

Note of Discard Action Group meeting held at the Wesley Hotel, London.
Wednesday 25 November 2014

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>

Attendees

1. Welcome and apologies

Mike Park, DAG Chairman welcomed attendees to the Discard Action Group meeting.

Alaric Churchill	Milford Fish Docks
Ana Ribeiro Santos	Cefas
Angus Cragg	Defra
Barry Young	Brixham Trawler Agents Limited
Catherine Pazderka	BRC
Chris Leftwich	Fishmongers Company
Claire Palmer	Milford Fish Docks
David Stevens	Skipper
Emma McLaren	SFP
Erin Priddle	EDF
Guy Dorrell	Faircatch Ltd
Hazel Curtis	Seafish
Heather Hamilton	ClientEarth
Heather Stewart	Marine Scotland
Huw Thomas	Morrisons
Ian Kinsey	Norwegian Fisherman's Association
Jason Hamilton	Scrabster Harbour Trust
Jerry Percy	NUTFA
Jim Evans	Welsh Fishermen's Association
Jim Portus	SWFPO
Karen Green	Seafish (Minutes)
Kenny Coull	SFF
Libby Woodhatch	Seafish
Mike Berthet	M&J Seafoods
Mike Montgomerie	Seafish
Mike Park	SWFPA, Seafish Board (Chair)
Mike Short	FDF
Toby Parker	UFI
Victor Sandison	Lerwick Port Authority
Mike Montgomerie	Seafish

Apologies were received from:

Ally Dingwall	Sainsburys
Andy Buchan	Skipper/SWFPA
Barrie Deas	NFFO

Bertie Armstrong	SFF
Dave Cuthbert	NUTFA
David Guy	Newhaven Fish and Flake Ice Society Ltd
David Parker	Youngs Seafoods
Iain MacSween	Scottish Fishermen's Organisation
Jon Goodlad	Seafish panel
Kenn Skau Fischer	Danish Fishermen's Association
Leanne Llewellyn	Welsh Government
Liane Veitch	ClientEarth
Marcus Jacklin	Seafish
Martyn Boyers	Grimsby Fish Dock Enterprises
Mel Groundsell	Seafish
Michaela Archer	Seafish
Nathan de Rozarieux	Tegen Mor Fisheries Consultants
Paddy Campbell	DARD
Paul McCarthy	Marine Scotland
Rebecca Mitchell	MRAG
Richard Ballantyne	British Ports Authority
Ross Jolliffe	Cefas
Suzanne Pomeroy	Welsh Government
Tim Silverthorne	National Federation of Fishmongers
Tom Pickerell	Seafish

2. Minutes from the DAG meeting held on 2 July 2014 in London.

The minutes from the previous meetings were circulated before the meeting and were accepted as a true reflection of the meeting. Arising actions are covered by the agenda.

3. Current position re discard plans and the views of the Advisory Councils.

Discard rates in pelagic fisheries are classed as minimal but slippage may occur (the releasing of fish before the net is fully taken on board). High level groups have been established for the North Sea (NS) and the North West Waters (NWW) and pelagic discard plans have been produced, which are very similar. These will come into effect on 1 January 2015 and stakeholder views are being sought on how to bring in the discard plan. There are a few small exemptions, mostly on survivability. ICES advice now provides one figure for landings/catch but it is not clear if this will be a complete total. To ensure that there are no conflicts in EU fisheries legislation resulting from the reform of the Common Fisheries Policy, all the technical conservation rules applicable to EU commercial fishing vessels are being reviewed. This process is known as the 'Omnibus'. The Omnibus negotiations are ongoing - this is a "quick fix" regulation to make EU technical measures legally compliant with the discard ban coming into force 1 January 2015. A more comprehensive overhaul of technical rules is planned for early 2015.

3.1 North Sea Advisory Council (NSAC). Mike Park.

There has been a lot of discussion around phasing in particular with a number of Member States setting out their own proposals. A Scottish proposal is due to be published. There is some friction between the industry perspective and the NGO perspective. With the pelagic landing obligation coming into effect in January there is still a lot of work to be done.

3.2 North West Waters Advisory Council (NWWAC). Kenny Coull, SFF.

There are two focus groups looking at this and eight areas for discussion have been identified: defining the scope, phasing, de minimis, high survivability, documenting the catch, Maximum Conservation Reference Size (MCRS), quantity and quality and choke species. A NWW discard atlas is due to be published imminently.

