

Note of Discard Action Group meeting held at the Wesley Hotel, London. Friday 17 July 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

Aaron Hatcher University of Portsmouth

Andrew Clayton Pew Trust
Anna Stansfield Marine Scotland

Barrie Deas NFFO

Bill Brock BNFS, Brighton

Chris Leftwich Fishmongers Company

Clare Dodgson Seafish Board

Dave Cuthbert NUTFA

David Milne Chairman, SWFPA
David Parker Youngs Seafoods
Duncan Vaughan Natural England

Emma McLaren SFP

Grant Course SeaScope Fisheries Research Ltd

Hazel Curtis Seafish
Heather Hamilton ClientEarth
Heather Stewart Marine Scotland

Henrietta Niekirk Defra

Ian Gatt Scottish Pelagic Fishermen's Association
Ian Kinsey Norwegian Fisherman's Association

Jess Sparks Seafood Scotland

Jim Portus SWFPO

John Hooper Marine & Fisheries Management Solutions

Jon Elson Cefas

Jonathan Shepherd Seafish Board

Jurgen Batsleer VisNed

Karen Green Seafish (Minutes)

Kenny Coull SFF
Mike Montgomerie Seafish
Mike Park SWFPA

Nathan de Rozarieux Tegen Mor Fisheries Consultants

Paul Williams Seafish Sarah Adcock Defra Toby Parker UFI

Tom Bryan-Brown MNWFA Ltd

Apologies were received from:

Andy Buchan Skipper
Erin Priddle EDF
Helen Duggan Seafish
Huw Thomas Morrisons
Ian Humes DARD

Jim Evans Welsh Fishermen's Association

Kenn Skau Fischer Danmarks Fiskeriforening PO/ Danish Fishermen

Leanne Llewellyn Welsh Government

Mogens Schou Aquamind
Paddy Campbell DARD
Phil MacMullen Seafish
Rebecca Mitchell MRAG
Ross Jolliffe Cefas

Tim Silverthorne National Federation of Fishmongers

Tom Catchpole Cefas

2. Minutes from the DAG meeting held on 23 March 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.

Mike Park, DAG Chairman welcomed attendees to the Discard Action Group meeting and explained this was an opportunity for attendees to find out more first-hand about what is going on and engage with current activities. The demersal sector is now going through what the pelagic sector went through a year ago in preparing for the Landing Obligation (LO) and this is now an opportune time to learn lessons from the pelagic LO to minimise any potential problems.

Impacts of the Landing Obligation

3. First impressions of the landing obligation from the perspective of the European pelagic fleet. Ian Gatt, Scottish Pelagic Fisherman's Association and Pelagic Advisory Council (PELAC) Chairman.

http://www.seafish.org/media/1411282/dag_july2015_pelac.pdf

Ian explained the PELAC recommendation on implementing the landing obligation (LO); Member States guidance notes; technical and control measures; feedback from industry; use of exemptions: high survivability and de minimis; 9% Inter-species flexibility; forum for monitoring the implementation of the LO for pelagic fisheries; Monitoring, Control and Enforcement (MCE); potential for an MoU with Member States; and the role of PELAC. Key points:

Prior to the adoption of the Omnibus regulation Member States provided guidelines for waters covered under their jurisdiction. Issues arose because there were inconsistencies when applying the regulation. The Omnibus Regulation is now in place and resolved some of the technical issues, but work remains to be done. Looking forward - we really do need an overhaul of the technical measures

- to simplify and rationalize legislation, ideally in one easy to understand document.
- PELAC has gathered information (Jan to June 2015) from industry largely through the Northern Pelagic Working Group on their experience of the LO. This covered: Freezer Trawlers (NL, DE, FR, UK), Ireland - RSW, Scotland – RSW, Denmark – RSW, Sweden – RSW, Spain and France.
- With regard to the use of exemptions for high survivability and de minimis there was no intelligence indicating that purse seine high survivability exemption has been utilised in the North Sea or Western waters so far it is more likely to be used during the main herring summer and autumn mackerel seasons. The Spanish fleet has not yet used the high survivability nor the de minimis exemption, but this is expected to be used in the future. Freezers trawlers (Netherlands and Germany) have utilised part of the boarfish de minimis exemption. France used part of the blue whiting de minimis. Unclear if artisanal fleets <25m in France and Spain have utilised their de minimis exemption.</p>
- There is no information to suggest any Member State has used the 9% flexibility to date.
- PELAC has been very clear in recommendation that MCE must be implemented uniformly across Member States. That hasn't been the case to date, as the MS guidance notes have shown. There has to be a level playing field in terms of implementation.

