

Note of Discard Action Group (DAG) meeting held at Friends House, London.
Wednesday 10 October 2018

Seafish discards page – for minutes and further information on discards and the Discard Action Group (DAG) activities see:
<http://www.seafish.org/responsible-sourcing/discussion-forums/the-discard-action-group>

1. Welcome, introductions and apologies

Mike Park welcomed everyone to the meeting.

Attendees

Aaron Hatcher	University of Portsmouth
Adam Green	Lyons Seafoods
Adam Townley	New England Seafood
Ana Witteveen	Seafish
Arina Motova	Seafish
Barrie Deas	NFFO
Daniel Owen	Fenners Chambers
Duncan Vaughan	Natural England
Emma Lingard	Seafish
Erin Priddle	MSC
Grant Course	SeaScope Fisheries Research Ltd
Guy Pasco	SeaScope Fisheries Research Ltd
Harriet Yates-Smith	Gearing Up
Harry Wick	Northern Ireland Fish Producer's Organisation
Heather Hamilton	ClientEarth
Helen McLachlan	WWF
Hugh Jones	Control Union Pesca Ltd
Jerry Percy	LIFE
Jess Sparks	Seafish
Jim Portus	SWFPO
Joanne Pollett	Environmental Defense Fund
Line Groth Rasmussen	DG Mare C1
Louise McCafferty	Joseph Robertson Ltd
Martin Arris	Marine Management Organisation
Mike Park	SWFPA (Chair)
Mike Montgomerie	Seafish
Paul MacDonald	Scottish Fishermen's Organisation
Rebekah Cioffi	JNCC
Sara Vandamme	North Western Waters Advisory Council
Stella Bartolini Cavicchi	Defra
Stuart McLanaghan	Seafish
Tom Catchpole	Cefas
Tristram Lewis	Funding Fish

Apologies

Barry Harland	Whitby Seafoods
Ben Collier	Northern Ireland Gear Trials Project

Caroline Healy	EU PECH Adviser
Chloe North	MRAG
Chrissie Sieben	Control Union Pesca Ltd
Dan Watson	SafetyNet Technologies Ltd
Hannah MacIntyre	Marks & Spencer
Ian Kinsey	Norwegian Fisherman's Association
Jenni Grossmann	ClientEarth
Julian Roberts	Marine Management Organisation
Kenn Skau Fischer	Danish Fishermen PO
Pim Visser	Vis Ned
Rebecca Mitchell	MRAG
Sara Vandamme	North Western Waters Advisory Council
Stuart Hetherington	Cefas

2. Minutes from the last meeting held on 13 February 2018/.

The final minutes were accepted as a true reflection of the meeting and have been added to the DAG 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. Numbers are a little lower for this meeting – we were clashing with the Groundfish Forum and the NFFO/SFF lobbying day in the House of Commons and there were some genuinely apologetic last minute cancellations. Also delays over the endorsement of the new Technical Conservation Regulation in Brussels meant two of our overseas speakers were precluded from saying anything and did not come at the last minute.

Setting the scene

3. The Landing Obligation and the Pathway to Compliance. Barrie Deas, NFFO.

http://www.seafish.org/media/1807726/dag_oct2018_nffo.pdf

The full implementation of the Landing Obligation (LO) is imminent. Chokes in mixed fisheries are now recognised as the primary implementation issue, which was not necessarily the case at first. There are some acute chokes which have been recognised by the North Sea and North Western waters Advisory Councils. There are different reasons for different chokes in different areas, and predicting choke scenarios is not easy. For example, a big cut in the North Sea cod quota could make cod a real issue in 2019. In addition we need to be confident about the discard estimates. This is likely to be a big focus at the December Council. There are options in the pipeline: multiannual plans based on F-ranges; removing the TAC for dab; a high survival exemption for skates and rays (time limited and conditional); high survival exemptions for some plaice fisheries; and bass will probably be excluded from the LO. However there are going to have to be some difficult compromises to balance the different asks. The 1 January 2019 is a crucial date but we don't yet have regulatory alignment and key legislation is not yet in place. The crux is that regulators have a responsibility to provide a pathway to compliance and that vessels' must have clear sight of how to operate in a compliant manner however chokes represent a major obstacle to compliance. There are numerous control challenges – from the point of landing to monitoring and controlling activity at sea. We need information, and the vessels have not yet been issued with guidance, and then we need education in this, and then enforcement.