3.3 NGO perspective. Heather Hamilton, ClientEarth.

ClientEarth sits on the NSAC and the NWWAC, and as a legal NGO is mainly concerned with compliance with the law and effective implementation of the landing obligation is paramount. Whilst ClientEarth can understand industry concerns the key considerations are:

- The discard plans should provide the framework to implement the landing obligation and ensure the commitment to MSY is adhered to. The real benefit of MSY is stable and more productive fisheries.
- Exemptions should not be abused and should not restrict the achievement of MSY. De minimis should only apply to a small proportion of fish and only if fully justified and data-led. Evidence is required for claims of long-term high survivability (not just a day or two). De minimis will have to be recorded. In the case of inter species flexibility could be a short term solution but it is important to note that all the species must be classified as within Safe Biological Limits.
- The interpretation of all these exemptions should be restricted to ensure the core messages are not lost.
- Management, control and enforcement must be adequate and the Omnibus regulation has to be effective.

4. Update on devolved administration activities.

4.1 England. Angus Cragg, Defra

- Defra will be issuing a communications package on the pelagic landing obligation but do not foresee this to be a major problem.
- Have started a conversation on onshore management and the potential problems different ports are going to face. An onshore Task Force has been meeting.
- Discard atlases are being compiled based on official figures.
- Defra is working with other Member States on the demersal landing obligation discard plan and will be drafting the chapters on TR1 and TR11 in the NS and TR1 in NWW. This will cover phasing, governance, clarity on what is meant by non-human consumption, exemptions etc
- Defra is planning a formal consultation on the demersal landing obligation in January 2015.
- The aim is to have EMFF on-stream as soon as possible to support the implementation of the new CFP.

4.2 Scotland. Heather Stewart, Marine Scotland

- Marine Scotland is producing guidance for industry on the pelagic landing obligation with information for individual vessels and clarity on the omnibus regulation. There is the likelihood of two sets of conflicting regulation in place at the same time. There will be no mandatory use of cameras on Scottish vessels but it is hoped they will be in use. The fleet did not want them when other Member States will not be using them.

- Work is progressing on the implementation of a demersal landing obligation in January 2016. In particular the areas being looked at are: high survivability, zero TACs and management. There are likely to be different enforcement models for the demersal and pelagic sectors in Scotland.
- Gear selectivity workshops have been reconvened and Marine Scotland is keen to work with skippers. Meetings are planned in Shetland, Fraserburgh, Inverness and Peterhead.
- Marine Scotland is working with Seafish on the Economic Impact assessment and will start looking at the inshore sector in the New Year.

4.3 Northern Ireland. Karen Green, Seafish on behalf of Paddy Campbell

The impact of the landing obligation has been identified as a major priority for the NI Fishing Industry Task Force which will make an interim report to the DARD Minister by the end of the year. Seafish recently briefed the Task Force on early findings from the UK impact assessment as they relate to the Irish Sea. It confirms the earlier Poseidon assessment that radical solutions will be required to address the impact of whiting as a choke species if NI is to avoid a severe impact on prawn fishing after 2019. If ultimately a case has to be made on economic and social grounds to seek further flexibility in the CFP it is recognised that the Commission will not be receptive unless all feasible measures have been taken to further reduce catches of unwanted fish. Therefore from now until 2019 selective gear trial work will continue and will be fully funded under the EMFF.

- Selective gear trials. DARD is committed to a programme of selective gear trials between now and 2019 with the aim of reducing as far as possible unwanted catches of fish. Trials are anticipated on 3 to 4 gear variants per year. Whilst there will be a strong focus on elimination of choke species, it is likely that reducing catches of small *Nephrops* will also be examined.
- Review of scientific studies on survivability of *Nephrops*. From 2016 small *Nephrops* will have to be landed. It may be possible to apply for an exemption based on 'high' survival rate. As a first step there will be a desk review of all available *Nephrops* survival studies to assess if there is sufficient potential to improve survival by modifying current fishing practices. AFBI scientists consider that survivability of *Nephrops* would have to be at least 50% to justify an application for exemption. Survivability in *Nephrops* is difficult to study as seabed conditions for returning *Nephrops* is hard to simulate.
- Whiting MCRS. AFBI will develop a case to argue that the MCRS of whiting should be lower based on evidence that whiting are maturing at smaller size than previously believed. Whilst this may not affect the stock assessment model it would mean that more landed whiting could potentially be used for higher value human food chain outlets.

