

SEAFISH

The Landing Obligation

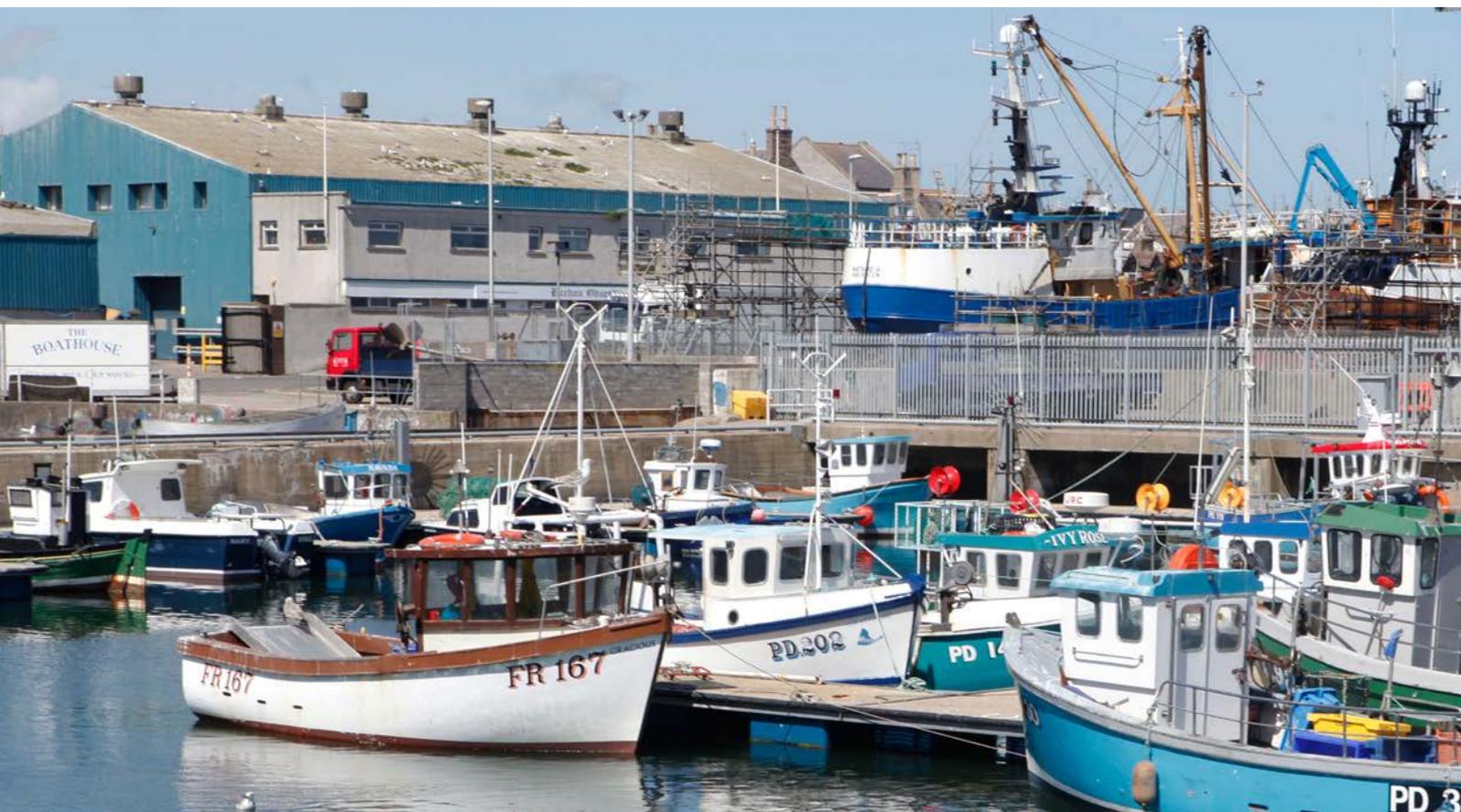
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The landing obligation is a complex piece of legislation and there is a great deal of uncertainty about how it will be implemented and what impacts it might have on seafood businesses.

This guide explains what is meant by the landing obligation, the background behind it and the changes it may create in the seafood industry.

It will also provide links to further information and answer some of the most frequently asked questions, helping you to understand and adapt to the new rules.