The EU Council does have some options and Brexit might provide an alternative route for the UK. In terms of what a tailored UK LO could look like UK ministers have been clear that the principle of a LO will be retained. A UK discard ban could include: the UK benefiting as an independent coastal state; TAC, quota share, and access decisions made in annual bilateral negotiations; rebalancing of UK quotas shares; a system of 'overage' for bycatch species; continued selectivity and avoidance work; TACs focused on target species; non TAC-alternatives in a risk-focused approach; and devolved powers. Overage could be introduced whereby bycatch species are landed and sold on the human consumption market but the vessel only receives a small part of the economic value (alternatively, a charge can be levied on the vessel). This avoids chokes without creating an incentive for targeting high value bycatch. It is essential we have adaptive management and learn the lessons of the CFP.

Discussion

- Overage is mentioned in the Fisheries White Paper and the options could be explored. Elsewhere overage goes for scientific assessment.
- **Question.** What do you mean by non TAC alternatives? **Answer.** Irish Sea whiting for example. The value of landings is about £50,000 but it creates an enormous choke issue.
- **Q.** What do you mean by responsive adaptive management? **A.** It is a balance between primary and secondary legislation that generates both social and economic benefits. It is important not to tie yourself to high targets and realise that a move to set TACs to deliver MSY by a fixed period will create costs elsewhere.
- **Q.** Bass was mentioned. Does this mean bass may not be considered a quote species for 2019? **A.** The Commission and Member States have had discussions about this – a derogation is different to catch and quota limits.

Where we are now – the regulations and the science

4. Cefas work and the latest ICES advice moving towards the Dec Council. Tom Catchpole, Cefas.

Tom updated the group on work currently being undertaken by Cefas.

- Selectivity. Traditional work continues looking at larger nets and different orientations with the challenge that most are mixed fisheries. Currently working with trawl, static and trammel nets. To make all the information from the trials readily accessible it has been put onto gearingup.eu with an upgraded version being launched today.
- Discard survival assessment methods – this is a mechanism to gain exemption from the LO. This uses visual assessment, captive observation and tagging to make assessments. A tagged thornback ray was shown to illustrate what a fish look like when it is healthy. Cefas data has been used to support proposed exemptions.
- Monitoring catches - there was an industry request to improve estimates of discards for Celtic Sea haddock to generate robust discard estimates for the English southwest otter trawl fishery to assess the potential to avoid catching haddock by modifying fishing methods.
- Decision to fish and industry catch data - valuable information that needs to be shared within the industry. Spurdog is used as an example.
- Assessing choke risk with Seafish – Using Seafish Bioeconomic model to assess risk of choke in 2019. This gives a relative choke risk for all stocks; estimates

foregone catches from choke events; estimates UK quota deficits and surpluses. It gives an example of what TAC would be needed to avoid chokes. A list of choke points has been produced – this list is being shared with Defra and a priority list is being produced.

