>

<sup>iv</sup> Article 15(13), CFP Regulation (Regulation (EU) 1380/2013).

<sup>v</sup> See Commission’s presentation given during the EFCA/NSAC/Scheveningen CEG Workshop on control and compliance with the Landing Obligation of 17 Jan 2024: [https://www.nsrac.org/wp-content/uploads/2024/03/EFCA-NSAC-workshop-17-Jan\\_NSAC-report\\_v3\\_EFCArev\\_FINAL.pdf](https://www.nsrac.org/wp-content/uploads/2024/03/EFCA-NSAC-workshop-17-Jan_NSAC-report_v3_EFCArev_FINAL.pdf)

<sup>vi</sup> <https://www.clientearth.org/latest/documents/joint-ngo-recommendations-to-the-eu-on-fishing-opportunities-for-2024/>

<sup>vii</sup> <https://www.transparentfisheries.org/wp-content/uploads/2023/05/How-relaxing-misreporting-rules-could-undermine-the-EU%E2%80%99s-position-in-international-fisheries-negotiations.pdf>

<sup>viii</sup> [https://www.europarl.europa.eu/doceo/document/CRE-9-2021-03-09\\_EN.html](https://www.europarl.europa.eu/doceo/document/CRE-9-2021-03-09_EN.html)

<sup>ix</sup> [https://www.europarl.europa.eu/doceo/document/CRE-9-2023-10-16-ITM-016\\_EN.html](https://www.europarl.europa.eu/doceo/document/CRE-9-2023-10-16-ITM-016_EN.html)

<sup>x</sup> [https://www.europarl.europa.eu/doceo/document/CRE-9-2021-03-09\\_EN.html](https://www.europarl.europa.eu/doceo/document/CRE-9-2021-03-09_EN.html)

<sup>xi</sup> [https://www.europarl.europa.eu/doceo/document/CRE-9-2023-10-16-ITM-016\\_EN.html](https://www.europarl.europa.eu/doceo/document/CRE-9-2023-10-16-ITM-016_EN.html)