

BRIEFING SERIES: Recommendations to the EU and the UK on the setting of fishing opportunities



Landing obligation challenges

Briefing 8 of 11

July 2025

About this Briefing Series

This Briefing Series, supported by the 29 undersigned organisations, is designed to assist the responsible decision-makers in the European Union (the European Commission, the Council of the EU and the Member States) and the United Kingdom (the UK Government and devolved administrations) in managing fishing opportunities in a way that:

- ◆ Finally ends overfishing,
- ◆ Significantly contributes to restoring and/or maintaining all fish stocks above healthy levels and to minimising levels of incidental catches, and
- ◆ Safeguards marine ecosystem functioning and resilience, also in light of mounting pressures like climate change.

The Series consists of 11 Briefings covering the following topics related to the setting of fishing opportunities:^{1,2}

- ◆ 1. [Cover Briefing](#): Key recommendations on setting fishing opportunities
- ◆ 2. [Context and legal framework](#)
- ◆ 3. [“Best available” is not good enough - addressing shortcomings in the current scientific advice](#)
- ◆ 4. [Shared fish stocks](#)
- ◆ 5. [Fishing opportunities in an ecosystem context](#)
- ◆ 6. [Mixed fisheries considerations](#)
- ◆ 7. [The fishing effort regime in the Western Mediterranean Sea](#)
- ◆ 8. [Landing obligation challenges](#) (this briefing)
- ◆ 9. [Depleted stocks with zero or very low catch advice](#)
- ◆ 10. [Stocks not managed by a Total Allowable Catch](#)
- ◆ 11. [Deep Sea stocks](#)

In order to ensure that fishing opportunities support thriving fisheries while safeguarding ocean health, resilience and productivity, we call on decision-makers to follow all of our recommendations across the entire Briefing Series.

About this Briefing

The continued poor implementation of the landing obligation (LO), including a lack of compliance, control and enforcement, is widely recognized and fundamentally undermines sustainable fisheries. The UK's departure from the EU represents both opportunities and risks. Any future catching policy, whether in the UK or in the EU, should ensure that the full ethos of the current LO – minimizing and avoiding unwanted catches and waste – is maintained and should outline how its success is going to be quantified. This Briefing explains the danger posed by a continued failure to properly implement the LO and to account for illegal and/or unreported discarding, and recommends key steps to be taken in the context of the setting of fishing opportunities, including the following:

- ◆ Underpinning sustainable fishing opportunities (see [Briefing 1](#)) by robust controls and full catch documentation through a swift roll-out of Remote Electronic Monitoring (REM) across EU and UK waters;
- ◆ Factoring poor compliance with the LO in by setting TACs lower than the ICES maximum catch advice, and applying sufficiently precautionary safeguards as part of catch accounting; and
- ◆ Making access to quota “top-ups” conditional on demonstrated vessel compliance with the LO and full catch documentation.

The problem: Poor implementation of the landing obligation

Since the landing obligation (LO) came fully into force in 2019, Total Allowable Catches (TACs) have been set based on total catch advice (albeit with some deductions for exempted discards), rather than the landings advice used before 2015. **Despite the LO having been fully in place both in the EU and the UK for many years, it is broadly recognised that non-compliance is widespread, unreported discarding continues and the LO is not effectively controlled and enforced.**³

For example, EU Commissioner Kadis himself highlighted that *“data shows that prior to the introduction of the landing obligation, there were instances of 40% discards at sea, although almost no discards were being reported by the operators”*, and that this *“made it impossible to know the state of stocks, which is crucial for setting fishing opportunities”*.⁴ Unfortunately, as European Commission services have recently indicated,

¹ Over the years, the NGOs working on fishing opportunities have been providing a range of annually updated recommendations for different sea basins and groups of species. Many of our key recommendations and concerns are cross-cutting and do not change from year to year. For 2025 onwards, we have consolidated these points into this Briefing Series which is intended to remain valid for years to come. The Series will be complemented by bespoke regionally or topically specific recommendations as appropriate and current scientific state of the art findings.

² Cross-references will be included throughout the text using the relevant Briefing numbers. Full references to all Briefings are listed in ANNEX 1.

³ For example, Communication from the Commission to the European Parliament and the Council (2022). COM(2022) 253 final. [Towards more sustainable fishing in the EU: state of play and orientations for 2023](#). Commission Staff Working Document SWD(2022) 157 final.