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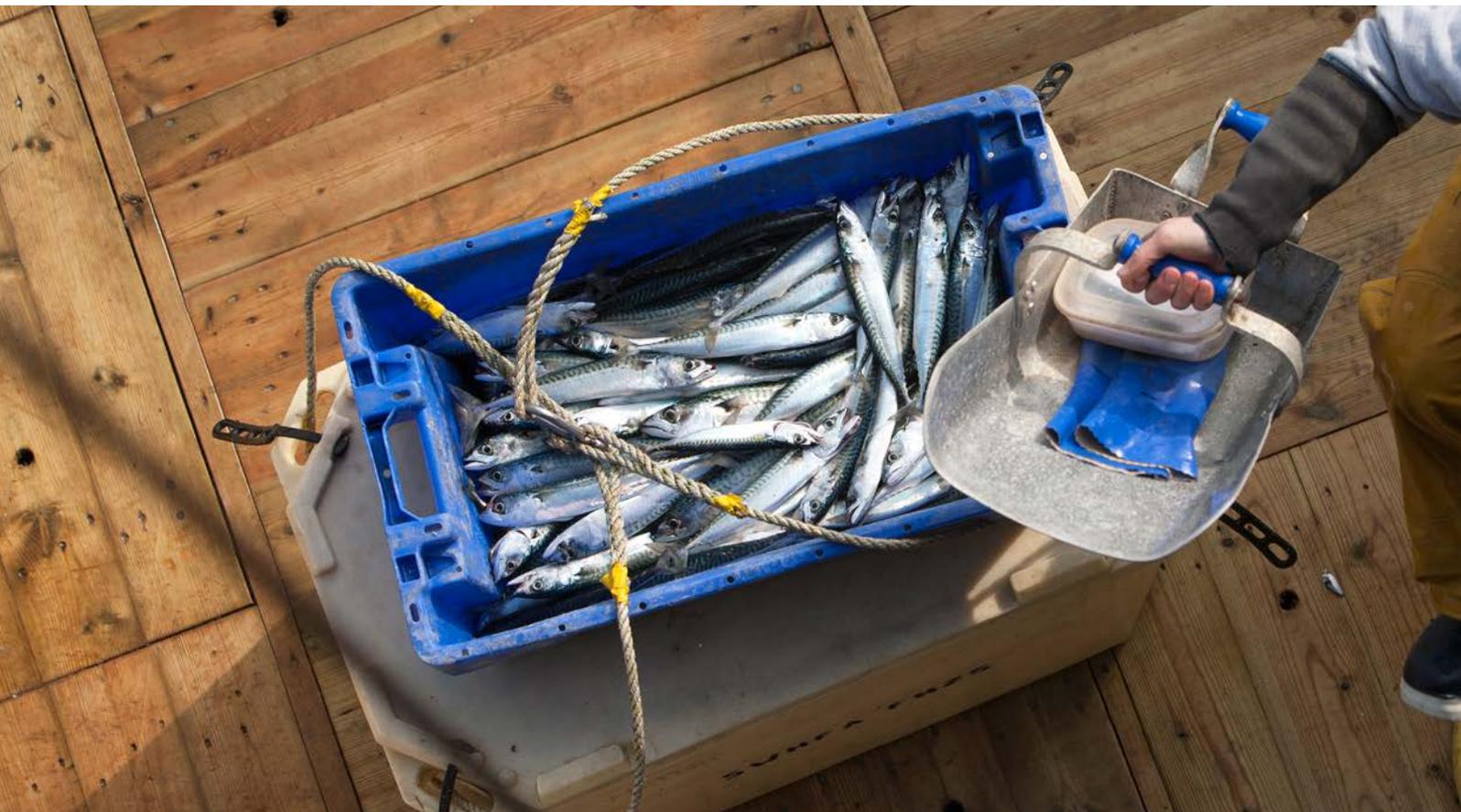
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The landing obligation, or the discard ban as it is also known, was introduced at the beginning of 2015 for pelagic species.

This means that all vessels catching pelagic species, such as mackerel and herring, have had to land all pelagic fish caught, as required in the relevant discard plan since 1 January 2015.

The landing obligation has now been introduced for certain demersal species (from 1 January 2016), starting with key species such as haddock, sole and plaice, depending on which sea area a vessel is fishing in and what type of fishing gear is used.

By 2019 the obligation to land all catches of quota species is due to be fully implemented.



When the EU's Common Fisheries Policy was reformed in 2012, one of the main changes was to eliminate the practice of throwing unwanted catches overboard while at sea, a practice known as 'discarding'.

Discarding fish at sea was considered wasteful, even though discarded fish were taken into account in estimates of stock sizes and allowable catch limits. The regulation was intended to reduce waste.

Previously, it was illegal to land undersized fish and fish for which a vessel had no quota, and therefore these fish had to be discarded at sea. However, under the regional discard plans these fish will now have to be landed.

