

**Note of Discard Action Group meeting held at the Wesley Hotel, London.
Monday 23 March 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

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

Angus Cragg	Defra
Barrie Deas	NFFO
Barry O'Neill	Marine Scotland
Barry Young	Brixham Trawler Agents Ltd
Charlotte Bury	Tesco
David Parker	Youngs Seafoods
Doug Watson	Catapult Satellite Applications
Duncan Vaughan	Natural England
Elaine Hayes	Seafish Board Member
Erin Priddle	EDF
Fiona Wright	Seafish
Grant Course	SeaScope Fisheries Research Ltd
Hazel Curtis	Seafish
Heather Hamilton	ClientEarth
Heather Stewart	Marine Scotland
Helen McLachlan	WWF
Huw Thomas	Morrisons
Ian Kinsey	Norwegian Fisherman's Association
Jess Sparks	Seafood Scotland
Jim Evans	Welsh Fishermen's Association
Jim Portus	SWFPO
Jimmy Buchan	SWFPA
John Goodlad	Seafish panel
John Hooper	Consultant
Julian Roberts	MMO
Karen Green	Seafish (Minutes)
Kenny Coull	SFF
Liane Veitch	ClientEarth
Mark Stafford	Welsh Government
Mike Park	SWFPA, Seafish Board (Chair)
Mike Short	FDF
Paddy Campbell	DARD
Paul Williams	Seafish
Ross Jolliffe	Cefas
Tim Silverthorne	National Federation of Fishmongers
Tom Catchpole	Cefas

Apologies were received from:

David Guy	Newhaven Fish and Flake Ice Society Ltd
Jennifer Mouatt	Scottish Industry Discards Initiative
Jerry Percy	LIFE
Kenn Skau Fischer	Danish Fishermen's Association
Leanne Llewellyn	Welsh Government
Libby Woodhatch	Seafish
Marcus Jacklin	Seafish
Mel Groundsell	Seafish
Mike Montgomerie	Seafish
Mogens Schou	Aquamind
Nathan de Rozarieux	Tegen Mor Fisheries Consultants
Nigel Edwards	Icelandic Seachill
Phil MacMullen	Seafish
Rebecca Mitchell	MRAG
Sam Stone	MCS
Simon Derrick	Icelandic Seachill
Toby Parker	UFI
William Davies	Icelandic Seachill

2. Minutes from the DAG meeting held on 24 November 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. Is the pelagic landing obligation working? Lessons to be learnt. Jim Portus, SWFPO.

The pelagic landing obligation (LO) came into effect on 1 January 2015. An example was given of a fisherman (fishing in the mackerel box) with no quota for mackerel that accidentally catches mackerel while fishing for another species. The MMO advised that this would have to be landed but the Producer Organisation (PO) had no quota for the mackerel. The fisherman landed the mackerel (as he was obliged to do – this would previously have been discarded), it was classed as an ‘accidental overfish’ and sold for human consumption (with no profit), the fisherman got the revenue and Government advised the PO that they needed to ‘get hold of’ the necessary quota for the mackerel. The rules are not very clear - it would be very difficult for the PO to tell the fisherman to avoid catching the mackerel – it was almost impossible to avoid. This also raises questions over the implications for fishing tactics for those who have no quota but might accidentally catch mackerel (or another species) and it has implications for the mackerel box. This happened at the beginning of the year when quota is available, but is likely to be more difficult at the end of the year and if nobody is willing to lease quota. There was some thought about an expectation that quotas would be raised to take account of the regular catch, plus the amount that would have been previously discarded – 1.6% has been added to the national pelagic quota to allow for discards and this has been distributed according to FQA holdings (FQA or fixed quota allocation has been the principal way of allocating fishing quotas within the UK fishing industry since 1999. The UK receives a share of the total allowable catch (TAC) from the EU for each quota stock (referred to as FQA holdings) which is then distributed amongst the fishing industry (sector, non-sector, and inshore fleet), the majority of which goes to the sector (PO members). It appears that none of the additional 1.6% of quota has been allocated to account for previous discards of pelagic species that were made by vessels with no access to quota.

