Discard Action Group e-alert – latest developments re the Landing Obligation and gear selectivity
https://www.seafish.org/article/the-discard-action-group

Regulatory news
The new ‘tech con’ regulation 2019/1241 repeals Council Regulation 850/98 and some other current Commission Regulations. The regulation is intended to simplify the current system, to increase its flexibility through a regionalised approach adapted to the specificities of each EU sea basin, and to optimise the contribution of the technical measures to the objectives of the common fisheries policy. For the fishing industry the key objectives are to: align technical measures to the landing obligation rules; minimise unwanted catches of juveniles and vulnerable species; introduce and extend the use of highly selective gears and minimise impacts on the wider ecosystem; and play a role in developing and fine-tuning regional technical measures. The main difference with the new regulation relates to catch composition. With the exception of exemptions (legislated through the discard plans), all quota species must be landed and counted against quota regardless of the gear in use. Some measures will be new to the fishing industry such as the introduction of square mesh panels in the East Channel. There are 11 area specific guidance documents on the MMO website to explain the new rules.

New discard plans
The Commission adopted a regulation to amend the demersal fishery discard plan in North western waters, following proposals from Belgium, Spain, France, Ireland, the Netherlands and the United Kingdom. The changes concern a modified definition of ‘Seltra panel’, deletion of erroneous requirement to use highly selective gears in the fisheries for Norway lobster caught with otter trawls and the exclusion of the demersal Queen scallop fishery from the scope of certain technical measures for selectivity.

The Commission also adopted a regulation to amend the landing obligation for certain demersal fisheries in the North Sea, following a submission from Belgium, Denmark, France, Germany, the Netherlands, Sweden and the United Kingdom. The changes concern the inclusion of the trawl fishing gear "OTT" within the gear code lists for trawls, and clarification that certain exemptions for vessels using trawls also apply to bottom twin trawls. A number of errors in the quantitative calculation of de minimis exemptions are also corrected.

News and reports
Fishermen still discarding fish even though EU laws have banned the practice. 9 September 2019.
Unwanted fish are being dumped back into the sea despite new EU laws designed to stop waste, a recent investigation for BBC Inside Out South West has found. The programme unearthed video evidence that fishermen are still discarding fish even though they are no longer supposed to ‘discard’ fish when they catch more than their quota allows. The new laws mean fishermen have to
bring species covered by EU quotas back to shore. Samuel Stone, MCS Head of Fisheries and Aquaculture says: “Evidence that the landing obligation is being disregarded by fishers is not surprising, but is still really concerning and confirms that we have a serious problem for the accurate monitoring of catches and the sustainability of our shared fisheries resources.” MCS, together with WWF and ClientEarth has written to, and met with, senior civil servants and UK fishing ministers over the past year and has been calling on improved monitoring of catches and for uplift to only be granted after compliance with the discard ban has been demonstrated, but to date there has been insufficient action. We need cameras put on boats or to vastly increase observer coverage so we at least keep a handle on what fish is being caught and discarded. We’re not asking for excessive top down enforcement, but we do need to better monitor our fisheries.”

**BBC Inside Out South West.**
Features video of fish being thrown back into the sea. The footage aired on Monday 2 September 2019.

**All Party Parliamentary Fisheries Group blog post examines the Landing Obligation and its impact since coming into force early this year.** 13 September 2019.
A House of Lords report in February raised questions about implementation, and a recent follow-up report has critically assessed the first six months. The UK Government supports the Landing Obligation and it is very likely that it will remain in place following the UK’s exit from the EU, however the form in which it is implemented may change. The draft Fisheries Bill allowed for extra flexibilities to support fishermen in dramatically reducing discards, whilst also keeping fishing businesses afloat - for example, a central quota pool was proposed to act as a buffer against choke risks. From this pool, fishermen would be able to access additional quota if a limited, choke, stock threatened to curtail their fishing activity for other, more abundant species.

It is uncertain what action the government will take regarding monitoring and enforcement. If REM becomes compulsory for UK vessels, the UK could insist that any vessels from other nations fishing in UK waters must also follow the same regulations. Some industry representatives say that fishermen need to be granted greater incentives to comply, but the Lords report raises concerns that this would give the impression that the legal requirement to land all catch is voluntary.

The Lords report recommends that bycatch reduction plans, incorporating REM and selective fishing gear, should be developed by the Government as quickly as possible. They urge the Government and fishing bodies to heed scientific advice and ensure that the UK fishing industry develops a reputation for legal, sustainable fishing in all of its waters.

This includes plenty of visual figures.

*This is an amalgamation of the news alerts issued in September 2019.*