The Minimum Landing Size (MLS), which originally defined undersized fish, has been replaced by the Minimum Conservation Reference Size (MCRS). Fish below MCRS cannot be sold for direct human consumption and therefore cannot attract normal prices for vessels. This size limit is in place to reduce catches of young and not fully developed marine species.

From 1 January 2019, all catches of regulated species must be landed, barring a few agreed exemptions.

To help ensure that the landing obligation is workable, and to avoid any 'big bang' in 2019, the legislation is taking effect for a few species each year until 2019.

The reason for the phased implementation is to allow time for fishermen to adapt their fishing practices. During this phased introduction the fishing industry can continue to improve equipment and fishing gear for selectivity and avoidance measures, and onshore operations can decide whether to make changes to enable handling undersized fish not intended for direct human consumption.

There is no doubt the landing obligation is a new way of managing EU fisheries and making it work for every part of the fleet will require a great deal of effort by both industry and government. This guide now looks at how the landing obligation may impact different sectors of the seafood industry, including catching, handling and onshore.

Catching all the Questions.

Q. Are all fish included in the new regulation?

When the phased approach is complete in 2019, all quota species will be included.

The landing obligation applied to pelagic species from 1 January 2015 and on 1 January 2016 fishermen catching demersal species became subject to the landing obligation. Not all species were immediately introduced from this date because it was understood that a sudden change to catching practice, covering all species at the same time, would cause a great deal of disruption.

There are some exemptions for diseased, damaged, or contaminated fish. There are also specific exemptions available for undersized fish and species that have a high survival rate after being caught and discarded, as well as species in particular fisheries where selectivity can go no further or the cost of returning them to the shore is prohibitive.

The phasing of the landing obligation will be regulated through the introduction of delegated acts called discard plans. These plans state which fish must be landed based on the sea area where the fish is caught, the fish species and the gear type used. These plans are different for each sea area or basin, so vessels fishing in the North Sea, West of Scotland and the Celtic Sea would have to fish under the rules of three different regional discard plans.

Individual vessel owners should contact their home nation fisheries administration (e.g. Marine Scotland, the Marine Management Organisation) to find out the details of what they are and are not allowed to discard in each year until 2019. Producer Organisations (POs) can advise which rules apply in 2016, and in subsequent years, and have lists of vessels affected.

Q. Will I have to land everything?

There is no simple answer to this because as explained earlier what you land is dependent upon a number of issues.

Examples of permitted discards, which vary for each regional discard plan:

- Prohibited species, which must be put back in the sea as soon as possible with a minimum risk of injury to give them the best possible chance of survival.
- Undersized fish of species not included in the landing obligation should be returned to the sea as soon as possible.
- Over quota catches of species which are not included in the landing obligation.
- Those species deemed to have a high rate of survival by stated catch method as recorded in the regional discard plan, e.g. creel caught Nephrops. Fishermen are not allowed to decide for themselves whether the fish has a high rate of survival.
- Species in fisheries where further selectivity is very difficult to achieve or the cost of landing is prohibitive, again, only within the rules stated in each regional discard plan.

Q. How will the landing obligation be controlled and enforced?

The [Marine Management Organisation](#) (MMO) has indicated they will be informing fishermen of offences and not prosecuting during the 24 month introductory phase from 1 January 2015 to 31 December 2016.

[Marine Scotland](#) has also indicated that it will engage in pragmatic enforcement, recognising that there needs to be a period of learning and adjustment when the ban takes effect.

Q. Does the ban apply to all types of fishing?

No, the landing obligation only applies to registered fishing vessels and therefore recreational fishing and charter boats are exempt.

Q. Where do I look for further information?

The devolved administrations in the UK have all published guidance for fishermen impacted by the landing obligation. This outlines which fish come under the new landing obligation,

depending on sea area and fishing gear used, what fishermen have to do with unwanted fish on board and which can be sold for human consumption.

This guidance can be accessed through the Seafish website [here](#).

Q. Is there funding available to help me deal with the impact of the new rules?

The European Maritime and Fisheries Fund (EMFF) has funds available to help those in the industry adapt to the changes by, for example, helping them to purchase or develop more advanced gear allowing for more selective fishing (and therefore less unwanted catch). To apply for this funding you can contact your relevant government authority. Please find the links below:

For those in England, Scotland and Northern Ireland please click [here](#).

For Wales, please click [here](#).

Handling – How the landing obligation works at sea.

