

**Note of Discard Action Group meeting held at Fishmongers' Hall, London.
Wednesday 12 March 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

Ana Leocadio	Cefas
Barrie Deas	NFFO
Britt Groosman	EDF
Cathrine Schirmer	PEW
David Parker	Youngs
Emma MacLaren	SFP
Erin Priddle	EDF
Jane Ryder	Seafish Board
Jane Sandell (via Skype)	Scottish Fishermen's Organisation
Jerry Percy	NUTFA
Jess Sparks	Seafood Scotland
Jim Evans	WFA
John Anderson	Seafish
John Goodlad	Seafish Panel
Karen Green	Seafish (Minutes)
Kenny Coull	SFF
Leanne Llewellyn	Welsh Government
Lianne Veitch	ClientEarth
Libby Woodhatch	Seafish
Lisa Borges	Consultant - FishFix
Mike Montgomerie	Seafish
Mike Park	SWFPA, Seafish Board (Chair)
Nick Bailey	STECF
Nuala Carson	Defra
Paddy Campbell	DARD
Rebecca Mitchell	MRAG
Robert Floyd	Welsh Government
Ross Jolliffe	Cefas
Sarah Adcock	Defra
Simon Derrick	Seachill
Stephen Mangi	Cefas
Tim Silverthorne	Southeast Seafood
Tom Catchpole	Cefas

1. Welcome and apologies

Mike Park, DAG Chairman welcomed attendees to the Discard Action Group meeting. Apologies were received from:

Ally Dingwall	Sainsburys
Andrew Mallison	IFFO
Dale Rodmell	NFFO
Emily Howgate	IPNLF
Hazel Curtis	Seafish
Helen McLachlan	WWF
Jim Portus	SWFPO
Jon Harmon	ASMI
Julian Roberts	MMO
Kenn Skau Fischer	Danish Fishermen's Association
Huw Thomas	Morrisons
Mike Berthet	M&J Seafoods
Mogens Schou	AquaMind, SCAR-Fish, DTU-Aqua
Nick Mynard	MMO
Nigel Edwards	Seachill
Paul McCarthy	Marine Scotland
Rod Cappell	Poseidon
Sam Stone	MCS
Toby Parker	UFI

2. Minutes from the DAG meeting held on 14 October 2013 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. Overview of day. Mike Park

Mike outlined the agenda for the day and its aim to explore how the discard programme to introduce the landings obligation is progressing. He also mentioned that the last item on the agenda was a discussion on where we should go with the group following an online survey (10% response rate) and posed the questions does 'action' mean 'action' and is raising awareness an 'action'.

Defra marine team meeting (21 January) – update on devolved administrations activities

4. Scotland. Jane Sandell, Scottish Fishermen's Organisation.

Jane (via Skype) updated the group on activities in Scotland. A discard project grid had been presented at the Scottish Fishermen's Federation (SFF) Scottish Discards Steering Group on 7 March 2014. This highlighted all the work being undertaken in Scotland and the need for gap analysis of any key areas. At the last DAG meeting Jane Sandell spoke about the work that is being done by the Scottish Association of Fish Producer Organisation (SAFPO) to move towards a

landings obligation. The SAFPO discards project calls for lots more data collection, getting more vessels involved, gap analysis of existing information, self-sampling schemes, on-board handling and stowage and market sampling pilot projects, looking more specifically at what vessels might be disadvantaged. Sandy MacLeman also attended this meeting and outlined the problems encountered during the first 'fully' documented fishery trial in Scotland (all species), which had started in July 2013. This illustrated why the POs are so concerned. A dependencies chart was illustrated which showed that there is a lot of information that has not been fed into the system yet. Whilst a lot has already been done, such as biological assessments and baseline modelling, we want to identify what is missing, highlight the gaps and possibly tender to fill those gaps. It is likely that the Marine Scotland and the SFF observer programmes will be amalgamated and that three additional observer positions (working with SFF) will be created. SAFPO has an ongoing EFF application for this. The creation of a further two positions is also likely – those of a data co-ordinator and a liaison officer to provide a good feedback loop, in addition there may also be the need for a new position in Shetland. There are also suggestions for various pilot projects. A GANTT chart was also shown with the timeline for suggested work, which started in September 2013.

Marine Scotland has set up the Scottish Discard Steering Group (SDSG) to help inform how best to implement the landing obligation. Marine Scotland will not be launching a consultation on the pelagics landings obligation.

5. England – the pelagics consultation. Sarah Adcock, Defra.

Sarah outlined proposals for a consultation on Defra proposals to implement the pelagic landing obligation in England, which is due to come into effect on 1 January 2015. Defra plans to launch a six week public consultation on 31 March 2014. Responses will be collated in May 2014 and will be used to help produce regional discard plans which have to be submitted to the Commission in June 2014. Defra is proposing to make proportionate interventions across 4 key fisheries management areas: quota management; regionalisation/exemptions; monitoring and enforcement; and catch management. These proposals do not set a precedent for how the demersal landing obligation will be managed.