Discussion

- **Question.** How can we justify a high survival exemption for plaice at 50% survivability? **Answer.** It is a question of how high is high. In each case a judgement has to be made. The primary purpose is to incentivise more selective fishing and we have to maintain that intention and look at how to avoid those catches.
- **Q.** In the video of flatfish how you take fish from a catch and look at it in a lab and expect that to reflect the reality of it being dumped straight back into the sea. Are we kidding ourselves that this is what would happen in the wild. In fact fish may be dumped back into a habitat that is not familiar to them. **A.** The fish are not necessarily nurtured in the tanks and this will be an unfamiliar environment for them. With captive observation we are well aware we are not accounting for any predation effects. The preferred method is to use data storage tags. We recognise tank work probably does not give the full answer.
- **Q.** For Celtic Sea haddock various discard rates are quoted. With a limited number of vessels how does it compare with the rest of the boats in that fleet? **A.** The fleet did not feel the estimates from the observer programme were valid. From the three vessels, for two of them vessel discard rates in line with observer levels, for the other the discard rate was much higher.
- **Q.** It is important to incentivise more selectivity but with 1 January 2019 fast approaching, and a lot of studies, will these trials produce results? **A.** Gear trials have been running from the 1980s onwards and the LO has created a real drive but a whole raft of different outcomes can occur and there are still options not fully tested yet.
- **Q.** If there has been a big change in the status of the stock, and if the science is right, does it necessarily mean a big decrease in quota and therefore more likelihood of choke? **A.** The management objective is based on achieving different outcomes. MSY is usually the headline objective and the TAC a reflection of the abundance of the stock.

5. Defra update on the discard plans and the 2019 landing obligation, MAPs and technical conservation regulation. Stella Bartolini Cavicchi, Defra.

http://www.seafish.org/media/1807729/dag_oct2018_defra.pdf

Stella provided updates on:

- The North Sea and North Western waters demersal discard plans
- Landing obligation work – Defra has been identifying the most serious (category 3) 2019 choke risks and looking at solutions to those. Category 3 chokes highest level risk (not enough fish in the sea basin level. Category 2 is not enough fish in the country but could be at fish basin level and Category 1 enough fish in the country but maybe not at vessel level). The calculation of TACs for stocks subject to the LO will be different this year. Quota uplift is still being discussed. De minimis and survival amounts will be taken account of in the total TAC. The survival deduction process is new and we haven't seen the details yet.
- Producer Organisations – the POs have agreed to develop a code of conduct (CoC) and principles for quota exchange to ensure that choke is not exacerbated.

- There was an update on progress re the NS and NWW Multi Annual Plans and the Technical Conservation Regulation.
- Guidance re the LO. The plan is to provide technical guidance by the end of November.

Discussion

- **Question.** How often will the de minimis exemptions be reviewed? **Answer.** The discard plans have a lifespan.
- **Q.** As we seek to find political solutions are we losing sight of the overriding obligations and aim of MSY and the impact of TACs? Is their tunnel vision? **A.** Not tunnel vision. We are committed to MSY commitments. TAC calculations when based on landings rather than catches are very different. Scientific advice is going to be based on what is caught. This should move would us towards realising the MSY commitment. Ultimately this is not just at a UK decision. We need to reconcile the target of all stocks at MSY whilst resolving the issues surrounding the implementation of the LO.
- **Q.** What is happening to improve control and monitoring at sea? What is Defra doing re ongoing monitoring of any exemptions? Is there a process in place to be able to continue to assess whether exemption are applicable. **A.** There is ongoing monitoring and some exemptions have a one to three year re-assessment stipulation attached to them. The process is ongoing but three years is probably a sensible timescale.

Action: Provide links to regulations.

6. Impact of the North Sea Multi Annual Plan (which lists by-catch species) and the progress of the Western Waters Multi Annual Plan. Line Groth Rasmussen. DG Mare C1.

http://www.seafish.org/media/1807732/dag_oct2018_eumaps.pdf

The North Sea plan (Regulation 2018/973) was published on 16 July 2018 in the Official Journal, and entered into force on 5 August 2018. The WW plan, COM (2018) 149 was adopted by the Commission on 23 March 2018 and is now going through trilogues. The WW plan follows the structure and content agreed by the co-legislators for the NS plan, and takes into account the lessons learnt from the creation of the Baltic plan. It introduces the concept of ranges and biomass to become an adaptive framework. The North Sea plan operationalises the objectives of the EU CFP, by creating a management framework, in line with the CFP objectives, for the main commercial, demersal fisheries. The North Sea plan is to be used as the legal basis for the setting of fishing opportunities 2019 for the first time. It will also be the framework for EU/Norway cooperation and for regional cooperation around the North Sea.

