

**Note of Discard Action Group meeting held at Fishmongers' Hall, London.
Wednesday 2 July 2014**

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>

Attendees

1. Welcome and apologies

Mike Park, DAG Chairman welcomed attendees to the Discard Action Group meeting.

Ally Dingwall	Sainsburys
Ana Leocadio	Cefas
Andrew Kuyk	FDF
Andy Buchan	Skipper/SWFPA
Clare Dodgson	Seafish Board member
David Milne	Skipper/SWFPA
David Parker	Youngs
Doug Watson	Satellite Applications Catapult
Emma McLaren	SFP
Erin Priddle	EDF
Hazel Curtis	Seafish
Ian Kinsey	Norwegian Fisherman's Association
James Stephen	Skipper/SWFPA
Jerry Percy	NUTFA
Jim Evans	WFA
John Anderson	Seafish
John Goodlad	Seafish panel
Julian Roberts	MMO
Karen Green	Seafish (Minutes)
Kenny Coull	SFF
Kit Pyman	Defra
Libby Woodhatch	Seafish
Mel Groundsell	Seafish
Mike Montgomerie	Seafish
Mike Park	SWFPA, Seafish Board (Chair)
Nathan de Rozarieux	Tegen Mor Fisheries Consultants,
Paddy Campbell	DARDNI
Paul Little	Defra
Paul MacCarthy	Marine Scotland
Paul Williams	Seafish

Rebecca Mitchell	MRAG
Ross Jolliffe	Cefas
Sam Stone	MCS
Susie Wilks	ClientEarth
Neil Wellum	MMO
Tim Silverthorne	South East Seafood
Toby Parker	UFI

Apologies were received from:

Adam Swan	Brake
Alan McCulla	ANIPRO
Angus Cragg	Defra
Barrie Deas	NFFO
Bertie Armstrong	SFF
Chris Leftwich	Fishmongers' Company
Dominic Rihan	DG MARE
Huw Thomas	Morrisons
Jess Sparks	Seafood Scotland
Jim Portus	SWFPO

2. Minutes from the DAG meeting held on 12 March 2014 in London.

The minutes from the previous meetings were circulated before the meeting and were accepted as a true reflection of the meeting. Arising actions are covered by the agenda.

There was a question as to why no fishermen were present at the last meeting with the response that the fishermen are on the DAG mailing list and that they are always welcome to attend. Skippers have attended a number of meetings but are not always able to, however we should make more of an effort to encourage them to come along as they contribute such a lot to the meeting.

3. Regional plan for pelagics. Kit Pyman, Defra.

http://www.seafish.org/media/1205554/dag_july14_defra_discardplans.pdf

The new CFP basic regulation includes firm dates for the introduction of a landings obligation for all quota stocks. Defra is proposing to make proportionate interventions across four key fisheries management areas: quota management; regionalisation/exemptions, monitoring and enforcement and catch management. Proposals are only for implementing the pelagic landings obligation in England, they do not set a precedence for how the demersal landing obligation will be managed. Three Advisory Councils are involved: North West Waters, North Sea and Pelagic and all three pelagic discard plans were being submitted imminently.

Discussion

- On whether there had been a division of labour between the different Member States as to who would look at what? A. It had been agreed that the UK would look at the TR1 and TR2 fleets, the Netherlands would look

at beam trawlers gill and trammel nets and Denmark would look at gill and trammel nets.

- It was reported that the discard plans would be sent to STECF for consideration but that Parliament also has the right to look at them.
- What has been the response for the English fleet with regards to the use of cameras? A. There has been a buy in from the three large pelagic vessels to have cameras onboard and this is likely to go ahead.
- As control and enforcement is not part of the discard plans how are Member States going to work together to ensure a level playing field? A. The Omnibus regulation is intended to be a quiet fix and needs equivalence at the domestic level to ensure the same level of confidence across the Member States.

3a. The impact of the pelagic discard ban on smaller vessels. Jerry Percy, New Under Ten Fishermen's Association (NUTFA).

http://www.seafish.org/media/1205557/dag_july14_nutfa_pelagiclo.pdf

The Under 10m vessels have had the opportunity for engagement with Defra. Although the pelagics landings obligation is considered of less potential concern than the forthcoming demersal discard ban there are still plenty of unknowns and the timescale is onerous for all. In particular the key issue not yet resolved is the ability to lease quota post landing – it is not clear how and at what cost? There will be no quota uplifts for Under 10m vessels; there are question marks over exemptions; there is uncertainty over whether high survivability examples will be accepted; there will be issues around access to quota; and concerns that *'the real extent of discards might substantially deviate from the figures at hand and constitute a problem for fishermen*'. It is not a clear, open and transparent journey. There also need to be some clarity for vessel owners who currently sell a small proportion of their catch off the boat.