Discussion

- There is now a pelagic LO but it is still early days. It was right that this mackerel was landed and the PO does have a role to play. The FQA holdings were mentioned as part of the pelagic landing obligation consultation last year with regards to how quota should be allocated, and there was no response to the contrary.
- Under the discard ban in Norway there is a buffer quota (Norwegian Others) for incidental by-catch, but only up to a certain level, and once this is used up there is no alternative.
- There is the view that it is more difficult for fishermen to make a profit under the rules of the LO. Defra wants vessels to only catch target species – whilst the vessel in the example should not have caught the mackerel, it was caught inadvertently and difficult to avoid. This serves as a warning for the white fish sector where the cost implications of an issue such as this are likely to be magnified.
- There was discussion over whether the fisherman is guilty of an offence. What offence and when does it arise? Would it be landing without quota, which would only arise at the end of the year if he doesn't get access to quota by then? Also what happens to non-sector fishing vessels with no PO – would the MMO act as an agent? Government representatives at the meeting were unable to answer these questions.
- The issues raised by the pelagic LO are likely to be a microcosm of what will face the white fish sector through the demersal LO. FQAs and the international and domestic distribution of quota are all likely to be challenged and are being addressed through the UK Association of Fish Producer Organisations (UKAPO) and the Scottish Association of Fish Producer Organisations (SAFPO).
- The recent Defra consultation to review and simplify the fishing vessel licensing rules in England with regard to licence categories A, B and C (which are not compatible with the LO) also needs to be considered.
- There do not appear to have been any real issues with Scottish vessels under the pelagic LO and discussions are ongoing with regards to the demersal LO.

Actions: Consider the questions tabled and what is happening around the UK. Are there any other instances?

4. Updates from Devolved Administrations

Defra consultation on the demersal landing obligation. Angus Cragg, Defra.

http://www.seafish.org/media/1382985/dag_mar2015_defra.pdf

The new CFP basic regulation includes firm dates for the introduction of LOs for all quota stocks. To implement the demersal LO in England Defra is proposing to make proportionate interventions across five key fisheries management areas. Defra launched a ten week public consultation in January which ran until 31 March. Member States (with support from Advisory Councils) are developing the demersal discard plans which will support the introduction of the demersal LO. Progress is being made in both the North Sea and North Western Waters who are broadly on track to deliver by the end of May. There is no desire for a big bang (or all species) introduction on 1 January 2016. Most want the demersal LO phased in over two years. There are choices being discussed with regards to phasing of the gadoid and flatfish clusters. Improving domestic quota management operations and how to allocate quota are key issues. Uplifts in quotas will be incredibly important and crucial to avoid choke species scenarios. But there is no

single consensus on how to allocate any uplift to fishermen and Defra does not have a view on this. As an example haddock in the South West has a 50% discard rate so there could be a big quota uplift and decisions will have to be taken on how this is distributed. The majority of discards are above the minimum conservation reference size and over-quota discarding is the most significant contributor. Exemptions are crucial and industry wants scientific programmes on survival (all flatfish) completed ahead of the LO and selectivity measures in place to secure exemptions.

There are decisions to be taken on management and enforcement with a whole range of options possible. Cameras are one option but we cannot foresee cameras on all boats. There are lots of questions about catch management and what happens when the fish comes ashore if it is not going for human consumption. Regionalisation, exemptions, survivability and selectivity all have to be considered.

There are also a lot of myths which need dispelling: that the landing obligation applies to every stock including species not subject to catch limits; that it only applies to English vessels (and not the whole of the EU); that a big bang approach has already been agreed; and that cameras will be placed on every single fishing vessel (paid for by the skipper/owner).