Discussion

- **Question.** Has there been a lowering of ambition re bycatch because they do have an impact on MSY. In terms of alternative management ideas what criteria has been looked at? **Answer.** Overall it is about target and by catch species. In the NS very few species have been left out. The intention is not to lower ambition but to highlight the driving stocks.
- **Q.** There would appear to be a postponement to the date for reaching MSY? **A.** We are all very aware of the difficulties on reaching MSY in a workable way especially where we have zero TAC advice or where the status of the stock changes. Usually TACs reflect status of stock. We have to have a basis in reality.

Action: Provide links to regulations.

7. Discards survival probabilities of flatfish and rays in North Sea pulse-trawl fisheries. Tom Catchpole, Cefas (prepared by VisNed).

http://www.seafish.org/media/1807735/dag_oct2018_vised.pdf

The aim was to measure discards survival for: sole, plaice, turbot, brill and thornback ray; to test measures aimed at increasing discards survival; and to look at flatfish pulse-trawling with 80mm meshes and 12m gears. Discards survival was established for plaice and sole, and indicative discards survival was established for turbot, brill and thornback ray. Discards survival varies with: species, trips and underlying factors; and fish condition with an improving fish condition key to increase survival. A water filled hopper can increase discards survival under (yet to be established) specific conditions. Most of the fish die within the first 3 days. 19% of the sole survived is the average.

Action: Provide links to fact sheets and reports.

Control and monitoring

8. 2018 Remote Electronic Monitoring (REM) scheme in the North Sea and scientific data collection. Martin Arris, Marine Management Organisation.

http://www.seafish.org/media/1807738/dag_oct2018_mmo.pdf

There are currently 13 English registered vessels in the North Sea whitefish fishery taking part in the REM scheme in England. They are required to comply with the LO covering cod, haddock, whiting, saithe, plaice and sole. All participants are monitored with remote electronic monitoring (REM) by MMO for compliance and they have access to uplift of cod and saithe (the proportion of the quota that was previously discarded before the LO). For 2019 the challenges in particular were introducing saithe due to previous schemes showing high discard levels, low market value with high lease price (economic choke) and choking at vessel level well before national/international level. There is also one trial this year with a Nephrops vessel.

Discussion

- **Question.** There was mention of camera tampering and cameras being removed from use as a result. Are there inspections to demonstrate the equipment is fit for purpose? **Answer.** There have been problems with older cameras but there is no official way to do this. There is a penalty in terms of losing quota of cod.
- **Q.** What is the situation in Scotland? **A.** In Scotland there was a large number of vessels previously engaged but a Scottish vessel would not get awarded the same quota uplift as the English vessels - the available quota isn't there to provide suitable incentive. Uplift is split across all vessels in Scotland so the possible additional quota per vessel would be much less.
- **Q.** Is not the incentive the right to fish? **A.** This would only be the case if REM was mandated.
- **Q.** How does the MMO use this data? **A.** We watch one vessel per trip on the scheme. This could increase to 10% rather than one per haul. The MMO has been asked to provide costings for different scenarios.

9. How the introduction of cameras can help us maintain an economically and environmentally resilient fishing industry in the UK. Helen McLachlan, WWF.

http://www.seafish.org/media/1807741/dag_oct2018_wwf.pdf

Strong credible brand values are needed going forward especially in the Brave New World we envisage outside of the EU. Used as an example what they are doing in New Zealand to introduce REM as part of the need to build confidence in stock assessments. This looked at the key benefits and addressed some of the misconceptions. Effectively

cameras become part of a social contract – a condition of fishing in our waters. In conclusion the use of cameras:

- Supports sustainable management - increased/improved data collection informing sustainable harvesting, incentivises improved selectivity, reduced waste, healthier stocks.
- Demonstrates sustainable practice – consumer confidence, market access.
- Creates Level playing field – across vessels and seas.
- Are cost effective – in delivering more data and supporting effective monitoring and control.

