

Note of Discard Action Group meeting held at the Wesley Hotel, London.
Wednesday 25 November 2015

Seafish discards page – for minutes and further information on discards and the Discard Action Group (DAG) activities see:

<http://www.seafish.org/responsible-sourcing/conserving-fish-stocks/discards/the-discard-action-group>

1. Welcome and apologies

Barrie Deas	NFFO
Barry O'Neill	Marine Scotland
Barry Young	Brixham Trawler Agents Ltd
Bill Brock	BNFS Ltd/Leach Fishing
Chris Leftwich	Fishmongers' Company
Chris Middleton	Seafish
Dave Cuthbert	NUTFA
David Garbutt	Sealord
David Parker	Young's Seafood
Dominic Rihan	EU Commission
Doug Watson	Satellite Applications Innovation
Duncan Vaughan	Natural England
Grant Course	Grant Course, SeaScope Fisheries Research Ltd
Gus Caslake	Seafish
Hazel Curtis	Seafish
Heather Hamilton	ClientEarth
Helen McLachlan	WWF
Ian Humes	DARD
Ian Kinsey	Norwegian Fisherman's Association
Jason Bryan	Archipelago Marine Research Ltd, Norway
Jerry Percy	LIFE
Jim Portus	SWFPO
John Hooper	Marine & Fisheries Management Solutions
Jurgen Batsleer	VisNed
Karen Green	Seafish (Minutes)
Kenn Skau Fischer	Danish Fishermen PO
Kenny Coull	Scottish Fishermen's Federation
Klaas de Vos	EDF
Lillian Sandeman	MMO
Mark Stafford	Welsh Government
Mike Montgomerie	Seafish
Mike Park	SWFPA, Chair of DAG
Sarah Adcock	Defra
Tim Silverthorne	National Federation of Fishmongers
Tom Catchpole	Cefas
Tristram Lewis	Funding FISH
William Davies	Icelandic Seachill

Apologies were received from:

Aaron Hatcher	University of Portsmouth
Andy Buchan	Skipper
Anna Stansfield	Marine Scotland
Huw Thomas	Morrisons
John Goodlad	Seafish Domestic and Export Panel Chair
Jonathan Shepherd	Consultant, Seafish Board
Paul McCarthy	Marine Scotland
Mogens Schou	Aquamind
Ross Jolliffe	Cefas
Terry Jack	Skipper
Toby Parker	UFI
Tom Bryan-Brown	MNWFA Ltd

2. Minutes from the DAG meeting held on 17 July 2015 in London.

The minutes from the previous meeting were circulated before the meeting and were accepted as a true reflection of the meeting and have been added to the DAG web page. Attendees were asked to take note of the meeting guidelines. In the following minutes Seafish will provide a link to the various presentations given at the meeting but not summarise the whole presentation. In the main we do not attribute the comments made at the meeting. Arising actions are covered by the agenda. A suggested agenda topic for this meeting was enforcement – what would a workable control and enforcement structure look like? This has been deferred until early 2016 when hopefully we will have some insight.

Focus on the EU Commission and other Member States**3. Progress of the Tech Con Regulation. Dominic Rihan, EU Commission.**

The main EU instrument governing the rules on technical conservation is regulation EU 850/98 (1998). It has required multiple amendments and is based on the concept of matching each mesh size category to catch compositions. The Commission's proposal for a new technical conservation framework regulation will shortly see the light of day. As a framework the new Regulation, over time, will provide for regionally distinct technical measures, developed for each sea basin by Member States working collaboratively. The new central framework regulation will aim to be a vehicle for: simplification, consolidation and regionalisation, and will be compatible with the landing obligation and deleted/repealed a number of rules where they are no longer justified. The aim is that the new regulation will be about managing the transition to a new era in fisheries management in which regionalisation and the landing obligation (LO) takes centre stage, along with the move to maximum sustainable yield (MSY) and multi-annual management plans. The new regulation will cover all EU waters and will also apply to EU vessels operating in NEAFC waters and in the Mediterranean.

In more detail there will be a number of common measures to protect seabirds, cetaceans and vulnerable habitats, along with the scope to include provisions on the construction of fishing gears, if necessary, through a delegated act. The proposed blanket ban on drift nets has been withdrawn and replaced with scope for regionally specific measures, where justified. There will be scope for a regional annex for each sea basin. Regional measures will have to meet certain objectives and targets linked to the Common Fisheries Policy (CFP); there will be a number of default measures for each sea basin which for the most part align with the current status quo. Technical rules

include the repeal of redundant regulations, no catch composition rules, baseline mesh sizes and minimum conservation reference sizes. Existing closures will only remain if it is deemed justified to do so on conservation grounds.