Discussion

- Q. Has there been any collaboration with the Dutch? Answer. Yes there have been a lot of discussions. There is also work in Aberdeen and IMR Bergen to demonstrate high survivability.
- Q. Is the 9% interspecies flexibility book-keeping or a business tool? Answer. A
 business tool. PELAC advocated not to use the 9% rule for one year with a few
 exceptions, as it is not fully understood what the consequences will be in the
 short/medium and long-term.
- Q. In previous meetings with Defra and the North West Waters Advisory Council there was talk about TAC (Total Allowable Catch) uplifts. What is the situation? Answer. There have been rumours that there had been an uplift in the TAC but this is not clear, and pelagic colleagues are not aware this has happened. There has even been talk of a 3% uplift in the mackerel TAC which has been distributed according to Fixed Quota Allocations (FQA). This needs clarifying.

4. The socioeconomic impact of the landing obligation on the Dutch demersal fisheries. Jurgen Batsleer, VisNed.

http://www.seafish.org/media/1411288/dag_iuly2015_visned.pdf

Jurgen described the industry projects being undertaken by VisNed.

- Survivability. Preliminary results shows sole survivability is 35%, plaice is 18%.
 The aim is 50% for plaice using watertight cisterns and mechanisms improving transport.
- Net innovation. Three models currently being tested in practice (2 x pulse and twin rig). Looks promising but loss of marketable fish.
- Fully-documented fisheries. There is political pressure from NL Parliament and there have been tests with cod fisheries since 2012. It was felt that electronic monitoring was appropriate for fisheries with larger mesh sizes but there were doubts on its use for mixed flatfish fisheries.

- Nephrops. Five net-designs have been tested in practice. This has shown fewer discards but also less catch. The new idea is for a separation panel - first results look promising
- Full discard trials with three large (>40 m) pulse beamers, fishing at different locations to look at labour costs on board and ashore; landed discards and potential revenues (costs are higher than returns); processing time on board and processing costs on shore.
- Social study: To look at where, when and why fishermen go to fish. This has highlighted that sharing knowledge is not obvious.

Discussion

- Q. There was mention of 35% sole survivability. Is this through electric pulse fishing (a fishing technique sometimes used in trawl fisheries which produces a limited electric field above the seabed to catch fish)? There will be an estimated survival rate on deck but is there going to be any work to look at the fish that escape? What would you expect the impact to be? Answer. Electric pulse fishing is a very efficient fishing method for sole which does allow more selective fishing and we will be looking into this further. IMARES has a five year programme to look at this. The fish will have been jolted and I cannot say whether they would just swim away or whether they would have been so traumatised they would die.
- Q. There was mention of an average increase in processing time per haul of 50-60% to separate the discards from the marketable fish. Why was there such an increase given the fish would have to have been sorted anyway? Answer. Sole are very slippery and before they would have been let go and not touched. Now they have to be picked up.

Seafish and Cefas activities

5. Seafish study on the impacts of the Landing Obligation (LO) on the UK supply chain. Nathan de Rozarieux Tegen Mor Fisheries Consultants.

Nathan explained the aims of the project: to explore the range of potential changes in behaviour of one sector in response to changed behaviours of other sectors (e.g. from status quo to fishery closure); undertake qualitative analysis on the possible impacts of these across the whole supply chain, from financial, legal, operational and market perspectives. (for example: reputational risk, loss of supply, changes in size of fish landed, loss of market and financial risk); identify gaps in information and, where possible/appropriate make recommendations for further work. The report is due to be published in September.