⁴ Questionnaire to the Commissioner-Designate Costas Kadis, Fisheries and Oceans. <https://hearings.elections.europa.eu/documents/kadis/kadis>

“illegal and undocumented discarding of catches” reportedly remain *“prolific”*,⁵ with discard rates having *“not changed since the introduction of LO”*.⁶ **Continued poor implementation of the LO fundamentally undermines sustainable fisheries and decisive steps must be taken to remedy the current situation.** As Commissioner Kadis noted, a situation with very high rates of discarding *“is not sustainable”*, neither with regards to *“biodiversity conservation”*, nor *“the profitability of the fishers”*.⁷

In this context, we remain extremely concerned about the European Commission’s decision in 2024 to silently drop the pending infringement proceedings against several EU Member States for a failure to enforce the landing obligation.⁸ Setting TACs based on catch advice rather than landings advice, while illegal discarding continues, allows for unsustainable catches potentially far beyond scientific advice.⁹

Furthermore, there are industry voices who claim that implementation failures mean that the policy is unworkable, and that a reform or elimination of the LO is needed. **The shared NGO position is that the LO has not been given a chance to work and that the underlying problems (such as a lack of fishing gear selectivity and effective avoidance of unwanted catches) can and must be tackled under the existing framework.**

The solution: Addressing non-compliance and factoring illegal discards into TAC-setting

The UK’s departure from the EU represents both opportunities, for example for either side taking a leadership role in the roll-out of REM and full catch documentation, and risks, such as the introduction of further exemptions that would make control and enforcement even more difficult. Developments in the UK since 2023 in the context of the “Future Catching Policies”, for example the now concluded Defra consultations under the 2022-2024 UK Government about a discards reform¹⁰ and about REM,¹¹ suggest that the UK and devolved administrations are considering substantial changes in the way discards are managed.

We welcome some of the elements in the consultation conclusions, such as the overall vision of fully documented UK fisheries and the ambition to introduce a catch accounting approach that attempts to set the right incentives towards improved selectivity and may help promote REM uptake. However, **many shortcomings, such as the envisaged REM roll-out being too slow and patchy, and questions about implementation details and safeguards in the face of uncertainty about discard levels remain.** We stand ready to support the UK Government and the devolved administrations in addressing these issues and championing sustainable, thriving fisheries to fully deliver on the fisheries objectives in the UK Fisheries Act.

Any future catching policy, whether in the UK or in the EU, should ensure that the full ethos of the current LO – minimising and avoiding unwanted catches and waste – is maintained and should outline how its success is going to be quantified. Provisions should also be made to fully document fisheries while collecting relevant data. All of these elements will be supported by the adoption of REM with cameras which will provide improved understanding and evidence of selectivity as well as support compliance. It will also help to address apparent discrepancies in the reported catches noted by ICES for several stocks, indicating mis- or underreporting and increasing uncertainties in the assessment and advice.¹²

[writtenquestionsandanswers_en.pdf](#)

⁵ Staff working document - SWD(2025)149, p.4.2. Available at: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14725-Sustainable-fishing-in-the-EU-state-of-play-and-orientations-for-2026_en

⁶ EC (D4) at NSAC/Scheveningen group on LO enforcement in January 2024: https://www.nsrac.org/wp-content/uploads/2024/03/EFCA-NSAC-workshop-17-Jan-NSAC-report_v3_EFCarev_FINAL.pdf

⁷ Hearing of Costas Kadis, Commissioner-Designate (Fisheries and Oceans), Brussels, 6 November 2024. https://hearings.elections.europa.eu/documents/kadis/kadis_verbatimreporthearing-original.pdf

⁸ Mosola, D (2024). Brussels abandons crackdown on overfishing. Financial Times, 26 July 2024. <https://www.ft.com/content/92f54b80-24b7-4b57-80f6-a2eadd2a8211>.

⁹ Borges, L (2020). [The Unintended Impact of the European Discard Ban](#). ICES Journal of Marine Science. Also see: [ClientEarth's](#) and [Our Fish's](#) briefings on the LO. This [short 5 min presentation](#) (starting at 15:30) visualises the risk that ‘topped up’ catch-based TACs pose in combination with illegal discards.

¹⁰ <https://www.gov.uk/government/consultations/discards-reform> (consultation closed on 9 October 2023).

¹¹ <https://www.gov.uk/government/consultations/remote-electronic-monitoring> (consultation closed on 9 October 2023).