Q. Who is responsible for making sure that activity on each vessel complies with the landing obligation?

It is the vessel owner's responsibility to ensure the correct fish are landed and only permitted fish are discarded in line with the appropriate regional discard plan.

Q. Will the landing of fish not for human consumption come off my quota?

Yes, but the Total Allowable Catch (TAC) will now be set taking account of the unwanted catch that was previously discarded. This will result in what is referred to as 'quota uplift' or 'quota top-up' – a one-off addition to quota to reflect all the catches being landed.

Each Devolved Administration is responsible for deciding on how to allocate any additional quota resulting from quota uplift among vessels registered in each home nation.

For England, Northern Ireland and Wales the [Marine Management Organisation](#) (MMO) is responsible for quota catch limits.

In Scotland, [Marine Scotland](#) is responsible.

Q. Do I need to keep undersize fish separate on board the vessel?

All vessels 12m and over must store undersize fish separately in clearly identifiable boxes, compartments or containers, but not by individual species.

There is no food safety risk if undersize fish are being stored with fish for human consumption and therefore there is no requirement for sealed containers.

Q. How will landings be recorded?

The landing obligation guidance does not go into detail about the existing logbook requirements but rather explains the additional requirements under the new landing obligation rules (recording all quantities of discards under exemption from the landing obligation and recording undersized fish separately).

However, it does make it clear that all landed catches must be recorded in the landing declaration, including catches of less than 50kg.

Fish which are thrown back into the sea under agreed exemptions must be recorded and may still be counted against quota, depending on the rules of the agreed regional discard plans.

Handling – How the landing obligation works at sea.

Q. When does the decision regarding the intended use of fish need to be made?

The decision about whether fish can be used for direct human consumption can be made at any time between catching and the final consumer. Once the decision is made that a fish is no longer intended for direct human consumption, it becomes an animal by-product.

All fish above the MCRS must be landed, including those stocks not yet subject to the landing obligation during the phasing in period.

When a fish is intended for human consumption, direct or not, it must be handled according to food law.

Once a fish is deemed to be an animal by-product (not to be eaten by humans) it must be handled according to animal by-product rules and can only be supplied to businesses approved to handle animal by-products.



Onshore – How the landing obligation works at port.

Q. Can anyone buy undersize fish?

No, buyers must be registered. The sellers must be permitted to land and sell any undersized fish.

The buyers must be registered specifically to handle undersized fish to ensure it is not going to be used for direct human consumption.

For fish that is going to be used for human consumption, there is a [buyers and sellers](#) registration system already in place.

Q. What do I do with the fish if no one wants to buy it for human consumption?

Undersized fish landed for non-direct human consumption may not be able to find a suitable customer or the fish may be damaged during handling and be unsuitable for sale. When this happens the fish will become an animal by-product and must be handled accordingly.

Q. What markets might be available for fish intended for non-direct human consumption?

“Non-direct human consumption” is for products which are not classed as a foodstuff in their own right. However, as food additives, they must comply with food safety laws throughout the entire supply chain.

Food additives are highly processed, retaining few characteristics of the original food, and are often made up of a variety of raw materials. Examples include fish proteins used as emulsifiers or extracts as flavour enhancers.

Q. What uses might be available for fish not to be eaten by humans?

There are many uses for this fish, but viable options vary in different regions. They may be used directly as bait or zoo food, or processed as pet food, or fishmeal, among many other uses. Keeping the fish in good condition during transport and handling by following food law will increase the options available and the value of the fish.

Q. Where do I look for further guidance on undersize fish?

Each Devolved Administration has produced guidance to explain the requirements concerning the catching, landing, storage, marketing and transportation of undersized fish. This will be particularly relevant for fishing vessel operators, ports and harbours, fish markets, processors, enforcement authorities and other businesses that handle and manage fish in accordance with food hygiene and/or animal by-products (ABP) legislation. These can all be accessed through the Seafish website [here](#).

By 2019, the general rule is that no commercial fishing vessel can return any quota species of fish, of any size, to the sea once caught.

There are expected to be a few exceptions. These include certain regional variations, certain quota exemptions and species that are deemed to have high survivability.

The legislation will vary for each region and sea area and so it is important you know the details for the sea areas where you fish.

Guidance from your relevant UK authority can be found in the following links:

- [Defra.](#)
- [Marine Scotland.](#)
- [DARDNI.](#)
- [Welsh Government.](#)

But in cases where none of the exceptions apply, when caught, all quota species must be landed and counted against your total quota allocation.

Navigating the sea of information.