Key points

- What we do know is that nobody knows for sure what will happen and the answer will be somewhere between reduced landings, no change in landings, tonnes of discards landed and quotas exhausted and landings cut off.
- General consensus is that wild seafood supply chains are inherently flexible and dynamic and that year 1 (2016) will probably pose few challenges, but years 2-5 will become increasing challenging. Any form of fishery 'choking' would cause the most significant impact on the supply chain and avoidance of this scenario should be a top governmental priority. Quota management is key.
- Results so far were presented for: Ports/harbours/agents; Primary processors/wholesalers; Secondary processors/retail/foodservice suppliers; Transport; and fishmeal and bait.

• Main conclusions. There are many unknowns - making accurate predictions is very difficult; change will be driven by restrictive access to quota which will intensify towards 2019 when species with most limited availability added; the severity of potential impacts/risks appear to decrease through the supply chain (will consumers notice at all?); solutions to handling <Minimum Conservation Reference Size (MCRS) discards exist at larger ports but ownership, engagement and management is needed at port level; there is a strong case for small ports to be exempt based on dis-proportionate costs (e.g. 100kg per week 100 miles roundtrip from landfill).</p>

Discussion

- **Q.** What is the shelf life of frozen bait? **Answer.** This will depend on the quality of the initial product.
- **Comment.** Retailers want more guidance on what they can do to help, are keen to be more involved.
- **Comment.** Transport and storage for non-marketable fish is going to be complex and all these details still need to be ironed out. The paperwork (for small ports in particular) could be horrendous and in addition more information is being requested ie fishmeal and bait has been mentioned and there has been a recent request re fishmeal for information on where the fish was originally caught.

Action: Circulate a link to the report when published.

6. Seafish Economic Impact Assessment (EIA) – update and onshore implications. Hazel Curtis, Seafish.

Hazel explained the Seafish Landing Obligation EIA project. Phase one has already been delivered. This identifies the primary choke species (those species for which initial quota allocation would have been used up in fewer days than the fleet actually fished in 2013) that could have had an impact on the activity of home nation fleet segments. It calculates how many days of fishing it would take until the primary choke species might affect the activity of a home nation fleet segment.

http://www.seafish.org/media/Publications/Seafish_LOEIA_Interim_Report_1 - Final_260315.pdf Phase two covering scenario analysis is described here, and phase three includes an analysis of impacts onshore.

The scenario analysis uses a dynamic model, simulating annual changes in stocks and quotas. The purpose of the analysis is to compare the difference that the policy levers (i.e. exemptions/flexibilities to/in the LO) could make if applied. Eleven scenarios are tested at fleet level: three baseline scenarios; three de minimis scenarios (Lax, Mid and Strict); one interspecies flexibility scenario; one survivability scenario; and three combination scenarios. A combined scenario of de minimis Lax (5% of the total catch of demersal quota stocks by a PO fleet segment can be discarded (and doesn't count against quota) coupled with interspecies flexibility and survivability exemptions is considered to be the favoured option in many, but not all, fleet segments and sea areas.

Analysis was presented for the England/Wales Trawl/Seine fleet; England *Nephrops* Trawl fleet; England Beam Trawl fleet; Northern Ireland *Nephrops* Trawl fleet; Scotland Whitefish Trawl/Seine fleet; Scotland *Nephrops* Trawl fleet. The models can be re-run for different scenarios.

Discussion

• Q. Does the model assume full compliance? Answer. Yes it does.

- Q. A lot of work has gone into this but a lot of assumptions have had to be made.
 Most significantly we don't know how the behaviour of fishermen will change in
 response, so what does this really tell us? Answer. Primarily it helps by
 informing Government on the differences in outcome depending on which policy
 levers are applied, illustrating how valuable it is to industry to win those
 exemptions and where Government could best focus their efforts.
- Q. For vessels moving forward actual costs are likely to go up with the need for more selective gear so will this be taken forward? Answer. Data collection and monitoring are crucial during the early phases of implementation. From the beginning of 2016 we need to know exactly what is happening and Seafish is pressing to ensure a data collection system is in place.

