

6 November 2019

## EU SECTORAL SOCIAL DIALOGUE ON SEA FISHERIES

### Joint Resolution on the Landing Obligation

#### Having regard to the:

- Treaty on the Functioning of the European Union (TFEU), and in particular Titles III and IV thereof;
- Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy (CFP), and in particular Article 15 and 16.1 thereof;
- ILO Declaration on Fundamental Principles and Rights at Work;
- ILO Convention on Work in Fishing (C188);
- Council Directive (EU) 2017/159 of 19 December 2016 implementing the Agreement concerning the implementation of the Work in Fishing Convention (C188), 2007 of the International Labour Organisation;

#### Whereas:

- At the time the CFP was being negotiated, no impact assessment on the socio-economic and safety consequences of the landing obligation was performed;
- Fishermen are suffering serious difficulties and significant economic losses stemmed from the inconsistencies between different legal instruments adopted by the EU. For instance, Art. 15 of the CFP is clashing with both Directive 2017/159 implementing ILO C188 and Art. 39 of the TFEU. Art. 39 of the Treaty stipulates the objective *“to ensure the optimum utilization of the factors of production, and thus to ensure a fair standard of living for the fisheries community by assuring the availabilities of supplies”*. However, the landing obligation has led to increased labour on-board, reduced resting time and underutilisation of rightful fishing opportunities;
- Already in 2016 for some demersal fisheries there were actual area closures as a consequence of a choke species quota being fully used, hereby refraining fisheries of a Member State from fully using catch opportunities to which they are entitled to. Hence, this is clashing with Art. 39 of the TFEU and Art. 16.1 of the CFP whereby fishing opportunities are allocated to Member States ensuring *“relative stability of fishing activities of each Member State for each fish stock or fishery”*;
- The Research Unit for the European Parliament Fisheries Committee (PECH) presented in 2018 three studies on the landing obligation concerning several sea basins alerting on the choke threat for various multispecies and mixed fisheries. Particularly, in the Western Mediterranean, the study shows a lack of an appropriate governance process to handle the unwanted catches once landed, which would result in the classification of the former discards as special waste. Based on the tariffs applied to aquaculture companies, the

estimated cost for an 'average' trawl vessel would be about 7.5% of the gross profit of such a vessel;

- In May 2016, Europêche organised a workshop on the economic impact of the landing obligation with Members of the European Parliament where scientists from Seafish (UK), AZTI (research institute in Spain) and the University of Copenhagen predicted economic losses for the sector;
- Even considering the flexibilities and exemptions in the CFP, data shows that a significant volume and value of quota could remain uncaught, reducing the food supply. EU processors and retailers will inevitably look to other markets, even international ones, to meet the market demand which will have a severe knock-on effect on pricing. Furthermore, it goes against what is stated in Recital 12 of the CFP to “(...) contribute to the supplying of highly nutritional food to the Union market and to reducing the Union market's dependence on food imports”, which should be taken full note of, especially considering the growing world population and seafood being an easy accessible high quality source of protein for all;
- Undersized fish cannot be marketed for direct human consumption purposes and as Southern countries in the EU do not have fishmeal factories, the fish would be wasted. To bring and process the bycatch onshore is too expensive and without the market demand;
- The economic foreseen losses due to the landing obligation may be counteracted at the cost of the fishermen's salary and/or work load. These social consequences may include increased labour on board (of 28-36% per trip) plus an increased number of personnel, decrease in wages, limited storage space (for which more fishing trips and thus time at sea is needed to fully use quota), higher fuel consumption, and extra unexpected costs of offloading, manual sorting, weighing and processing. It also jeopardises safety on board and the stability of the ship due to higher storage pillars of boxes.

**The Social Partners call on the European Commission to:**

1. As guardian of the treaties, ensure that secondary legislation on fisheries policies does not jeopardise the principles enshrined in Art. 39 of the TFEU;
2. Raise the procurement of socio-economic data on how fisheries policies impact the working conditions and safety standards of fishermen, as recommended by FAO;
3. Revise Art. 15 of the CFP in order to make the ill-conceived and not fit for purpose EU landing obligation policy consistent with other legal instruments adopted by the EU, in particular Directive 2017/159 and the Treaty on the Functioning of the EU;
4. Encourage all Member States to pursue the ratification of Directive 2017/159 implementing ILO C188;
5. Emphasise the role that dialogue between governments, trade unions and employers as well as improved coordination should play in the adoption and implementation of fisheries policies which should take full account of social standards.