Discussion

- What does an Under 10m skipper do if he has too much pelagic fish and it is too heavy for his vessel? A. There was a presumption that slipping (the intentional release of catch from fishing gear while still in the water) was possible, but this is regarded as discarding? The response was that vessel/crew safety was paramount and if this was an issue then the release of the fish would be deemed permissible as 'swimming', a tactic used by purse seiners to keep fish alive whilst they empty their stomach contents.
- Herring and mackerel are very different fish. You can't 'swim' herring – it will have to be 'slipped' before taken onboard.
- There has been a Code of Conduct for Under 10m ring netters that allowed slippage before they closed the purse so that only so much was release.
- The key issue is economic viability and the right to catch fish. The right to legally discard has enabled some sections of the fleet to operate economically. Vessels will have to operate efficiently and we should not be

encouraging less efficient vessels. Quota needs to be used to maximum benefit.

3b. The impact of the pelagic discard ban on larger vessels. John Goodlad, Scottish Pelagic Sustainability Group.

- There has been discussion between SPSG and Marine Scotland.
- The implementation of the pelagics landings obligation will not be without its problems but, in comparison with the whitefish sector, it is much easier. The big issue for this sector is the use of cameras. Hopefully flexibility and common sense will prevail.

4. Feedback and skippers views generally.

Two skippers attended this meeting. James Stephen, fishing for whitefish and Andy Buchan, *Nephrops* and whitefish.

Discussion

- In the whitefish fishery we do have an incidental catch of pelagics, but this is not a major. The major issue for us going forward is choke species, hake and ling in particular. Our biggest hurdle in 33 years is hake – which shows a record biomass and yet we have nowhere near enough quota.
- In the mixed whitefish/*Nephrops* fishery it is difficult to see how this is going to work mainly due to choke species. The northern North Sea is a vast mixed fishery with a huge array of complexities, more so because many of the stocks have recovered or are recovering:: saithe can be in abundance (but with little quota); abundant cod but with a low quota the fishery will be shut down.
- We need to be confident that Marine Scotland is aware of these difficulties. This was acknowledged with the comment that Marine Scotland was using the feedback on the pelagic landings obligation as a learning curve. This was welcomed with the proviso that differences needed to be recognised and whilst it was not yet clear how flexibilities would work there needed to be more fundamental recognition at EU level.
- We keep being told industry needs to do more to improve selectivity and yet discarding of juvenile fish (below the minimum landing size) is below 1%; there is no discarding of *Nephrops* (but the *Nephrops* fishery does catch other fish). On the issue of selectivity we probably need to revisit the scope of what we need to achieve i.e. Norway pout is often discarded in the *Nephrops* fishery, the UK has no quota for Norway pout, how do we solve this problem? A. The whole issue of quota and relative stability needs to be looked at and we may need a different framework.
- There are real concerns that the introduction of the landings obligation will make a large number of vessels economically unviable. These are relatively young fishermen, if we lose the likes of them, what is the future for the industry? A. It is likely to come down to individual discard plans for individual vessels due to the complexity of the issue.
- Hake is a highly mobile species and is currently very abundant. The problems associated with catching hake are not as big as those caused by

catching cod, but when hake is caught it is likely to be in large volumes. The fishery used to be more seasonal but is now most of the year with abundance levels now eight times greater than in recent times.

- The approach adopted in Norway was cited. In SWFPA there are 200 vessels and 1200 fishermen (with a significant proportion foreign labour).
- I do feel that there should at least be some defence of the reformed CFP. The last thing anyone wants to see is fishermen going out of business. Stock status is improving and this will help us fish more in the future. The important thing is to work together.
- As a fishermen with 35 years' experience the northern North Sea is now now the healthiest I have ever seen. The CFP has helped to make that happen but there now needs to be some radical thinking about choke species and how we are going to make the landings obligation work – you can't avoid catching hake because they are so abundant but you have very little quota, so what is going to happen?

5. Update on devolved administrations activities.

Marine Scotland

Marine Scotland has created the Scottish Discard Steering Group (SDSG) which brings together fishermen, scientists, NGOs, processors and government officials to advise the Scottish Government on developing policy with regard to the implementation of the landing obligation. The group last met on 4 June and covered: the pelagic landings obligation, onshore processing, de-minimis, quota flexibility and relative stability.