<u>Action:</u> Circulate links to the report when published. <u>Action:</u> Circulate links to the report when published.

8. Update on Cefas activities. Jon Elson, Cefas.

http://www.seafish.org/media/1411279/dag_july2015_cefas.pdf

Jon updated the group on current Cefas activities relating to the LO.

- Gear selectivity work includes: South west otter trawl reducing haddock catches while maintaining landings of squid (started July 2015); South west otter trawl evaluate Area VII 120mm Square Mesh Panel (summer and spring 2015) with preliminary analysis for October (Scientific, Technical and Economic Committee for Fisheries (STECF) meeting; North east Nephrops trawl improving the net grid design, previously trialed, to reduce catches of unwanted fish whilst retaining Nephrops and larger wanted fish: North east otter trawl trials with artificial light to assess potential for improving selectivity of trawls.
- Discard survival trials have been completed for plaice in Eastern Channel gill net sole fishery, Bristol Channel gill net sole fishery, North Sea otter trawl mixed demersal fishery, Western Channel beam trawl mixed demersal fishery and Western Channel otter trawl mixed demersal fishery. There are also scoping studies for cod in the North Sea otter trawl mixed demersal fishery, and for herring, mackerel and horse mackerel in the Cornish Sardine ring-net fishery. Results went to STECF and secured the same survivability exemption that applies to purse seiners. Landing obligation from 2019.
- Discard survival trials in the pipeline include plaice in the North east Nephrops
 trawl fishery, sole in the South east otter trawl mixed demersal fishery and
 Nephrops in the North Sea Nephrops trawl fishery. There also two scoping
 studies anglerfish (all selectivity and survival study areas) and dab (desk study
 to review and analyse of discard data to see where landing obligation could have
 an impact).
- There are also two national commercial catch sampling schemes underway. Onshore - fish markets, quaysides and at merchants, and off-shore - commercial fishing trips to collect biological data on discard length and age distributions; retained and landed length age distributions; catch species composition and catch weights.

Discussion

- Q. The Dutch are also looking at survival rates for dab. Could we collaborate with you? **Answer.** We should be able to provide data.
- Q. STECF has been asked by the Commission to review the data on high survivability and STECF made a distinction between pre-discard and postdiscard. Most STECF advice said that the results for pre-discard were valid. The

Commission was therefore asked to determine what is high survivability? There would appear to be little value into going into too much detail because you never know about post-discard. **Answer.** There are all sorts of variables but we do need to come up with a realistic figure.

 Comment. We need to provide evidence to STECF if we are going to make high survivability claims. Cefas is running a survivability trial on plaice in the North east Nephrops trawl fishery (this was originally due to take place in the North west but there were no volunteers to take part so hopefully the North East results can be applied to the North west (though there is no guarantee). In order to do these studies Government needs support from the industry.

Actions:

- 8.1. Send links re latest Cefas work.
- 8.2. Send links to latest MMO catch quota trial report when published.

7. New Seafish Fishing Gear handbook/gear selectivity database. Mike Montgomerie, Seafish.

http://www.seafish.org/media/1411294/dag_july2015_gearhandbook.pdf Copies of the fishing gear handbook were provided.

http://www.seafish.org/media/publications/BMF_Screen_Version.pdf The BFM contains illustrations and descriptions of commonly used fishing methods, gears and rigs. The document deals with UK fisheries, with reference to other fisheries throughout the world that supply wild-caught fish and shellfish into the UK markets. The publication also provides some basic knowledge of how fish are caught using a range of fishing methods.

In addition Mike detailed the launch of a comprehensive online portal that details common fishing gears and selectivity devices used in commercial fisheries throughout the UK and Europe - including full descriptions, illustrations and links to scientific trials and reports at the Fisheries Innovation Scotland Conference on 29 and 30 July. It features over 100 gear and selectivity profiles providing information on how to reduce bycatch for a range of species. Aimed predominantly at fishermen, fishery managers, policy makers and environmental groups, it is hoped the information will provide the industry with some solutions ahead of the next phase of the Landing Obligation which comes into effect for demersal (white fish) fisheries on 1st January 2016.