4.4 Wales. Karen Green on behalf of Leanne Llewellyn, Welsh Government

Welsh Government work to date has been focused on gaining a better understanding of the nature of Welsh fisheries and the levels of discards and species that will impact industry on implementation of the demersal landing obligation. Significant resources have been attributed to stakeholder engagement and understanding and addressing concerns that industry have with the LO. Engagement is still not as strong or forthcoming as hoped for. There are still many misconceptions surrounding the ban and a sense of complacency amongst industry. This has meant that observer programmes and additionally self-sampling programmes have not generated sufficient data.

Additional work has focused on survivability studies to provide an evidence base for a de minimis exception. Phase 1 of the work has been completed successfully by CEFAS, and involved assessment of gill net fisheries for plaice and sole survivability. Phase 2 was due to start w/c 16 November for an under 10 meter otter trawl study, however, despite a significant amount of time and effort involving WG, CEFAS, DEFRA and the MMO the skipper has pulled out of the project. We are currently working with CEFAS to find a potential solution. Thanks were extended to Tom Catchpole and Sam Smith for the considerable amount of hard work they have put into this study. Focus has now turned to the pelagic LO, which is a very small scale problem in Wales. However, we need to demonstrate implementation and compliance. WG will be starting to work on a guidance document for industry and will be looking to develop a simplistic system for self-recording. This will be supplemented by a small ad-hoc observer programme for verification.

4.5 Cefas activities. Ana Ribeiro Santos, Cefas

http://www.seafish.org/media/1330550/dag_nov2014_cefas_update.pdf

Key work areas are:

- Discard ban trial (2012). Report has now been published.
- North Western Waters Discard Atlas (2014) is nearly completed. This uses STECF data from 2010 – 2012 by country and fishery, not ICES data.
- ASSIST - Applied Science to Support the Industry in delivering an end to discards. This is an ongoing five-year project to provide practical support to fishermen. In 2013 there were 17 meetings. In 2014 the focus has been operational studies. 1. NW *Nephrops* trawl fishery to avoid the capture of plaice. All vessels caught less plaice, but also less *Nephrops* but skippers were impressed with the gear modification. 2. NE *Nephrops* trawl fishery to apply more selective gear to avoid catching whiting and plaice by using a coverless net with extensive use of 160mm netting in the wings and upper bag, and increase SMP mesh size to 100mm and extend it towards the edge of the mouth of the net. Trials start in January 2015. 3. SW otter trawl fishery >100mm to avoid catching unwanted haddock. First trial completed (Aug/Sept 2014) now trialling larger mesh of approx 200mm in the square and full back area. Showed a reduction of 22% in all haddock. Still to start: trials using a low lift trawl to allow haddock to escape over the headline and using a panel separator from the mouth of the net
- Survivability project (five years) – runs in parallel with ASSIST. To determine the potential for scientific data to be generated from REM equipped fishing vessels and how this data can be used in combination with observer offshore and on-shore data to satisfy the requirements of the Data Collection Framework. The
- EU project – “The landing obligation and its implications on the control of fisheries”. Cefas with Ocean Governance Technology won the tender last week. This is a new project to run from November 2014 to February 2015. The parameters have not yet been fully defined.

Overall discussion

- ICES talks about average discard rates and this does not necessarily fit with what is being observed at vessel level, equally different discard levels could be observed at different times of the year. There is a question mark over whether Scottish vessels are going to have observers on board to confirm the magnitude of the problem.