Discussion

- There needs to be recognition that fish patterns and subsequently fishing changes, and any approach needs to be flexible. There are a lot of haddock evident in the South West at the moment but that could change and next we could see a big year class of ling.
- Quota uplift is crucial - we need to know what this is going to amount to and how it will be allocated. If it is to account for previous discarding then it would have to be allocated to account for discarding from vessels that don't have access to quota.
- Quota uplift will have to be based on scientific assessment taking into account landings and discard rates. There are now discard atlases and better evidence of discard rates. Relative stability will still be used to calculate uplift.
- There is skepticism about the accuracy of the scientific information. Scientific data is historical – we could get a very big year class and it would take three years for science to catch up. There needs to be a mechanism to allow for sudden, big year classes. Not having a mechanism to cope with this could lead to damage to stocks and to the fleet.

Marine Scotland - Heather Stewart.

http://www.seafish.org/media/1382988/dag_mar2015_marinescotland.pdf

There are a number of work streams to make the discard ban work for Scotland. A pragmatic approach is being adopted to phasing to allow the discard ban to be gradually phased-in. Improving Selectivity is crucial: the Fisheries Management & Conservation Group (FMAC) sub-group has been commissioned to carry out a work programme on gear selectivity (March 2015 – July 2016) – this will look at what has been done in the past to develop a suite of options for moving forward. There are also gear trials (ongoing); real time abundance mapping (start May 15) and the Discardless Project which starts in March 2015. An onshore action plan, working with Food & Drink Scotland and Seafood Scotland is in progress, with meetings held with the processing industry and the Scottish Ports Authority. National management is also being looked at to explore new quota management and licensing options; develop new approaches with Shetland and others; to look at PO roles and responsibilities (SAFPO); and the potential for quota

flexibilities. Marine Scotland is also looking at high survivability exemptions for *Nephrops* and de minimis for small *Nephrops*.

Northern Ireland – Paddy Campbell.

There is a similar situation in Northern Ireland with regards to looking at de minimis exemptions for small *Nephrops*. DARD takes part in the regional groups and is awaiting finalisation of the discard plans, once these have been agreed uplifts will become the focus for the Northern Ireland Fish Industry Task Force.

Welsh Government - Mark Stafford.

Welsh Government has been working on a number of survivability studies with Cefas with regards to the Bristol Channel gill net fisheries for plaice and sole. The reports are due to be published soon. Industry engagement still needs to be improved. There is work to demonstrate principles for de minimis exemptions based on disproportionate cost. Skates and rays are also a focus for the future with a couple of collaborative exercises, one with Youngs Seafoods.

Discussion on selectivity

- We need to push the selectivity agenda a lot more could be done to select out undersize fish.
- The essence of the LO is to reduce unwanted catch. It looks like the definition of fisheries will be based on gear categories (similar to the cod plan). We need to be more selective in which gear mesh size is used and encourage flexibilities. **Q.** But when the gear categories are defined is there a risk of conflict? **Response.** We need the flexibility to be able to go back and revise the discard plans and have envisaged a three-year transition period but we need to start somewhere. We need to know what is in each category and work closely with industry to change definitions.
- It would appear that fishermen are being asked to find the solutions but in order to do that we need to be able to adapt and have the freedom to work within the spirit of any regulation but not be constrained by it. **Response.** The aim is to remove as much of the technical regulations as possible and to use EMFF funding to look at new gears. In Scotland a lot of the TR2 vessels are using mesh sizes above 100mm and there are moves to re-define the mesh sizes and be far more pragmatic in approach.

5. Report on outcomes of Seafish EIA on vessels and how the onshore work is progressing. Hazel Curtis, Seafish.

http://www.seafish.org/media/1382991/dag_mar2015_seafisheia.pdf

Hazel highlighted progress, and presented findings from Interim Report One of the Landing Obligation Economic Impact Assessment, which is funded by Seafish, Marine Scotland and Welsh Assembly Government. Essentially the first phase has analysed fleet operational impacts (choke analyses, species and volumes landed) and is very complex. The first Interim Report is due to be published very soon, followed by the bio-economic modelling interim report. Analysis of the likely impacts on the onshore sector will follow, but will not include quantitative estimates of business performance after the LO, as there are too many possible alternative business approaches that onshore businesses could take.

