

Draft recommendation regarding the volume of vessels (in GT) in relation to the Landing Obligation

Introduction

In the 1980s, after an initial stage of the Common Fisheries Policy notably concerning the sharing of quotas between Member States, the European decision-making bodies laid down the principle of limiting overall fishing capacity with the aim to achieve a balance between each Member State's fishing opportunities, i.e. its quotas, and the fishing capacity of its fleet.

However, measuring fishing capacity has always been, and still is, very elusive and difficult to quantify, because a vessel's capacity strongly depends on non-numeric factors, such as electronic equipment and knowledge of the fishing grounds (Penas Lado, 2016¹). Nevertheless, policy makers agreed on two easily quantifiable criteria to determine a fleet's fishing capacity: vessel engine power in kW and gross tonnage (GT).

In this regard the Common Fisheries Policy sets a capacity ceiling for each Member State, both in regards to kW and GT in Annex II of Regulation (EU) 1380/2013 which must not be exceeded at any time (Article 22.7 of Regulation (EU) 1380/2013).

Entry/Exit scheme

Article 23 of Regulation (EU) 1380/2013 stipulates that each Member State is under the obligation to introduce an entry/exit scheme which ensures that new capacity joining its fleet must be compensated by the prior withdrawal of at least the equivalent amount of capacity or more from that fleet. Furthermore, the Commission may adopt implementing acts laying down implementing rules for this Article.

Commission Implementing Regulation 1013/2010

The most recent Commission Implementing Regulation based on Article 11.5 of Council Regulation (EC) 2371/2002 dealing with the subject of capacity was Regulation 1013/2010 which granted Member States a certain degree of flexibility in regards to GT increases related to improved safety and comfort of the crew. According to this Regulation GT limits per vessel and per Member State were allowed to increase by the corresponding volume where, for example, covered decks were introduced for reasons of crew safety, or where more spacious cabins were provided for the sake of crew comfort. With the entering into force of the new Common Fisheries Policy, however, this Regulation has been repealed, providing no more flexibility for GT increases, even if not related to fishing capacity.

¹ Ernesto Penas Lado: The Common Fisheries Policy: The Quest for Sustainability (2016). Wiley-Blackwell.

The Landing Obligation

With the introduction of the Landing Obligation a vessel is no longer allowed to discard unwanted catch, but is obliged to land all catches of regulated species. This will inevitably lead to capacity shortages on many vessels meaning that for the same quota and catch a vessel will have to make more trips between the fishing grounds and the ports resulting in higher costs due to increased fuel consumption and consequently a higher carbon footprint.

Recommendation

Following the argumentation above and in order to adapt to the Landing Obligation it is recommended to include a provision in Member States discards plans to allow for a GT increase caused by storage areas for unwanted catch or for processing equipment for unwanted catch under the following conditions:

- The GT be entered in a separate register or on a separate line of the total tonnage register of the fishing vessel;
- The GT will not be counted as an increase in fishing capacity
 - Neither in regards to the vessel itself (fleet entry/fleet exit compensation method provided for by Article 23 of Regulation (EU) 1380/2013);
 - Nor in regards to the fishing capacity ceilings per Member State indicated in Annex II of Regulation (EU) 1380/2013.

It is furthermore recommended that the safety tonnage provisions in Article 11.5 (see below) of Council Regulation (EC) 2371/2002 be re-instated.

11.5. On fishing vessels of 5 years of age or more, modernisation over the main deck to improve safety on board, working conditions, hygiene and product quality may increase the tonnage of the vessel, provided that such modernisation does not increase the ability of the vessel to catch fish. The reference levels under this Article and Article 12 shall be adapted accordingly. The corresponding capacity need not be taken into account for the establishment of the balance of entries and exits by Member States under Article 13.

The detailed rules and conditions for such measures may be adopted in accordance with the procedure laid down in Article 30(2).