Action: Send link to group after launch.

Looking ahead

9. Agreed discard plans for the North Sea and the North West Waters. Sarah Adcock, Defra.

http://www.seafish.org/media/1411276/dag_july2015_defra.pdf

Kev activities:

• The North Sea and North West Waters regional groups submitted their draft joint recommendations (Discard Plans) to the Commission on time. These included details on: which species in which fisheries were to be introduced to the landing obligation in 2016; what exemptions would be available in 2016; any changes to MCRS if relevant; and for the North Sea a provisional timetable for phasing for future years, with hake pushed as far back as possible.

Following submission of the draft joint recommendations to the Commission, they
have asked STECF to review. There were a number of questions of clarification
and largely the exemptions still stand with the exception of: Nephrops in North
Sea caught in NetGrid – this was based solely on Skagerrak research (UK will
have to undertake own research); and undersized sole in selective beam trawls being reshaped, but effectively still there. Information has been sent back to
Commission so next step is draft regulations, expected Sept/Oct 2015.

Discussion

- Q. Are the thresholds political compromise or based on science? **Answer.** A little bit of both, but we do have to be consistent across all areas.
- Q. What is the issue with hake? Answer. The quota is tiny and yet it is a valuable species. It is predominantly in our interest to delay having the LO re hake for as long as possible because we can't at the moment see a LO solution for hake and will need to think more globally. There was the offer that the Seafish EIA model could be applied to hake and this could be modelled to illustrate the scale of the problem.
- Comment. Reference has been made to selective beam trawls and beam trawls.
 This needs clarification

Actions:

9.1 Links to be circulated to NS and NWW phasing.

- <u>Defra Brief: North Sea phasing</u> The regional group of Member States with a direct management interest in the North Sea has agreed the key species to be landed from 1 January 2016.
- <u>Defra Brief: North West Waters</u> The regional group of Member States with a direct management interest in the area has agreed the key species to be landed from 1 January 2016. No decisions have been taken in relation to 2017 onwards.
- 9.2. Look at modelling hake.

10. Activities of the devolved administrations.

There were no reports from Welsh Government or Northern Ireland. Defra – Sarah Adcock

http://www.seafish.org/media/1411276/dag_july2015_defra.pdf

- Defra has published the summary of responses to its consultation on the implementation of the demersal landing obligation in England.
- Government policy to be announced in September (ideally). It was later confirmed October was more likely.
- Focus will be on phasing, quota management, regionalisation/exemptions, catch management (guidance is being developed for release in September) and monitoring and enforcement.

Marine Scotland - Heather Stewart

- Marine Scotland has launched a consultation on how the Discard Transfer quota should be allocated and managed within Scotland. Three options have been presented. This runs until 18 August 2015.
- Marine Scotland recently wrote to vessels which had deployed TR1 gear during 2014 to offer an opportunity to meet a Scottish Government official to discuss how the landing obligation will be implemented in Scotland, and what the consequences may be for their own individual business. Uptake has been slow but these are very worthwhile and will continue.
- Marine Scotland convened a meeting with ports and harbours representatives in June. This covered the implications of the Animal By-Products (ABP) regulation

- and how European Maritime and Fisheries Fund (EMFF) funding could be used. The aim is to produce clear guidance re onshore management.
- Marine Scotland has invited applications to establish an industry-wide advisory group which will be tasked with devising and commissioning a series of innovative gear trials aimed at assisting fishermen to adapt to the phased introduction of the LO from 2016. Closing date was Friday 24 July 2015.
- The Fisheries Innovation Scotland Conference on 29 and 30 July also has a special focus on working with the landing obligation.