The new proposal is currently in inter-service consultations but it is expected that it will be adopted by the College of Commissioners possibly by February. A period of consultation will follow with the new regime coming into force in around 18 months. This is really an exercise in realignment.

Discussion

- **Q.** Under the phasing stipulations for the demersal LO, which includes cod and whiting in 2017, the assumption is that the cod plan would not be removed until 2017? **Answer.** There are parallel processes but re the cod plan this is likely to be dependent on the outcome of a court ruling in December.
- **Q.** If there are to be no catch composition rules what does this mean for the mackerel box and scallop dredging? **Answer.** Decisions will be taken at a regional level.

4. Danish Experiences with the Landing obligation in the Baltic Sea and industrial fisheries elsewhere. Kenn Skau Fischer, Danish Fishermen PO.

http://www.seafish.org/media/1476118/dag_nov2015_baltic.pdf

In the Baltic Sea the LO from 1 January 2015 covered all catches of herring, sprat, salmon and cod in fisheries in the Baltic Sea, and from 1 January 2017 covered all catches of plaice. A quota uplift for cod was applied (+20%) with a reduction in the Minimum Conservation Reference Size (MCRS) for cod from 38 to 35 cm and minor exemptions from the LO. Nobody was ready from day one, the fishermen did not like it and the quota uplift was drowned. Instructions and guidance from the national authorities was too late and not published until 22 December 2014 and the Omnibus was not adopted until spring 2014. In 2014 Cod in the Baltic went from “most analysed stock in ICES” to “science poor” and ICES did not feel obliged to follow the management plan in their advice.

Year one has been a learning curve. There have been problems with data and the use of observers. It is more difficult to get observers on board and there have been issues over the quality of the data. We have still seen high grading of eastern cod. It is not clear if the logbook registration and landing declaration are as they should be. There have also been issues over fish what to do with under MCRS fish that would previously have been discarded if there is no access to a fishmeal factory. Different approaches have been adopted in different countries and this has not been clarified. There are also issues associated with who bears the cost of getting rid of this fish that would have been previously discarded.

The challenge in the industrial fisheries (outside the Baltic Sea – mainly a Danish fishery) is the level of by-catch of non-target species such as herring, whiting, haddock, mackerel) and this has not changed with the LO.

Discussion

- **Q.** Have there been any benefits to the implementation of the LO? **Answer.** There has been a shake-up of EU legislation and this could move towards the Norwegian model.
- **Comment.** Looking for lessons. This has clearly not been implemented without problems and yet, in the Baltic, you are dealing with relatively few TACs by

comparison with the North Sea. For the North Sea this highlights the real need for flexibility, that we need to do more to address the choke issue and perhaps should be looking at grouping species, fewer TACs and relative stability.

Answer. In Baltic we prefer to only have TACs for the really big stocks.

- **Q.** This has highlighted a potential problem with future data collection. Is the experience in the Baltic a sign that the implementation of the LO could alter the ability to assess stocks and collect quality data? **Answer.** This is a problem that had not been foreseen. The data does not appear to be as complete as it used to be and the Baltic authorities have written to ICES about this.
- **Q.** What is the driver re implementation of the LO. Is it fear of enforcement or is it driven by economics? **Answer.** It is both. Especially issues over the cost of disposal.
- **Q.** Is the reduction in the MCRS for cod from 38 to 35 cm reducing levels of unwanted catch? **Answer.** 35 cm is fairly typical of the mesh size commonly used in the Baltic and this introduction has reduced the incentive for discarding. There are more changes to gear types in the pipeline. At the moment there is space within the quota. The LO works well when stocks are in abundant and TACs are high.
- **Comment.** The real issue seems to be choke species and there is no evidence that anyone has come up with a means to deal with this issue.
- The general perception within the Commission is that the pelagic LO has been introduced with no major problems mainly because the Commission has not received a great number of complaints. The Commission is planning a workshop in February for Member States on implementation of the LO, and there is a reporting obligation whereby the Commission has to report to the Council and the Parliament on the implementation of the LO by May 2016. So if there are issues it is important that these are flagged to the Commission.

Action: Take note that if there are issues with the implementation of the LO that these are flagged to the Commission directly before May 2016.

5. Catch quota trials in the UK with a focus on the Crystal Sea and David Stevens

Film: Gearing up for change. A responsible approach for a modern fishery.