¹² There is evidence of widespread misreporting in particular in the Central Baltic herring and Baltic sprat fisheries with the latter being landed as non-quota

To avoid negative effects of the failure to properly implement the LO on the setting of sustainable catch limits we make the following recommendations below.

Recommendations regarding the setting of fishing opportunities in the context of the landing obligation

- ◆ **Underpin sustainable TAC-setting by robust controls and full catch documentation using remote electronic and camera monitoring.** REM has become a vital and irreplaceable tool that is increasingly being implemented in fisheries around the world. The swift roll-out of REM across EU and UK waters is key to ensuring that catches are fully documented and accounted for, and that management measures (including TACs) are complied with.¹³
- ◆ **In the absence of robust, comprehensive control and monitoring, factor in poor compliance with the LO by proposing and setting TACs lower than the ICES maximum catch advice,** to ensure that the agreed TACs do not lead to fishing mortality beyond sustainable levels. So-called quota “top-ups”, intended to cover catches that used to be discarded prior to the LO and now have to be landed, should not be applied while the LO is not effectively monitored and controlled. If such top-ups nevertheless continue to be used, then TAC deductions need to be made in order to account for continued discards covered by LO exemptions. Such deductions need to be based on robust discard estimates, and where discard information is limited or uncertain, larger deductions must be applied in line with the precautionary approach.
- ◆ **Make access to quota “top-ups” conditional on demonstrated vessel compliance with the LO and full catch documentation,** notably through REM, supported by independent observer coverage as appropriate. Such top-ups were intended to allow fishers to legally land catches that would have been discarded prior to the LO, and therefore must not be made available to vessels that are not demonstrably complying with the LO.
- ◆ **Apply sufficiently precautionary safeguards as part of catch accounting, especially where quota top-ups continue to be used, to minimise risks to sustainability posed by unknown or uncertain discard rates.** For example, in the UK a catch accounting option is being explored which is based on the use of multipliers that determine how quickly a vessel’s quota share is being consumed depending on its discard rate. Less selective vessels with higher discard rates would receive a less favourable multiplier that consumes the vessel’s quota share more quickly, than vessels which are demonstrably more selective. A more selective vessel could therefore continue fishing for longer with the same amount of quota than a less selective vessel. This approach could provide a welcome incentive for vessels (a) to decrease their discard rates and (b) to demonstrate this through the adoption of full catch documentation by using REM, supported by independent observer coverage as appropriate. However, this approach can only safeguard against unsustainable overall fishing levels if multipliers are set in a sufficiently precautionary way where discard rates are unknown or uncertain. This is also crucial to incentivise vessels with high discard rates to demonstrably decrease them, rather than simply settling for a multiplier that is not seen as sufficiently disadvantageous to trigger progress.
- ◆ **Create and promote quota redistribution solutions,** beyond traditional swaps, to avoid closing fisheries if quota is available elsewhere. The solution to quota limitations for certain parts of the fleet, while others still have quota (i.e. where some vessels are likely to run out of quota whereas others have an excess), cannot be to set the overall TAC higher from the outset.

species such as flounder and stickleback. ICES (2024). Baltic Fisheries Assessment Working Group (WGBFAS). ICES Scientific Reports. 6:53. 584 pp. <https://doi.org/10.17895/ices.pub.25764978>. Also see the Swedish Verification Report from DG-MARE 30/06/2023. This not only puts pressure on already depleted populations but also decreases the certainties within the ICES advice model leading to less reliable catch advice.

¹³ https://marine-conservation-society-production.s3.amazonaws.com/documents/REM_TransparentSea_Final_v2.pdf.

Environmental organisations remain committed to the objectives of the Common Fisheries Policy, the UK Fisheries Act, the Marine Strategy Framework Directive and the UK's Marine Strategy Regulations 2010, as well as the Trade and Cooperation Agreement and other international agreements. We will continue to scrutinise the progress in ending overfishing and boosting long-term population and ecosystem health and resilience as we urge the European Commission, the Council of the EU, the Member States, the UK Government and devolved administrations to finally deliver the EU's and UK's transition to truly sustainable fisheries. This Briefing Series provides a clear and comprehensive list of recommendations on how to get there.

CONTACT DETAILS

The below contact details refer to the main contacts for each of the organisations supporting this Briefing Series, and are not Briefing-specific. We can help redirect any queries to the most appropriate colleagues for each individual Briefing.