The choke analysis uses 2013 figures to determine, if the LO had been in place then, what choke situations might have arisen. It identifies choke species at home nation fleet segment level to show whether the initial quota allocation would have been used up in

fewer days than actually fished in 2013 per sea area. It highlights the primary choke species for home nation fleet segments i.e. the first five species to choke each segment, and the days until choke occurs for the home nation fleet segments. This has all been averaged and a lot of assumptions have had to be made. The various tables show how it has been worked; when a choke species would have become an issue; when a fleet segment would have run out of quota; the possible effect of mechanisms to alleviate the choke situation; and the impact of transitional rules (from 2016), quota uplift and interspecies flexibility.

Discussion

- There are a lot of assumptions and details that need to be worked through but this work is of fundamental importance. Marine Scotland has already got a lot of benefit out of this very valuable work. This work does highlight the worst case scenario and does not factor in changes in fishing behaviour.
- This analysis does pre-suppose full compliance but it does not make good reading. This is based on 2013 figures and the hope is steps will be taken to improve the situation in 2016.
- The discard rate does not relate to just small fish. There are a lot of large mature fish and new selectivity measures won't stop these being caught.

Action: If you are interested in taking part in a webinar to go through the report in more detail contact Hazel Curtis hazel.curtis@seafish.co.uk

6. Catch quota trials for 2015. Julian Roberts, MMO.

In 2014 there was a pilot trial with a large pelagic vessel using Remote Electronic Monitoring. The UK will be sharing the findings with Dutch and German colleagues, and to share best practice with Marine Scotland and Northern Ireland. This trial will be continuing in 2015.

The North Sea cod Catch Quota Trials will be continuing in 2015. The report on the 2014 trials will be completed by the end of April. 16 vessels from last year will continue. The emphasis this year will be to focus on agreeing a method for skippers and crew to accurately record quota stocks and discards and agree a sampling methodology. Two more vessels have asked to join the scheme but this scheme is oversubscribed in relation to the extra quota that the UK has been allocated. The UK has always chosen to maximise the participant levels so it is not necessarily a full quota uplift that is allocated to each vessel.

One vessel (Crystal Sea) is taking part in the South West haddock scheme for the third year. A lot of work on selectivity has been undertaken to make this work, as the Area VII haddock TAC has been on a downward spiral. This vessel was pretty much discard-free for most quota species last year. The vessel has invested in haddock quota due to the increasing abundance, but that was not enough and more had to be leased-in. Last year the vessel was forced to think of ways to de-select haddock it did not want and as a result caught fewer, better quality haddock. Four bottom trawl vessels in the South West are also about to start using cameras.

7. Update on CEFAS work. Tom Catchpole, CEFAS.

http://www.seafish.org/media/1382994/daq_mar2015_cefas.pdf

A number of selectivity trials were mentioned:

- South west otter trawl - reducing haddock catches while maintaining landings of other species (esp. squid) with five skippers in Plymouth, Newlyn, Mevagissey.

- North West *Nephrops* trawl - reducing plaice catches while maintaining *Nephrops* catches with three skippers in Fleetwood, Whitehaven, Maryport.
- North east *Nephrops* trawl - reducing whiting catches while maintaining landings of other species with skippers vessels in Blyth.

There are also a number of survivability studies:

- Plaice – 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 otter trawl mixed demersal fishery.
- Sole – Bristol Channel gill net sole fishery.
- Scoping studies - Plaice in the North Sea *Nephrops* trawl fishery and Bristol Channel mixed demersal fishery; Cod – North Sea otter trawl mixed demersal fishery; Herring, mackerel, horse mackerel – Cornish Sardine ring-net fishery.