Seafish has gathered a range of information, analyses and case studies, into a '[resource centre](#)' that will help people in the UK fleet and onshore sector to understand the different elements of the landing obligation.

Key information on the landing obligation, all the guidance published by the Devolved Administrations, and links to the Advisory Councils, the European Commission, the discard plans and the discard atlases can be accessed through the Seafish website here.

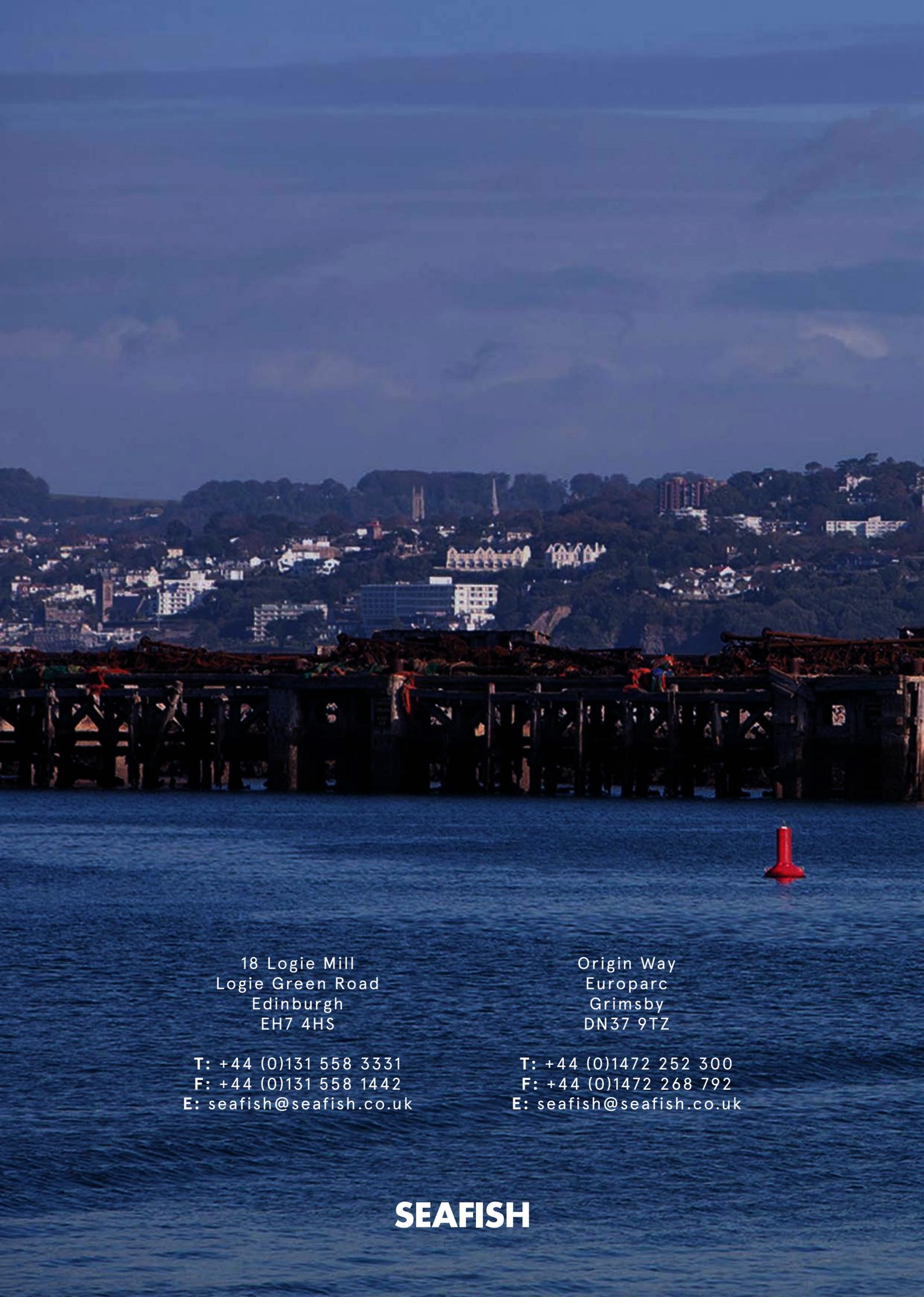
There are also specific pages on:

- [How the Landing Obligation could affect the Pelagic sector.](#)
- [How the Landing Obligation could affect the Demersal sector.](#)
- [Onshore implications.](#)

In addition Seafish has produced a [fact sheet](#) detailing recent, current and future activities to support the seafood industry towards full implementation of the landing obligation.

Produced by [Seafish](#).





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