Angling Trust: Hannah Rudd, Head of Marine, hannah.rudd@anglingtrust.net

Bass Angling Conservation: David Curtis, Director, david.curtis@bassanglingconservation.co.uk

BirdLife Europe: Cyrielle Goldberg, Marine Policy Officer, cyrielle.goldberg@birdlife.org

BLOOM Association: Alessandro Manzotti, Research and Advocacy Officer, alessandromanzotti@bloomassociation.org

Blue Marine Foundation: Jonny Hughes, Senior Policy Manager, jonny@bluemarinefoundation.com

ClientEarth: Jenni Grossmann, Science and Policy Advisor - Fisheries, jgrossmann@clientearth.org

Coalition Clean Baltic: Aimi Hamberg, Marine Policy Officer, aimi.hamberg@ccb.se

The Danish Society for Nature Conservation (Danmarks Naturfredningsforening): Morten Rosenvold Villadsen, Oceans Political Advisor, morten@dn.dk

Deep Sea Conservation Coalition: Matthew Gianni, Political and Policy Advisor, matthewgianni@gmail.com, and Sandrine Polti, Europe Lead, sandrine.polti@gmail.com

Deutsche Umwelthilfe e.V. (DUH): Lioba Schwarzer, Team Lead Marine Conservation, schwarzer@duh.de

Ecologistas en Acción: Cecilia del Castillo Moro, Fisheries Policy Officer, pesca@ecologistasenaccion.org

Estonian Fund for Nature (ELF): Joonas Plaan, Board Member, Sustainable Fisheries Expert, joonas.plaan@elfond.ee

Finnish Association for Nature Conservation (Suomen luonnonsuojeluliitto): Tapani Veistola, Executive Director, tapani.veistola@sll.fi

FishSec: Niki Sporrang, Interim Director, Senior Policy Officer & European Eel Project Manager, niki.sporrong@fishsec.org

Friends of the Irish Environment (FIE): Tony Lowes, Director, admin@friendsoftheirishenvironment.org

German Foundation for Marine Conservation (Deutsche Stiftung Meeresschutz, DSM): Dr Iris Ziegler, Head of Fisheries Policies and Ocean Advocacy, iris.ziegler@stiftung-meeresschutz.org

Lithuanian Fund for Nature (LFN): Dr. Robertas Staponkus, Fisheries Expert, robertas.s@glis.lt

Marine Conservation Society: Chris Graham, Head of Ocean Regeneration & Sustainable Seafood, chris.graham@mcsuk.org

Northern Ireland Marine Task Force: Robert Walsh, NI Marine Task Force Officer, robert.walsh@nimtf.org

North Sea Foundation: Merel den Held, Project Lead Nature & Sustainable Fisheries, m.denheld@noordzee.nl

Oceana: Alec Taylor, Director of Policy and Research, ataylor@oceana.org, for Total Allowable Catches (TACs) in NE Atlantic; Giulia Guadagnoli, Senior Policy Advisor for Sustainable Fisheries, gguadagnoli@oceana.org and Javier Lopez, Campaign Director for Sustainable Fisheries, jlopez@oceana.org, for Western Mediterranean

Open Seas: Lucy Kay, Public Affairs Manager (Westminster), lucy@openseas.org.uk

Royal Society for the Protection of Birds (RSPB): Bernadette Butfield, Marine Senior Policy Officer, bernadette.butfield@rspb.org.uk

Sciaena: Gonçalo Carvalho, Executive Coordinator, gcarvalho@sciaena.org

Seas At Risk: Rémi Cossetti, Marine Policy Officer, rcossetti@seas-at-risk.org

Shark Trust: Jack Renwick, Fisheries Conservation Officer, jack@sharktrust.org

Whale and Dolphin Conservation: Bianca Cisternino, Bycatch Coordinator, bianca.cisternino@whales.org

Wildlife and Countryside Link: Tom Ash, Senior Policy Officer, tom@wcl.org.uk

World Wide Fund for Nature (WWF): Jacob Armstrong, Manager, Ocean Policy, WWF European Policy Office, jarmstrong@wwf.eu; Clarus Chu, Senior Policy Advisor (Production), WWF-UK, cchu@wwf.org.uk



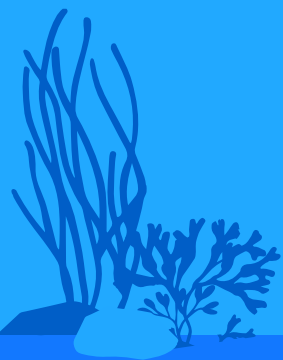
ANNEX 1 - FULL REFERENCES TO ALL BRIEFINGS IN THIS SERIES

This Briefing Series is supported by 29 organisations, including environmental NGOs and recreational representatives. [Briefing 3](#) is additionally supported by the Low Impact Fishers of Europe (LIFE), European Anglers Alliance (EAA), Baltic Salmon Fund and Baltic Salmon Rivers Association. [Briefing 7](#) about fisheries management in the Western Mediterranean Sea features fewer logos than the rest of the series since not all of the NGOs signatory to the Briefing Series are active in the Mediterranean.