Captive observation is the accepted procedure by putting discarded fish in onshore or at-sea holding tanks/cages and monitoring survivors, followed by a visual inspection to plot how many in each category - excellent, good, poor, moribund or dead. Example results showed 66% survived after 66-133h; this excludes aquatic predation.

Discussion

- **Q.** What species were used for the survivability trials? **Answer.** Mostly plaice with some sole.
- **Q.** Has this been linked to handling time? **Answer.** Handling and sorting time was recorded. We needed to know what the baseline was and the most influential factors. The next step is to look at factors that could improve survivability.
- High survivability exemptions are going to be very important but some pragmatism is going to be needed on the part of the authorities in the absence of evidence for 100% science-based exemptions. This could be approached in two ways: If there is not enough good evidence no exemption would be granted or a more liberal approach could be adopted in that there is some evidence so an exemption could be granted and this would be reviewed if the evidence was not proven later.

Action: Provide link to report on contract with EU Parliament, working with Ocean Governance Consulting (The landing obligation and its implications on the control of fisheries); to report in April 2015.

8. Seafish project. Landing Obligation – a study of impacts on the UK supply chain. Karen Green, Seafish

Seafish has been asked by the Devolved Administrations to undertake an analysis of the issues faced by the UK supply chain and the potential consequences for individual sectors in meeting the challenge of the LO. The analyses will be mainly qualitative, evaluating potential changes in behaviour of one sector in response to changed behaviours of other sectors. The project will also identify novel work required to facilitate an informed and proactive approach to tackling issues. The tender for this project was issued at the end of February. The aim is for the work to start in April 2015, and complete by the end of August 2015. The project will provide an understanding based on existing information (written and oral opinions); gaps in information identified by this work will be addressed in subsequent project(s).

9. Monitoring and reporting LO impacts post implementation. Hazel Curtis, Seafish.

Although people are still engaged in defining a plan for the implementation of the demersal transitional phase of the LO from 1 January 2016, it is important to think ahead and plan how we will keep track of what's actually happening among industry businesses operating under the LO.

In the first few weeks and months of 2016 vessel owners will be talking about how their fishing operations are progressing under the restrictions of the transitional phase of the LO. Possibly some people will be making big claims about what's going on. How will we get an overall, and a detailed overview, based on robust data to show the real picture?

For larger vessels, we have electronic log books for activity and landings volume data, but is there a plan to collate and analyse and compare to projections, or compare to last year? Is there a plan for data relating to vessels without electronic log books? How long would it take to get landings value data? What about onshore businesses? What about the experiences and decision-making of business owners, vessel and onshore?

It would be worthwhile to consider what information would be useful to have, in part just to know how things are working out and perhaps, specifically, in case there is evidence to suggest that some adjustment to the regional plans might be warranted.

Administrations have already expressed interest in this idea and we expect to collaborate with them. Information to establish for comment:

- What activity and landings data is already collected? by whom, by what route, at what time lag?
- What information is already published? By whom? At what time lag? What level of detail?
- What comparisons with previous years would be useful?
- What information about quota trading would be useful?
- What cost and profit estimates would be useful?
- What forecasts for the remainder of 2016 based on the first month's activity would be useful?
- What qualitative information would be useful? Interviews with skippers? Processing businesses? Markets?

Action: Seafish is willing to work with the administrations and industry to help prepare for the need for information and analysis in the early weeks and months of 2016 and beyond. If you would like to be involved in this contact Hazel Curtis hazel.curtis@seafish.co.uk

10. Preliminary look at the EU DiscardLess project. Barry O'Neill, Marine Scotland. http://www.seafish.org/media/1382997/daq_mar2015_discardless.pdf

The DiscardLess project will look at strategies for the gradual elimination of discards in European fisheries. It includes 31 partners in 12 countries including the Marine Lab, Marine Scotland Science and Seafish. There are eight work programmes and it will run from 2015 – 2019. The work will: assess the impact of discards – ecosystem, economy and society; develop discard mitigation strategies – to avoid or utilise unwanted catches – practical, acceptable and cost effective; enhance control and compliance - improved traceability and monitoring; formulate policy guidelines – to reduce incentives to discard

and promote the adoption of alternative mitigation strategies. The kick-off meeting is April.