<http://blog.through-the-gaps.co.uk/2015/12/gearing-up-for-change-collaborative.html>

Joint presentation: The relevance of knowledge sharing on approaches to the LO, Klaas de Vos, EDF; Cefas activities and the Crystal Sea trials. Tom Catchpole, Cefas;

Management and control. Lillian Sandeman, Marine Management Organisation.

http://www.seafish.org/media/1476115/dag_nov2015_crystalsea.pdf

EDF worked with, and filmed David Stevens, an innovative fisherman to get a detailed, in depth perspective on approaching the LO and its consequences. This film showcases the work of the Catch Quota Trials that MMO and Cefas have been working on in Cornwall and shows how David has been proactive in gearing up for the changes coming to his fishery. This demonstrates a collaborative approach between MMO, Cefas and the Crystal Sea.

Catch Quota trials have been running from 2013 trialling gear selectivity and the use of Remote Electronic Monitoring. Skipper's records have been independently verified by the MMO. In 2014 the focus was on comparing test and control gears, and in 2015 on using the most selective gear for haddock on both sides. On a twin rig, tested different net combinations with two square mesh panels and reduced cover being the most

selective. The trials also looked at improving selectivity by behaviour change, to reduce juvenile catch in the net. In 2014 – less haddock landed but income steady, better quality fish. In 2015 – more difficult as increase in lower grades retained and decrease haddock TAC. There have been a number of trials of a Fully Documented Fishery using a range of vessels and some of these have been looking long-term.

Cefas covered the Crystal Sea scientific gear trials, the application of the results and the findings from Cefas REM project; as well as the results from other recent gear trials, and the survival of plaice, sole, monkfish and *Nephrops*. With regards to REM the focus was on whether EM technology can provide scientific catch data; what is the accuracy of EM data compared with observer sampling; and which sampling method is most cost effective with an acceptable degree of accuracy and precision.

Discussion

- **Comment.** Fishermen need more freedom. There needs to be a list of what gear modifications are possible and legal.
- **Comment.** Similar work is being undertaken in the Netherlands, but there is no universal solution. It is important to look at short-term loss versus long-term benefit. We are looking at the short-term too much. **Answer.** The trials have tried to project the future benefits but this is not how the fishing industry works. Vessels have to maximise the economic benefit. The whole incentive/economic framework will change under the LO. The incentives available are going to change once the demersal LO comes into effect.
- **Comment.** It is essential we have industry champions to lead the pack.
- **Q.** What is the aim of the December launch of the video in Brussels? **Answer.** To enable a conversation and show how the LO could work.
- **Comment.** This work is really important. There need to be incentives to avoid unwanted catch. We need as much information as possible to help inform skippers' solutions.

Action: The film was due to be launched in Brussels on 8 December. Links to be circulated.

Working towards the demersal LO

6. Defra guidance on the demersal LO. Sarah Adcock, Defra

http://www.seafish.org/media/1476106/daq_nov2015_defra.pdf

The Commission has published draft delegated regulations based completely on the Joint Recommendations made by the NS and NWW groups. These included: which species in which fisheries were to be introduced to the landing obligation in 2016; what exemptions would be available; and any changes to MCRS if relevant. On 19 October Defra launched the English policy on the Demersal Landing Obligation in Selsey. This was predominately about the release of detailed guidance and a decision on top slicing any uplift for the non sector fleets. This guidance is available at:

<https://www.gov.uk/government/collections/fisheriesmanagement-landing-obligation>

This includes detailed guidance on phasing, exemptions, quota management, catch management and enforcement. Further work is needed at EU level on the draft delegated regulations and the Commission needs to confirm its approach and make proposals on quota uplifts. Proposals are expected very soon. There is also a possible amendment to the Animal By-Product regulation which was never intended to cover small fish under MCRS. At a UK level the MMO has written to all vessel owners explaining the rules covering the LO. Defra/MMO has also started looking at phasing for

2017/2018. Other areas for consideration: a review of the pelagic LO; choke species analysis; quota management rules; UK positions for regional groups; finalise concordat consultation (planned for January 2016); allocating remaining uplift, after top slice; allocating top slice between non-sector pools; and quota management for non-sector pools.

7. Ongoing activities - Devolved Administrations and SFF

DARD. DARD is looking at guidance for Northern Ireland which will draw on the Defra and Marine Scotland guidance already published. The NI fleet is predominantly fishing for *Nephrops* and the LO for *Nephrops* comes into effect on 1 January 2016. There is one vessel fishing for haddock and 6/7 cod vessels. All vessels are using highly selective gear. The approach in NI is to allow industry to put forward suggestions and there are a number of ongoing gear selectivity trials. We do not anticipate too many problems for the fleet in 2016. The haddock fishery is clean and very successful with low discard levels and we do not anticipate uplifts to the haddock quota. Most of our discards are on the TR2 fleet (small undersized) and the whiting bycatch in the *Nephrops* fishery will be a major problem.