Briefing 1: Cover briefing: Key recommendations on setting fishing opportunities. Briefing 1 of 11 in the Briefing Series “Recommendations to the EU and the UK on the setting of fishing opportunities”. July 2025. <https://www.clientearth.org/latest/documents/joint-briefing-series-recommendations-on-fishing-opportunities-briefing-1-cover-briefing-key-recommendations-on-setting-fishing-opportunities/>

Briefing 2: Context and legal framework. Briefing 2 of 11 in the Briefing Series “Recommendations to the EU and the UK on the setting of fishing opportunities”. July 2025. <https://www.clientearth.org/latest/documents/joint-briefing-series-recommendations-on-fishing-opportunities-briefing-2-context-and-legal-framework/>

Briefing 3: “Best available” is not good enough - addressing shortcomings in the current scientific advice. Briefing 3 of 11 in the Briefing Series “Recommendations to the EU and the UK on the setting of fishing opportunities”. July 2025. <https://www.clientearth.org/latest/documents/joint-briefing-series-recommendations-on-fishing-opportunities-briefing-3-addressing-shortcomings-in-the-current-scientific-advice/>



Briefing 4: Shared fish stocks. Briefing 4 of 11 in the Briefing Series “Recommendations to the EU and the UK on the setting of fishing opportunities”. July 2025. <https://www.clientearth.org/latest/documents/joint-briefing-series-recommendations-on-fishing-opportunities-briefing-4-shared-fish-stocks/>

Briefing 5: Fishing opportunities in an ecosystem context. Briefing 5 of 11 in the Briefing Series “Recommendations to the EU and the UK on the setting of fishing opportunities”. July 2025. <https://www.clientearth.org/latest/documents/joint-briefing-series-recommendations-on-fishing-opportunities-briefing-5-fishing-opportunities-in-an-ecosystem-context/>

Briefing 6: Mixed fisheries considerations. Briefing 6 of 11 in the Briefing Series “Recommendations to the EU and the UK on the setting of fishing opportunities”. July 2025. <https://www.clientearth.org/latest/documents/joint-briefing-series-recommendations-on-fishing-opportunities-briefing-6-mixed-fisheries-considerations/>

Briefing 7: The fishing effort regime in the Western Mediterranean Sea. Briefing 7 of 11 in the Briefing Series “Recommendations to the EU and the UK on the setting of fishing opportunities”. July 2025. <https://www.clientearth.org/latest/documents/joint-briefing-series-recommendations-on-fishing-opportunities-briefing-7-the-fishing-effort-regime-in-the-western-mediterranean-sea/>

Briefing 8: Landing obligation challenges. Briefing 8 of 11 in the Briefing Series “Recommendations to the EU and the UK on the setting of fishing opportunities”. July 2025. <https://www.clientearth.org/latest/documents/joint-briefing-series-recommendations-on-fishing-opportunities-briefing-8-landing-obligation-challenges/>

Briefing 9: Depleted stocks with zero or very low catch advice. Briefing 9 of 11 in the Briefing Series “Recommendations to the EU and the UK on the setting of fishing opportunities”. July 2025. <https://www.clientearth.org/latest/documents/joint-briefing-series-recommendations-on-fishing-opportunities-briefing-9-depleted-stocks-with-zero-or-very-low-catch-advice/>

Briefing 10: Stocks not managed by a Total Allowable Catch. Briefing 10 of 11 in the Briefing Series “Recommendations to the EU and the UK on the setting of fishing opportunities”. July 2025. <https://www.clientearth.org/latest/documents/joint-briefing-series-recommendations-on-fishing-opportunities-briefing-10-stocks-not-managed-by-a-total-allowable-catch/>

Briefing 11: Deep-sea stocks. Briefing 11 of 11 in the Briefing Series “Recommendations to the EU and the UK on the setting of fishing opportunities”. July 2025. <https://www.clientearth.org/latest/documents/joint-briefing-series-recommendations-on-fishing-opportunities-briefing-11-deep-sea-stocks/>