There was discussion about selectivity work in Scotland. More recently this has focussed on cod but this will need to be revisited with a greater focus on juveniles. There are also issues over some selectivity methods reducing valuable bycatch, and whether installing new devices was economically viable.

In discussion, the approach 'New pockets in old trousers' was described and it was suggested more attention needs to be given to fish behaviour. It was confirmed that derogations from the technical conservation measures could be granted in order to run trials. There was also a comment from industry that there was a marked increase in enthusiasm from the catching sector to get involved in trials.

DARDNI

There is only a small pelagics fleet. A Fish Industry Task Force has been formed and met on 4 July. The Seafish work on the Irish Sea case studies flagged up that the main choke species is whiting, and whilst we have adopted some new selectivity measures which will help minimise whiting catches, small whiting remains a big problem. There are plans to visit the flume tank at Hirtshals to improve knowledge.

Cefas

Key projects include:

- Survivability - Survivability - scientific evidence for high discard survival rates in support of returning fish to the sea alive under a landings obligation. Discard Survival trials will provide: (1) an assessment of survival rates of quota species in different fisheries and areas; (2) case studies to quantify discard survival under a range of different environmental and capture conditions and; (3) identification of methods to improve survivability. The main focus now is plaice.
- Looking at interface between fishermen and science – how fishermen can collect data and transfer it.
- Case studies: North West, all trawl gears; North East, *Nephrops* and North West, otter trawl.

6. Economic Impact Assessment (EIA) on the landings obligation on the UK fishing fleet and the onshore sector. John Anderson, Seafish.

http://www.seafish.org/media/1205560/dag_july14_seafish_loeconimpactassess.pdf

Seafish has completed a case study review of the potential economic implications of the proposed CFP landings obligation on the Irish Sea *Nephrops* trawl fleet, the North Sea mixed whitefish fleets and the North Sea *Nephrops* fleet with a focus on choke species. The message back from the industry was to do more of these and extend it to all UK fleets. The aim is to produce a comprehensive Economic Impact Assessment (EIA) of the move from status quo fisheries management measures to various potential scenarios under the new CFP Landings Obligation (LO) for all fleets and all stocks, but the main focus will be those with pressure points. The analysis aims to provide: an overall assessment of the likely new equilibrium ‘balance’ situation between fleet capacity, onshore capacity, and the new fishing opportunities available under the LO; sufficient evidence base for input into the formulation of adequate regional (demersal) discard plans that will need to be submitted to COM in mid-2015; identification of key challenges for industry and government. This will cover the catching sector and the onshore sector. Due to be published February 2015.

Discussion

- This will provide a useful analysis of the pressure points. Will it provide solutions or is that too political? A. It will show the options.
- Seafish can't lobby but can carry out pieces of work that could be used to advise Government and could provide lobbying material. An economic analysis that shows a potential impact on fleet profitability is harder to ignore.
- This is an excellent example of how Seafish can work for the industry and provide an evidence base.
- There is a cost associated with every box of fish landing to market which is generally borne by the fisherman. There will also be a cost associated with landing fish that would have previously been discarded and where will it go. The economics are crucial. There are moves to help the Under 10 m vessels manage their quota better.

7. Control and enforcement of the landings obligation

How will the enforcers enforce and how will compliance work across all Member States.

7.a. Marine Management Organisation. Julian Roberts.

http://www.seafish.org/media/1205563/dag_july2014_mmo_landingsobligationenforcement.pdf

The MMO policy on enforcing the landing obligation is that: deliberate discarding should be subject to robust deterrence and sanctions; monitor fisheries in a transparent system in which fishermen will be provided with feedback and compliance levels are continually improved; will ensure that fishermen are provided with clear education, guidance and briefing as the landing obligation is phased in; will apply knowledge and understanding of fishing operations in its approach to enforcement; will apply a proportionate and escalatory approach to any necessary sanctions according to the severity of infringements. The MMO is developing an understanding and an evidence base:

- Remote Electronic Monitor (REM) seems suited to the three large pelagic vessels in England and is being trialled on one vessel. The MMO is in the fifth year of cod Catch Quota Trials. There has been an attempt to move this to cover other species but this has proved difficult without the flexibilities that will be built into the Regulation.
- There was good data collection last year from the South West beam Trawl fleet (self-reported data with a mechanism to authenticate) and David Stephens is running camera trials in a mixed demersal fishery using square mesh panels in the mesh end.
- A report on haddock is due to be published soon. There are indications that the South West otter trawl would be tied up by June/July because of haddock as a choke species.
- MMO has witnessed a pelagic vessel going down – no enforcement regime will take precedence over vessel safety.