Discussion

- **Question.** REM ticks an important compliance box but is only useful if the evidence is reviewed in a systematic and representative way. What evidence is there that UK Government is reviewing this? **Answer.** We do need confidence the footage will be reviewed. This is all about the whole circle and there has to be dialogue between the two.
- **Q.** When you say data from the camera what do you mean? **A.** This depends on what objective the camera has been set up for. The data is the camera footage.
- **Q.** What are the associated costs and could a fisher access the data himself? **A.** If there was a mandatory requirement, you are looking at around £4,000 and there are currently EMFF grants for the hardware available until the end of 2020 (with applications needed by March 2019). The figures were questioned.
- **Q.** Are there any examples where REM has been used to demo non-compliance? **A.** Where there is a case to take to court they will use it as supporting information. In Scotland you would not be brought to court on the basis of what was seen on the camera.

How many of the new gears that have been portrayed at DAG have made it to market? What is the current position? Where is the economic tipping point? What is the future?

10. The take up of selective gears by industry. Mike Montgomerie, Seafish.

http://www.seafish.org/media/1807744/dag_oct2018_gearselectivity.pdf

How many new selective gears portrayed at DAG have made it into commercial usage? The reality is very few unless introduced into legislation. If we don't know what is happening how can we expect fishers to invest and adopt new gear if it is not mandated? The reality is that the skippers have commented: 'No reason to alter gear as we are not getting many discards', 'Why change, nobody is monitoring our discards', 'Why should we change our gear others are not', 'Wait and see what happens in 2019', 'We won't have to change with Brexit'. There are numerous sources of information on selective gear but this does not seem to be driving change.

Discussion

- **Question.** Should we be allowing vessel owners greater flexibility? **Answer.** The Amity is a great example of just this.
- **Q.** Do we need a Technical Conservation Regulation as well as the LO? If the LO is the goal what does it matter what you catch the fish with? **A.** The Tech Con regulation covers more than fishery conservation, it covers some wider issues whilst the LO legislation is much more specific.
- **Q.** What % of the fleet has introduced more selective gear? **A.** Possibly 40-50% of fleet, especially in Scotland, but the Cod Recovery Plan had a big influence.

Action: Circulate link to various gear database resources.

11. Overcoming Economic Barriers: The case for economic data collection. Ana Witteveen, Seafish.

http://www.seafish.org/media/1807747/dag_oct2018_gearecon.pdf

There are current economic barriers to the take up of new gear including fear of losing marketable catch and revenue; no assurance of profitability; and the issue of long-term gains versus short-term losses. There are current economic barriers to gear take up – there is a need for robust financial data for decision-making. The Seafish Best Practice Guidance provides a standardised approach which makes it easier and faster to compare costs and benefits, and helps users evaluate options and make decisions. This has been put to the test with the first UK trial to fully assess economic data with the Amity. The assessment is underway with the results going to Marine Scotland Policy as part of the decision making process as to what will happen to the trial gear going forward as the derogation runs out at the end of 2018. This will also be used to support economic data collection for future GITAG trials.

Discussion

- **Question.** Is there some support for this i.e. EMFF? **Answer.** We have looked at this. We hope individual skippers could use these outputs. We did not consider funding from different bodies and how that might offset costs. Economics is at the front of sight for most fishers. If fishers can't operate profitably how selective there gear is becomes irrelevant.

Action: Circulate links to Seafish Best Practice Guidance.

12. Summing up

This is the smallest group we have had in while but whilst it might have been a smaller group the enthusiasm for information was strong. It would be fair to wonder what the shape of this group should be going forward. These sort of exchanges are still very important and I have learnt a lot from this in-depth session and huge breadth to it. I have had a sense of Deja vu – these are not new issues and how far have we moved? These are still the same issues we started out discussing.

13 Date of next meeting

The date for the next DAG meeting was subsequently set at Tuesday 2 April 2019 in London.