Quota management.

- There may be an increase in TAC at EU level under a landing obligation. This is estimated to be worth between £0.8-1.4 million per year for the English pelagic fleet.
- Any uplift in quota will be allocated in line with FQA units.
- From 2015 the English pelagic POs and the MMO, will have full access to: bank and borrow up to 10% of quota between consecutive years; and the 9% interspecies flexibility.
- For the non-sector and U10s proposal to: on a stock by stock basis increase the time period over which catch limits are allocated; and allow quota leasing.

Regionalisation/exemptions

- Scientific exemptions need to be agreed in a regional Discard Plan

including high survivability; and de minimis (up to 5% of total annual catch after 4 year transitional period).

- If either exemption is secured in a Discard Plan English pelagic fishermen will be permitted to use them.
- The North West Waters (NWW) and North Sea (NS) regional groups are already working to draft regional Discard Plans in consultation with the Pelagic and other ACs.
- Vessels which carry out permitted discarding under any exemption are required to record the necessary information.

Monitoring and enforcement

- Discarding will be classified as a serious infringement.
- Continuation of current recording requirements.
- All pelagic vessels over 24m in length will run Remote Electronic Monitoring systems. In England this will involve three vessels (90% of fishing mortality).
- A risk-based monitoring reference fleet will cover the rest of the pelagic fleet, which may include: self-recording; at sea observations (by onboard observers or REM); and land based checks.
- Enforcement action will be taken against vessels found to be in breach of the landing obligation. It will be more serious to discard than to land over-quota.

Catch management

- Thought is being given to the change from Minimum Landing Size (MLS) to Minimum Conservation Reference Size (MCRS).
- The MCRS for each species will be established at EU level.
- Whilst at sea, catches below MCRS will need to be stored and record separately. It is recognised this will cause difficulty for particular vessels.
- Once onshore, catches will be subject to specific regulations applicable for the market they are entering. Fish below MCRS cannot go for human consumption.

Defra plans to launch a six week public consultation on 31 March 2014.

Responses will be collated in May 2014.

6. Northern Ireland. Paddy Campbell, DARD.

http://www.seafish.org/media/1148586/dagmar14_dardupdate.pdf

Paddy highlighted that it is mostly *Nephrops* caught in the Irish Sea, with some small pelagics and some herring (late summer); there is only one full-time white fish vessel; some inshore scalloping and seasonal potting. Up to now the emphasis has been to reduce cod catches and improve selectivity. The Poseidon case study on the Irish Sea highlighted the extent of the potential whiting problem (with a 99% average discard rate) and very little quota. More trials will be conducted over the next two years. With regards to the pelagics ban this will involve three vessels and there is good data on herring landings into NI ports and it is a relatively clean fishery. Government will be working with pelagic interests through 2014 to iron out any issues.

There are plans to meet with the three pelagic skippers but no formal consultation is planned.

7. Wales. Leanne Llewellyn, Welsh Government.

Leanne outlined the different problems in Wales. The lack of an evidence base is fundamental with too little knowledge on the actual size of the discard issue. The aim is to produce a discards atlas by the end of April. Following last autumn's series of meetings around English fishing ports and harbours to discuss the reformed Common Fisheries Policy (CFP), Cefas has been contracted to carry out a similar exercise with the Welsh industry. Meetings with Welsh fishermen will take place during the period 18-20 March, at venues in Bangor, Aberystwyth and Carmarthen. To kick off the ASSIST project there, Cefas fisheries scientists will visit Welsh ports to meet fishermen and help identify the potential impacts and opportunities that the landing obligations will raise. There are potentially 45 skippers in Wales that could take part but they are not anticipating a high turnout. How to gather data at sea is crucial. There are also plans to run a workshop on self-sampling. With little quota there is not a lot of flexibility so the main focus will be on exemptions linked to survivability.

Welsh Government will be developing a pelagics policy and will be consulting with industry.

8. Cefas activities and ICES Workshop on Methods for Estimating Discard Survival (WKMEDS). Tom Catchpole, Cefas,

http://www.seafish.org/media/1148589/dagmar14_icesworkshopandcefas.pdf
Cefas

Tom mentioned that a number of Cefas projects are in the pipeline – two looking at *Nephrops* (with an element on survivability) and the third looking at selected fisheries: North Sea otter trawl, SW otter trawl, SW inshore beam trawl, SE netter; species plaice (sole, rays, dab) with the objective to estimate a discard survival rate that is representative of the fishery and predation is not a priority factor. This project will provide: (1) an assessment of survival rates of quota species in different fisheries and areas; (2) case studies to quantify discard survival under a range of different environmental and capture conditions and; (3) identification of methods to improve survivability. In addition more work will be done on data collection as there have been comments that data does not always adequately reflect which fishermen observe themselves. The report on the discard ban trials will be published at the end of March.