Actions:

10.1. Circulate link to Defra summary of responses.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/336333/pelagic-consult-sum-resp.pdf

10.2. Circulate link to Marine Scotland consultation.

http://www.gov.scot/Publications/2015/06/7247

10.3. Circulate link to Marine Scotland onshore management guidance when available.

11. What the Advisory Councils have been saying. Are the Member States following their advice at the moment? Commentary from Andrew Clayton, Pew Trust and Barrie Deas, NFFO.

The discard plans have been the first test of the whole Member State engagement/regionalisation process and in some respects this is a shame. In the main the MS have listened to the Advisory Councils (AC) re phasing but there have been frustrations along the way and some mistrust due to the process. We should not forget that the regionalisation process is new, there are issues and not everyone is completely sharing (but that is no different to before). The criticism would be that the Advisory Councils often only get a very short slot within MS meetings and are often called at short notice. It is not always easy for the ACs to field the right people at short notice and MS could help with trying to give plenty of notice. Also there is not really collaborative working on draft documents. There has also been some MS frustration with the ACs that they don't always get the detailed answers they want to specific questions. There have been splits in opinion re the LO and this is not necessarily NGO/industry splits, but other splits as well. We do need to be honest about this. The chairs have had a difficult task in finding a way forward. There has been varied input from the Commission and advice and guidance from them has been developing but we really needed better Commission advice from the start.

On the whole the engagement between the ACs and the MS over the development of the discard plans has worked very well. This was the first 'outing' for regionalisation and there was not guarantee it was going to work. The MS do have a legal obligation to consult with the ACs but this was much more than cosmetic engagement. The outcome re the agreement on phasing has been positive. Going forward we have a good basis to build on and we need to be thinking about post-implementation dialogue. We must have an adaptive approach and we do need to have the dialogue.

<u>Discussion</u>

 The comment on short slots and short notice has been noted. The UK is keen to approach the ACs with a work programme so that we can plan ahead better, and have asked the chairs of the regional groups to do this. From the Member State perspective we could perhaps have been more precise with our questions and prioritised better. Re the splits in opinion and whether this was between NGOs and industry, it was as much conflict between MS with conflicting priorities, such as between Denmark and Scotland.

12. Update on progress re the ABP regulation. Karen Green, Seafish.

A paper was tabled on the Animal By-Products regulation. The issue lies with the application of the ABP regulation to fish that cannot directly enter the human food chain under the Landing Obligation – namely fish that is under the Minimum Conservation Reference Size (MCRS). This issue is an unintended consequence which arises from the ABP regulation including in its scope any products of animal origin 'which are excluded from human consumption under community legislation'. The reformed CFP specifies that undersize fish cannot go to human consumption, therefore this fish falls under the scope of ABP regulations. The key headline points discussed at the Defra Onshore Catch Management Task Force meeting on 16 July were:

- Ports will have to comply with the ABP Regulation
- ABP regulation will apply in a light-touch way
- Ports will need to register for ABP approval/It is free to register at present charges could apply at a later date
- Guidance will take account the variety in landing scenarios
- Registration covers where ABPs are handled the 'operator' of the handling facility is approved for ABP, not the person landing the catch
- Ports/landing points/slipways do not need approval if catch is put directly onto registered transport
- Direct pot bait exchange does not need approval
- Independent transporters need to be registered
- Undersize fish could be transported alongside human consumption fish if sufficiently separated
- Hub arrangements the main port would be the focus of control and the 'supplier' ports would be monitored through tracing of consignments
- Collection bins should be in approved handling/storage areas, rather than left on quayside
- Micro digesters would need approval too
- Would need APHA/Trading Standards enforcement

Defra is clarifying the views of Member States and the European Commission and a much more detailed guidance document is being finalised. For further information **E**: arvind.thandi@defra.gsi.gov.uk or Fiona.wright@seafish.co.uk

13. Date and topics for next meeting

The date for the next meeting was not discussed but will probably be around October. A few dates will be suggested and a different room layout will be trialled. It was agreed that this meeting had been extremely informative and that DAG should continue to communicate along these lines. A suggested agenda topic was enforcement – what would a workable control and enforcement structure look like?