

DAG

Discard Action Group

Commissioner Maria Damanaki
European Commissioner for Maritime Affairs and Fisheries
European Commission
B - 1049 Brussels

13 January 2012

Dear Commissioner Damanaki,

Comments on discards in the context of the proposed CFP and CMO regulations

The Discard Action Group (DAG) is a cross sector body within the UK fisheries sector. The DAG has tried to take a coherent view of the issues raised by discarding and the means to minimise this wasteful practice. Four theme groups have been established looking, variously, at the legislative, gear technology, science and data and marketing aspects of discard reduction. The group wishes to register its concerns with the current proposed CFP and related legislation and to recommend a way forward.

DAG is a discussion forum facilitated by the Sea Fish Industry Authority (Seafish). It is not a representative body; it attempts to capitalise upon the overall expertise of its participants. In that context these notes combine several perspectives but should not be viewed as representative of the views of any individual participant.

We are in agreement with the general objectives in Article 2 of the CFP proposal: ensuring long-term sustainability, working towards achieving maximum sustainable yield, implementing an ecosystem-based approach and integrating with environmental legislation. The DAG is encouraged by the specific objective of Article 3a (the elimination of unwanted catches of commercial stocks), although over time we would expect this to be extended to other significant species. The DAG sees discard reduction, within long term management plans, as a tool for achieving sustainable fishing.

Below please find a summary of DAGs main comments on the proposed CFP:

- 1) The proposal does not put adequate emphasis on avoiding the capture of species that are discarded, in particular before the landing obligation comes into force.

- 2) Article 2(4) makes integrating the CFP with Union environmental legislation an objective of the regulation. More generally this should extend to complying with environmental policy requirements to ensure compliance with the EU Treaty. In addition compliance with specific EU environmental legislation, in particular with Directive 2008/56/EC, the Marine Strategy Framework Directive (MSFD), needs to be made a clear requirement in the CFP regulation or daughter regulations.
- 3) The MSFD places a high emphasis on international co-operation in order to achieve environmental goals that span areas under the jurisdictions of different states. The CFP Regulation should contain similar provisions to ensure international collaboration. The requirement for Member States to co-operate to establish and follow management plans needs to be laid out in legislation, rather than in guidance or recommendations, because inter-state co-operation is crucial with many fisheries. Currently, Article 17 of the proposed CFP regulation does not adequately define a framework for establishing and enforcing regional management plans.
- 4) *The MSFD aims to achieve 'good environmental status' by 2020. The objectives of achieving good environmental status and reaching maximum sustainable yield (MSY) by 2015, as set in the CFP proposal, (Article 2(4)) should be aligned with FMSY becoming a hard target for 2015, and the expectation of achieving BMSY by 2020. The ecosystem-based approach to achieving sustainable fisheries may include a level of discarding, at least during a transitional period (see point 6 below). As long as this is managed, documented and enforced, and all catches (including what is subsequently discarded) are recorded and counted against catch allowances, and the data is used in analytical stock assessments. The emphasis should be on progress towards MSY, and the reduction of discards, with a phased discard ban as appropriate (see point 6 below).
- 5) The CFP Regulation needs to provide a much clearer framework for the establishment of long term management plans. Currently the CFP proposal does not indicate clearly with whom the responsibility resides for the establishment of the multiannual plans set out in Articles 9, 10 and 11.
- 6) Article 15 (Obligation to land all catches) is prescriptive in that it defines time-frames and names commercial species. What Article 15 should contain is the high-level requirement for management plans to incorporate staged discard reductions on a fishery by fishery basis, or an eco-region basis as appropriate. It is important that the reductions are staged to ensure a gradual, adaptive process, and supported by a range of measure options.

*We are mindful of the detailed text from the biodiversity convention, to which the EU has subscribed, that includes the phrase 'wherever possible' in relation to MSY targets.

- 7) Long term management plans should provide a framework within which fishermen can, under the appropriate guidance and supervision of regional bodies, experiment with various technical measures (and deployment patterns) in order to reduce their discards and their impact on fish stocks and the marine ecosystem. Such flexibility will be necessary since fishermen will be trialling adaptations to lower their level of by-catch and discards.
- 8) Incentives (and disincentives where necessary) must be built into all fisheries management plans. Fishermen need to be rewarded for fishing more selectively, for discarding less and for fishing with a lower overall environmental impact, whereas those who choose to fish “as usual” should not enjoy a relative advantage.
- 9) Sufficient monitoring, control and enforcement is required if the landing obligation is to be effective.
- 10) Data gathering needs to be incorporated into all management plans in order to inform on progress towards the aims of the plans. As detailed in our letter dated 21 October, the capacity for data generation needs to be developed.
- 11) Aspects of the proposed CMO Regulation may encourage discards. One example is the disparity between the minimum marketing size and the conservation reference sizes (Article 39(2) of the proposed CMO Regulation). The CMO Regulation has attracted substantial interest amongst Members and we anticipate a more detailed response specifically on its planned provisions.

I hope that you find these comments useful. If there are any points that you think require further clarification, I would be happy to discuss them with you.

Please note that the views expressed in this letter should not be taken to represent the UK Government position or thinking.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Mike Park', written in a cursive style.

Mike Park
Chairman of DAG

The Discard Action Group, which was formed in 2007, receives advice and contributions from:

Anglo North Irish Fish Producers' Organisation
Birds Eye Iglo Group
CEFAS
Co-operative Society Ltd
Cornish Fish Producer's Organisation
ClientEarth
Department of Agriculture and Rural Development NI (observer status)
Department for Environment, Food and Rural Affairs (observer status)
Faroe Seafood
Findus Group
Fishmonger's Company
International Fishmeal and Fish Oil Organisation
Le Lien Ltd
Loch Fyne Oysters Ltd
Marine Conservation Society
Marine Management Organisation
M&J Seafood
National Federation of Fishermen's Organisations
Natural England
New England Seafood
New Under Ten Fishermen's Association
J Sainsbury
Seachill Ltd
Scottish association of Fish Producers' Organisations
Scottish Fishermen's Federation
Seafood Scotland
Sea Fish Industry Authority
Simpson's Seafood
Simson's Fisheries Ltd
South East Seafood
Scottish White Fish Producer's Association Limited
South Western Fish Producer's Organisation Ltd
Sustainable Fisheries Partnership
Tesco
United Fish Industries
Waitrose
WWF-UK