- The NGOs are not helping industry by holding it to account – flexibility is the key to making the landing obligation work. There was a plea for NGOs to think about the effect of their actions on fishermen.
- There were different views on how much fish that was previously discarded at sea could now be landed and where it will go. Government will need to look at the whole quota management system, and fishermen will need to look at the way they fish to make sure the most selective gears are being used. Onshore management also needs looking at in the short-term and long-term. The aim is for as much fish possible, above the Minimum Conservation Reference Size, to go to human consumption.
- Re survivability what measures have been taken to minimize stress in the holding environment, as the holding environment could contribute to mortality? Answer. Cefas will be conducting trials to show what happens on a vessel on a normal daily basis.
- With such a lot of great projects in the pipeline is there any element of negotiation which attempts to bridge the gap between the scientific view and the view of fishermen? Answer. How to use and validate data from fishermen is a big issue for Cefas to ensure accurate and up-to-date data is used.
- Is there any engagement with the market on the size of fish that could be landed? Answer. The discard ban trial showed a variety of undersized fish were landed. There was discussion over fish above the current Minimum Landing Size but perhaps below the preferred size, but for which a market could be created. It was thought that there could be changes to the size distribution which could impact on the supply chain and market prices.
- The wording with regard to observers in the CFP reform regulation is very imprecise. It calls for 'sufficient' observers. Cameras are seen as the gold standard but not all parts of industry are keen. Control will fall to individual Member States. It was mentioned that rather than talk about cameras we should talk about remote electronic monitoring (REM) and there is the potential to link catch sensors with REM.

Skipper perspective. David Stephens, Crystal Sea

http://www.seafish.org/media/1330553/dag_nov2014_davidstevens.pdf

David relayed his own experience of the catch quota trials. Key points:

- It was imperative to have the incentive of added quota as a precursor to taking part in the trials.
- Whilst initially he did not like the idea of cameras he did not find them intrusive at all. Fishing behaviour did change and you became much more aware of what you were catching and the make-up of the catch. They will continue to use cameras but does not necessarily think that cameras should be used at vessel level but could be used at fleet level to monitor fleet activity. Cameras can provide a level of trust and support greater customer confidence – they are more than simply an enforcement tool they tell a story.
- The vessel was catching haddock, monk, megrim, John dory, hake and whiting predominantly. It came across a lot of haddock and this was the real challenge. There was a lot of juvenile haddock and so a panel was inserted in the cod end of the net to reduce the catches of these fish. Whilst the square mesh panel was immediately successful, other modification did create problems. There are moves to make the modification legal. Whilst the cameras were kept rolling for 12 month the quota availability only really allowed fishing for nine months.

- They were allowed to run a control net alongside trial nets.
- They are very keen to provide data on how much juvenile haddock they came across and have been working with Cefas and the MMO to this effect. Observers on board can back up what fishermen are seeing.
- Haddock and cod will be the choke species in this mixed species fishery.
- In 2015 they are planning to run a full trial for all species.

Discussion

- This was a very useful example of how an individual vessel can adapt to make the landing obligation work, however this vessel had a healthy quota.
- Can adjustments be made during a trip? Answer. Yes this happened all the time. You have to think on your feet and constant modifications were made. Skippers are going to have to be inventive. Discards are not cost-effective.
- Besides reporting, could you identify any commercial benefits to having cameras on board? Answer. There could be but for me the main benefit was reporting.
- How is the Cefas/Seafish gear selectivity database progressing? Answer. It is hoped this will go live early in 2015.
- Relative stability, which has been enshrined for many years, was discussed and whether there is a need for a common unit of effort. There was also mention of a previous ClientEarth paper on a proposal for a credits-based system. This whole issue is likely to be looked at by the Commission.

5. Understanding the effects of a discard ban at vessel level. Jess Sparks, Seafood Scotland

http://www.seafish.org/media/1330559/dag_nov2014_seafoodscotland_vesselimpacts.pdf

This looked at the reasons for discarding: Regulatory (no quota, below MCRS); Market driven (poor quality/seasonal price, no market, better market revenue for other species to be landed); and Variables (by sector, by fleet segment, by vessel over the fishing year) and illustrated a model (or efficiency tool) under which a skipper could visualise/analyse the impacts of its own discard patterns, and the ways and means fishermen would change behaviour. Discard data is needed to add to the spreadsheet.