Welsh Government. We are not anticipating too many problems under the North West Waters plan. We have not identified very many vessels that will potentially be affected. We only anticipate a small uplift in quota, if any. The Welsh Government is keen to see a simplification/clarification of the ABP regulation. A Welsh stakeholder group will be established by the end of the year to look at the onshore implications.

Marine Scotland

- Marine Scotland officials worked with Animal Health and Food Standards Scotland to produce an [onshore guidance note](#), detailing how ABP regulation will be applied to below MCRS catch under the Landing Obligation. The Guidance was originally published at the end of August; was revised in light of comments from industry and information received from the Commission; and redistributed in October.
- The Scottish Discards Steering Group – which advises Marine Scotland on the implementation of the landing obligation in Scotland - met on 23 October 2015.
- The one-to-one sessions offered by Marine Scotland to TR1 skippers to discuss the impact of the landing obligation to their individual business, have now concluded and we are reflecting on what could feasibly be offered next year.
- On 6 November 2015, Marine Scotland announced the outcome of its consultation on the allocation of the 'discard transfer' quota. The quota will be allocated based on recorded landings of vessels' main quota stock between 2013-15. Fish Producer Organisations will be required to submit a landing obligation management plan, which should incentivise vessels that change fishing practice. This approach to allocation and management will be reviewed during 2016. This new approach to discard transfer quota differs to how the main quota is allocated, to reflect the unique challenges of the discard ban. It is designed to direct this quota to the active skippers who really need it because their fishing pattern will be affected by the discard ban next year.
- Marine Scotland officials inputted to a workshop on Inter-species flexibility with other Member States on 4 November 2015
- The first meeting of Gear Innovation Technology Advisory Group was held on 22 October 2015 where 5 project proposals were agreed for trials. These trials are

due to begin by end of 2015 with fully assessed sea trials starting in January 2016.

- The Scottish Fishermen's Federation Annual Dinner took place in Edinburgh on 4 November 2015.

Upcoming work:

- Work continues to produce guidance for the management and operationalization of the landing obligation in 2016, and will issue shortly.
- Marine Scotland is seeking industry feedback on the species that could be introduced to the Landing Obligation in 2017/18 in the North Western Waters.
- Discussions with Producer Organisation's (POs) and Associations continue about the detailed operation of licensing and quota management in 2016.
- Marine Scotland officials are working to produce clear and concise information to provide industry with the necessary information ahead of the introduction of the demersal LO in January 2016.

Gear Innovation and Technology Advisory Group (GITAG)

Following a call (by Scottish Government) for applications in July 2015, the Scottish Fishermen's Federation (SFF) bid to establish the gear Innovation and Technology Advisory Group (GITAG) was approved. GITAG is an industry based body with Marine Scotland participation and was established in August 2015.

As we move to full implementation of the Landing Obligation in 2019, GITAG will foster flexible working partnerships between active fishers, industry and public bodies, gear technologists and science, aimed at scoping and contracting projects, trialling innovation to existing gear categories, piloting new gear configurations (& types) with associated data collection and appropriate scientific analysis.

Initial operating costs are expected to be up to £111K for Phase 1 delivery and will be aligned with EMFF operational and audit protocols. The funding structure will be appropriate to the EMFF regulatory requirements for the programme measure in that it will require match funding to be provided by Marine Scotland. Marine Scotland has confirmed their commitment to future funding for the next phase.

Membership of GITAG consists of representatives from industry, comprising the Scottish Fishermen's Federation (SFF) and other industry representatives with a direct interest in this work, and officials from Marine Scotland's Policy and Science units. Gear trial proposals are welcome from all sectors of the industry and should be forwarded through the project Manager, Jennifer Mouat theaeqirconsultancy@btinternet.com

GITAG met at SFF premises on 22 October 2015 and considered four proposals from industry and net makers. Agreement was reached that SFF, Seafish and the Project Manager should meet directly with the net makers and proposers to further develop the detail of the proposals and to address key technical points that were noted by the group. All were receptive to the suggestions and the proposals have now been re-drafted to clearly identify: net description, proposed selectivity measures and expected outcomes, additional benefits and detailed net plan. One further proposal has since been received and Seafish are to work closely with the proposers on technical aspects and trials in the first instance.