WKMEDS

The Workshop on Methods for Estimating Discard Survival was detailed (WKMEDS). This is a workshop and not a working group – which will allow the group to bring in experts from around the world. The aim is to: develop guidelines and identify best practice for undertaking discard survival studies (based on report of STECF EWG 13-16) (2014); identify approaches for measuring and reducing, or accounting for, the uncertainty associated with mortality estimates; critically review estimates of discard mortality, with reference to the guidelines detailed in 1, and collate existing validated mortality estimates; conduct a meta-

analysis, using the data detailed in 3, to improve the understanding of the explanatory variables associated with discard mortality and identifying potential mitigation measures.

The focus is not on how high is 'high' survival? This will depend on the level of evidence linked to context, and the priority will always be to avoid catching these fish in the first place. There are three key methods: a vitality assessment; captive observation; and a tagging assessment. The first WKMEDS meeting took the decision to focus on the first two (which are the quickest). The second meeting, scheduled for October will look at tagging and data analysis. A lot of value was placed in a more integrated approach. The aim is to move from determining the health of a fish at the point it is thrown back alive into the sea, to determining the discard survival rate which relates to the whole population. The outputs from investigations was described in six steps/objectives which were identified:

- To estimate immediate discard survival for particular conditions
- To estimate immediate discard survival that is representative of the management unit
- To estimate discard survival rate, excluding predation, for particular conditions
- To estimate discard survival rate, excluding predation, representative of the management unit
- To estimate discard survival rate, including predation effects, for particular conditions
- To estimate discard survival rate, including predation effects, representative of the management unit

To estimate a discard survival rate, excluding predation that is representative of the management unit, is likely to be the focus for the first phase of studies.

Action: A draft WKMEDS report is being prepared which will be disseminated.

Discussion

- Q. Is there Norwegian involvement in drafting the NWW, NS and Pelagic RAC (NS) regional Discard Plans and is this being taken into account?
A. This is an added element and needs to be taken into account.
- Q. Will other administrations be consulting? A. It is their choice. A discard plan is regional, but anything we want to go in it will have to be agreed at a UK level.
- Q. If Member States want to adopt different control measures ie England wants to introduce CCTV cameras and Scottish doesn't, what happens?
A. Enforcement is not covered by the regional plans so different Governments can adopt different control measures.
- If the figure you quoted of a possible increase in TAC under the landings obligation being worth between £0.8-1.4 million per year, is just for England, this is substantial and the figure for Scotland will be higher.
- The retention of undersized fish on a small or large pelagic vessel will be an issue.
- Q. How has the quota uplift been calculated? Has this been thought through within the pelagics consultation? A. STECF discard rates for

England have been used multiplied by average fish prices. Two models have been used – one assuming that uplift is 75% of the reported discard rates and the other 100%. We anticipate there will be a Commission statement on their likely stance on this during their June policy update.

- Q. How integrated is the Defra pelagic discard ban proposal with that of the Pelagic RAC? A. Information from the North West Waters RAC and the Pelagic RAC will be used to develop the regional discard plan, and we aim for joint sign off. Defra has not seen the Pelagic RAC plan yet.
- Q. Is UK Government planning a response to the Technical Measures Consultation? A. Yes there will be a UK Government response.
- Q. Will Government be consulting with industry on this? A. It is not clear on the detail yet.
- Q. On the concept of 'high' survivability there could be a scientific definition and a political one. Would an exemption increase or decrease fishing mortality? A. It is not clear how the exemptions will work yet and we need proposals for exemptions in writing to be put forward and that has not happened yet.
- Q. With regard to exemption proposals it boils down to practical implications and what a business can stand. Will this be taken into consideration under de minimis? A. It is not clear yet. We need to look at other factors.
- Q. In Sweden they are very keen to be granted exemptions on the basis of making the best use of selective gear. How will this be rated in the UK? Also how can you determine when everything possible has been done to improve selectivity – surely this would deserve recognition? A. That is a very good question and we would need to take scientific advice, most probably from STECF. Q. Would the EU Commission follow this advice if supported by STECF? A. Questions to STECF should be channelled through the EU Commission.
- Issues of selectivity come under Technical Conservation measures and selectivity does not just cover gear, there are also questions over fishing in the right area and at the right time.
- The regional plans have to be submitted by June and all proposals for exemptions have to be agreed and justified by then if they are to be included in the plan. The discard plans will be submitted to the Commission who will then pass them to STECF.
- Q. If there is relevant information that illustrates the use of specific gear in specific areas has particular benefits and qualifies for some sort of exemption could this be shared and accepted as an equivalent? A. That could be a good approach but in England we do not see exemptions as broad brush, but more likely to be quite detailed. This could almost come down to a vessel by vessel discard plan.