Discussion

- Discussion over whether Minimum Landing Size (MLS) and Minimum Conservation Reference Size (MCRS) were the same, and if there will be any difference/change to the sizes.
- Has the cost of handling been factored in on the spreadsheet? Answer. No and this needs to be further refined.
- Onshore handling could be a huge issue and the associated costs need to be factored in. A lot of ports will have logistical problems and don't have the infrastructure in place to handle, store and transport potential additional landings, and the fishmeal plants are not necessarily set up to handle this either.
- This is a good starter to highlight to skippers the scale of the problem.
- The British Ports Authority had a meeting with the Fisheries Minister this morning to discuss how the LO could create a problem for the ports, but at this stage nobody knows the size of the problem. Ongoing trials will help but at the moment it is very difficult to quantify especially not being able to predict how the behaviour of fishermen will change.

Action: Provide link to spreadsheet.

6. Seafish EIA progress. Hazel Curtis, Seafish.

http://www.seafish.org/media/1330556/dag_nov2014_seafish_eia.pdf

Hazel updated the group on the progress of the Economic Impact Assessment (EIA) of a move from current fisheries management to various potential scenarios under the new CFP Landing Obligation (LO). The analysis is designed to: provide an overall assessment of the likely new equilibrium 'balance' situation between fleet capacity, onshore capacity, and the new fishing opportunities available under the LO; provide evidence to inform regional (demersal) discard plans that are due to be submitted to the Commission in mid-2015; and identify key challenges for industry and government. This study has used data from 2011, 2012 and 2013 covering the quota unit, what was landed, what percentage this was of the initial quota and the available discard data to determine the catch rate per day and how long it will take to catch the quota. The fleet segmentation and status quo analysis, and the choke analysis have been completed and are being sense-checked. Seasonality analysis also needs to be included. Phasing options could also be considered. The fleet sector outputs will be published in January 2015 and the onshore analysis will be scoped in the New Year for completion March/April.

Discussion

- If the fleet changes and there is a reduction in the number of vessels, and there is a complete regime shift, why would the ports invest. It may be more beneficial to lease the quota. Closing ports could be a potential outcome.

Action: Results to be reported on at the next meeting.

7. Onshore implications. Foodservice/retailer front end perspective. M&J Seafoods/Morrisons/Tesco

http://www.seafish.org/media/1330562/dag_nov2014_industryperspective.pdf

The EIA should start with the market not the processors. A whole host of questions remain unanswered (see presentation).

Discussion

- Significant port closures could have a massive impact on the market.
- PO management will be crucial and they understand the importance of continuity of supply. Vessels tied up and fines cannot be allowed to happen.
- It is likely any closures will be at vessel level, not fishery level.
- Retailers and the foodservice sector have to manage the expectations of their customers. The industry can talk about seasonal variations but the issue of choke species is a lot more difficult to explain. The supply chain dynamic needs to be factored in. Restaurants will not print menus with certain fish if there are worries supplies will not be there.
- Retailers have to respond to three main threats – shareholders, customers and the media and the role of the fish buyer is to be able to source fish with a clear conscience so they need to mitigate the risks, but want to work with the British industry.
- The whole seafood supply chain needs to be mapped from end to end.
- Need to consider the bait and fishmeal markets. Could this potentially displace other markets? Would we need to import as much fishmeal?
- The major UK fishmeal factories are all running at less than full capacity. The UK and Ireland are less than 50% self-sufficient in fish oil and fishmeal i.e. over 50% of the meal and oil is imported. Therefore any extra raw material (i.e. discards of suitable quality) that could be supplied to the factories can be utilised and put to useful use back into the feed-food chain.

- The issue that the fishmeal factories have with discards has been identified before. It is that of logistics, and the cost of the logistics and their organisation, given funding help most of the discards can become accessible to the fishmeal factories.
- Is there a potential for the size of fish on the market to change. If the market moved from a 6 – 8oz, to an 8 – 10oz fish, this would have a big impact on the foodservice sector?
- Is there Government money to help with data collection? Answer. EMFF will provide funds to help develop initiative gear developments and Seafish/Cefas are working on a gear technology database. There is a lot of interest in this type of work at the moment and Seafish is working with industry and developing new courses. There are also plans for a course for fishery managers, NGOs, Government etc to illustrate the issues.
- The retail/foodservice sector will have to have a statement ready early in the New Year for consumers on the pelagic landing obligation and would like a statement from Defra that could be used within press statements.

Action: Industry needs to be clear on its messaging re the pelagic landing obligation.

8. Date of next meeting

This was not discussed but the next DAG meeting is likely to be in the spring 2015 (probably March).