7.b. Marine Scotland. Paul McCarthy.

http://www.seafish.org/media/1205566/dag_july2014_marinescotland_enforcementoflo.pdf

For Scottish vessels, enforcement is a matter for Marine Scotland Compliance. It is expected a proportionate, risk based, approach will be taken; currently control experts are attempting to identify measures to detect discarding; any exemptions must be carefully described in order to be enforceable.

Discussion

- Can you see a TR1 and TR2 regulation stipulating a mesh size over 100mm? A. Yes.
- How are you going to monitor discarding? A. By considering the most appropriate method. For the pelagic fleets control experts have suggested observers or cameras. Have not considered demersal vessels yet.

- There was discussion around the room about whether any work had been done yet on standards for inshore vessel monitoring systems? A. The response from the room was that initially there was only really one supplier when cameras first started to be used. Technology has moved on and other developers have looked at this. A tender for REM equipment has not yet reported. A REM has the same purpose as a camera but is quite different when it comes to a regulatory requirement. There is a legal responsibility for vessels to ensure that certain data is transmitted to provide real-time knowledge. Does that mean vessels will have to have an observer or REM? A. That is not clear yet. Government will bear the cost of the equipment but the vessel will have to make sure it operates correctly.
- Will enforcement start on 1 January 2016 re the demersal landings obligation or will there be a soft touch introduction? A. Will be for Marine Scotland Compliance to decide. Generally the approach has evolved over time to address practical problems and industry concerns.
- With Defra and Marine Scotland talking about a risk-based approach will this be the case for other Member States ie cameras on UK vessels? Would we push for this elsewhere? A. We want comparable standards across vessels of the same type.

8. EMFF funds for CFP transition. Paul Little, Defra.

http://www.seafish.org/media/1205569/dag_july2014_defra_emffplans.pdf

The EMFF UK allocation is €243 million over seven years, with €138 million (52%) for core measures including CFP implementation. Agreed split is England 36%; Scotland 46%; Wales 8% and Northern Ireland 10% based on size of the fleet and the number of vessels.

Discussion

- The timing of the new EMFF coincides with the implementation of the pelagics landings obligation. Is there going to be any flexibility to get the fund up and running prior to 1 January 2015? A. The hope is yes.
- Is there a requirement to match fund? A. It is likely 75% funding/25% match funding depending on the project.

9. Seafish pot bait study. Nathan de Rozarieux, Tegen Mor Fisheries Consultants.

http://www.seafish.org/media/1205575/dag_july2014_seafish_discardsasbait.pdf

The Defra 'Fishing for the Markets' initiative recommended further investigation into the use of discards in fishmeal and as pot bait. The demand for bait is increasing as competition (and price) for traditional bait species increases – so does the landings obligation offer the possibility of a win:win? The cost is key – discard bait will not be 'free' and many potters are currently in symbiotic relationship with processors: free bait = zero waste cost; location is crucial – bait costs increase with distance from larger ports; who pays? – for discard storage, freezing and transport?; pot type has a significant bearing on bait that can be used.

Action: Report to be circulated once published.

10. Any other business

10.1 Responsible Fishing Scheme (RFS)

The Responsible Fishing Scheme is being updated and modified into an ISO standard (ISO-17065). There are five key priority areas: safety, health and welfare; training/professional development; the vessel and its mission; treating fish as food; and care for the environment. Expert work groups are defining the standard and will develop standard guidance. Test audits will prove it's workable in practice

10.2 Satellite Applications Catapult

Doug Watson introduced Satellite Applications Catapult (a new type of independent innovation and technology company). This is a Government Agency created to foster growth across the UK economy through the exploitation of space). The aim is to help organisations make use of, and benefit from, satellite technologies, and bring together multi-disciplinary teams to generate ideas and solutions in an open innovation environment. Fisheries, and in particular discard control and enforcement, is one of the areas of most interest and funding is available. They believe that electronic monitoring could include an element of satellite technology to benefit both fishing vessel operator and enforcement agency alike, and aid fish traceability. They are proposing to develop a demonstrator that could be used to set common standards for such systems and identify potential synergies with other related systems. Their funding with the European Space Agency and Technology Strategy Board will be formalised within the next 2 months.

Action: Provide more information to the group.

11. Date of next meeting

This was not discussed but next DAG meeting is likely to be in the autumn (October or November).