Discussion

- **Comment.** Quota uplift is the likely way forward and the objective is to have sorted the criteria for this before the December Council. There is a long circular story re the ABP regulation. There will be no changes to the primary ABP regulation. Any changes will be to the secondary implementing regulations re food and non-food classifications. The main aim is to treat the fish that would previously have been discarded as food for as long as possible to keep options open.
- **Comment.** There are still issues over who owns this fish, the designation of the fish and how the fish is logged on the electronic system. **Answer.** There needs to be some alteration to the system which the MMO needs to advise on. It is deemed that the fishermen owns the fish until it is sold.

8. Seafish Economic Impact assessment – update and onshore implications. Hazel Curtis, Seafish.

http://www.seafish.org/media/1476109/dag_nov2015_seafish_eia.pdf

This is an update on previous presentations and covers predominantly scenario analysis, focussing on the effects of policy responses and what difference the policy levers in Article 15 would make for each fleet segment (based on 2013 catching patterns). Interim Report Two was published on 31 August and contained the results from first full run of the model (assuming quota trading as at end of year 2013). This modelling has continued to develop. Changes since 31 August include: phasing proposals for period 2016-2018; fewer survivable species; MSY at a maximum of 5% TAC adjustment per year; analysis of differences between end of year and individual quota allocation outputs. With the recent clarification de minimis strict is the most likely scenario. The examples by fleet segment, sea area and species indicates the days at sea possible under the LO as a percentage of the actual days in sea in 2013. This does not take into account the impact of behavioural change or difference management measures. In addition PO reports have been produced confidential to each PO; Seafish has looked at the impact of selectivity improvements on *Nephrops* trawl fleets in Scotland; there is an under 10m report for fleets in England; and an updated report for the six home nation fleet segments. Forthcoming onshore analysis will focus on ports as the most useful exercise. These results show difference made by policy levers, updated to reflect latest plans. Some *Nephrops* segments would be worse off or no better off, if they traded quota in the same pattern as they did in 2013. Seafish is willing and able to keep producing modelling as long as wanted and useful, under current corporate plan (2015-2018). Should Seafish update the model's baseline year?

Discussion

- **Comment.** It does not look like there are there any scenarios under which the fleets will be better off?
- **Comment.** The LO is not aligned with relative stability.
- **Comment.** There seems to be a misalignment between TACs, discards and fishing.
- **Comment.** Work of a similar nature is being conducted in the Netherlands.
- **Comment.** If we continue to update we will need to give some explanation as to why what had been predicted has not actually happened (if that is the case). **Answer.** It was not the intention to predict the future but to show how the policy levers could be used to the best advantage.

9. Monitoring Fishery Catch to Assist Scientific Stock Assessments in Scottish Inshore Fisheries and Identifying Catch Composition to Improve Scottish Inshore Fisheries Management using Technology to Enable Self-Reporting. Grant Course, SeaScope Fisheries Research Ltd

http://www.seafish.org/media/1476395/dag_nov2015_em_scottishinshore.pdf

The aim was to recruit and train inshore vessels to self-sample catches for data deficient stocks on the Scottish West Coast (brown crab, lobster, velvet crab, scallops, and *Nephrops* - not a data deficient stock) and verify with Electronic Monitoring (EM) equipment. The project showed fishermen are capable of providing large quantities of good quality data (85% datasheet returns), which could easily be improved. This self-sampling data provides: good retained catch estimates, good effort data for days at sea and strings, and length data – can be provided efficiently using Bluetooth callipers. It was less reliable on discard estimates especially with large quantities, the number of creels is usually underestimated, and sex ratio data reliability varied depending on how data was collected and soak time is unreliable as strings have varied times on same trip.

EM works on smaller inshore vessels and can verify self-reported catch data (96% success but most issues related to install errors not system errors <1%). EM sensors and video review provides: excellent counts of retained and discarded catches, weights are harder to obtain; 100% of collected effort data at location – days at sea/strings/tows deployed; excellent creel counts on reviewed trips only (RFID may automate – all hauls) and length data obtainable from video review using modified chute (also counts and sex). Soak time was more difficult to obtain than expected (RFID/DST may resolve this) and sex ratios obtainable for crabs but not lobsters, discards harder to see and time consuming (modified chute may help).

10. Date and topics for next meeting

The date for the next meeting was not discussed but will probably be around March/April. Agenda items should cover monitoring, control and enforcement with discussion on the early signs of the impact of the demersal LO.