Action: Follow the progress of this project.

11. Guidance on the Animal By-Products (ABP) Regulation and the landing obligation. Fiona Wright, Seafish.

The new Common Fisheries Policy requires the landing of fish that would have previously have been discarded as over quota or below minimum conservation size. In the majority of cases this must be landed with the main catch. Any fish not intended for human consumption automatically becomes an animal by-product and must be handled in accordance with the European Animal By-Products Regulation (EUABPR). A paper was tabled which aims to answer some of the questions this new requirement raises for fishermen and the businesses where fish will be landed. This covers legal obligations, legal landings, traceability requirements and approvals. This adds another level of complexity. The main issue is determining when the fish is deemed to be an ABP – any fish that can't legally go into the food chain is classed as an ABP. The hope is for a flexible interpretation of the ABP regulation and to allow the fish to be handled under food law (there will be a request for an amendment of the ABP regulation so that fish landed under the LO can be handled as a food product on board the vessel until it is deemed to be an ABP once landed). The ABP regulation does not apply on board vessels so the Port will need to be ABP registered not a vessel, but there is a derogation for landings below 20kg.

Discussion

- This does have implications for sorting and storing of fish on board vessels.
- If fish has to be stored as food this could have cost and space implications.
- As quality is paramount of price premium storing as food has to be the best option.

Action: Seafish to speak with the ABP team at Defra and the FSA Hygiene team about an amendment to the ABP regulation.

12. Work that EDF is doing on a discard toolkit. Erin Priddle, EDF.

http://www.seafish.org/media/1383000/dag_mar2015_edfmanual.pdf

The EDF Discard Reduction Manual was explained. This includes six tools for using available quota including: transferability of quota, weighted transfer of quota, quota rollovers, deemed values, risk pools and buffer quota. Also three tools for selectivity and avoidance including: avoidance tools, technology improvements and incentive. Case studies in the manual include the Scotland Conservation Credit Scheme and the UK North Sea and English Channel Discard Pilot.

13. Seafish new gear handbook. Karen Green, Seafish.

Seafish, along with the fishing industry, has been working on the development of new selective technologies and net-based fishing activities for many years to reduce discards. Seafish gear trial work over the last 15 years is increasingly relevant and is now being rolled out in commercial fisheries. The Seafish Basic Fishing Methods Handbook has been re-written, with all new drawings, to reflect this.

The Seafish gear database will be a web based tool providing information on all fishing methods in regular use in the UK and EU. It will give a full description and illustration of each gear, as well as a list of the species that are caught by each one. It will also list the selectivity and discard reduction methods commonly applied to each gear, with links to more detailed descriptions and explanations of each device. There will also be an

assessment of how effective each selectivity method is in targeting only specific species, or size of fish. This will be supported by details of all the scientific trials that have been undertaken, and all the reports that have been produced for each of the selective gears in the UK in the last 20 years. The database should give easy access to in depth information on fishing gear and accurate selectivity data. The aim is for a preliminary version of the database to be accessible soon.

Action: Send links when available.

14. Date and topics for next meeting

The date for the next meeting was not discussed but was later set for Friday 17 July 2015 at the Wesley Hotel. Suggested topics for the next meeting:

- Discard plans will be available for the North Sea and the North West Waters – discuss what they mean
- Could explore the rationale/examine the case for removing TACs. Are TACs decided for political rather than scientific reasons? Simplicity or socio-economics?
- What the Advisory Councils have been saying. Are the Member States following their advice at the moment? This is going to be a long game and their advice will be important within the longer context
- The Pelagic LO seven months on.
- Another skipper
- Seafish Economic Impact assessment – onshore implications
- New Seafish Fishing Gear handbook
- New Seafish/Cefas gear selectivity database
- Seafish tender progress
- Progress re the ABP regulation