9. STECF activities. Nick Bailey, STECF.

http://www.seafish.org/media/1148592/dagmar14_stecfupdate.pdf

Nick highlighted the work of the Scientific Technical and Economic Committee on Fisheries (STECF) work on the landings obligation in the three meetings that have been held so far, with one more planned for September 2014. It is only the EU Commission that can put questions to STECF. There is the expectation that once the regional plans start coming into the Commission and are passed to STECF for judgment some of the questions currently being asked will be answered. (Baltfish has already submitted a regional plan but this was judged by STECF to be hollow and empty).

There has been a huge debate on the definition of 'high' survivability. There are different attitudes to this and the definition is directly related to the objectives. There is unlikely to be a 'one-size fits all' definition. It will be determined in the context of the fishery and the practices taking place. There are likely to be trade-offs and a very strong emphasis on not catching the fish in the first place. There are also several interpretations of the term 'de minimis' – whether it refers to vessel, fleet, member state, regional level, single or multiple species. The impacts will vary substantially depending on interpretation. The current revenue/break even economic indicator could be used as an objective metric. De minimis and flexibilities don't have to form part of the discard plan but it would be better if they did.

ICES has already started to look at a TAC for catch rather than landings. There is lots of room for further discussion. The cumulative effects of de minimis and quota flexibility offers considerable scope to generate large catches, however care will need to be taken. The order in which the provisions are applied (and multiple application of the provisions) will also have a profound effect. Verifying the catch at port will not be enough, this will need to be done at sea. The reliance on self-reporting will not be enough and different control options will need to be considered.

Discussion

- The submission of pelagic regional plans by June 2014 will force the Commission to at least comment on the 'flexibilities' and confirm how they will be interpreted.
- The EU view will be that the flexibilities were included at the request of the Member States – so Member States have to make them work.
- Q. Does the Commission have the authority to produce discard plans or is their authority limited to setting de minimis? A. The Commission are empowered to put in place a temporary regional discard plan for three years, in the absence of an acceptable plan being submitted.
- Use of the potential 9% de minimis could put a strain on relative stability which Member States have fought hard for in the past and STECF has said it could affect the balance. There were big discussions about this at the last STECF meeting relative to the Baltfish plan.
- The comments around this table today have scared me. We have to work on the assumption that somebody knows how this is all going to work and yet the tools being offered to make it work are mind-blowing and even the

experts are not clear on the way forward. This is the biggest change to EU fishing since the introduction of TACs and fishermen must be engaged. We need to know more about the potential impacts and how relative stability and discard plans are going to work side-by-side.

- Onboard handling is also going to be a big issue – onboard safety could be compromised.
- The TAC/relative stability system has worked (to a certain extent) because of the flexibility afforded by discards, that flexibility is now being taken away. One idea that has been discussed, which could help to deal with the potential problem of choke species, would be to group some of the minor species together for quota purposes. However it was recognised that what is a minor species for some maybe important for others. A work stream could look into how to pull together suitable groupings to support this approach.

10. North Sea Regional Advisory Council (NSRAC) vision. Barrie Deas, NFFO.

http://www.seafish.org/media/1148595/dagmar14_nsracandeulandingsobligation.pdf

The role of the NSRAC is to produce advice. The NSRAC are aware, that on the issue of the landings obligation, lots could go wrong. This is early days for regionalisation and there is still a lot to resolve. The most pressing issues are: discard plans; Norway; regionalisation; exemptions; and quota flexibilities. The NSRAC has chosen to develop a vision and a destination to implement the landings obligation in a way: that does not increase fishing mortality; does not undermine high levels of compliance and does not compromise the economic viability of the fleets. The vision is not completed.

Action: Development to be communicated to DAG.

11. Environmental Defense Fund paper. Possible solutions for industry in implementing the requirements of the landings obligation. Erin Priddle, EDF.

http://www.seafish.org/media/1148598/dagmar14_edfdiscardreductiontoolkit.pdf

Erin introduced the proposal for an EDF 'discard reduction toolkit' for implementing the landings obligation. The toolkit is intended to be a practical guide for fishermen and managers based round the requirements of four 'baskets' of fish: 1.You catch fish, but its more than your quota; 2.You haven't got/can't source quota for a species you catch; 3.You catch undersized or prohibited species; 4.You catch non-quota species not subject to the landings obligation.

Discussion

- Q. There are a lot of political complexities which need to be recognised and this raises a number of questions such as whether this will apply at a national or international level; what level will this operate at, and what parts are already operating? A. At the moment this is focussed locally but ultimately the focus is international.

- There are some useful elements here but need to understand this is currently a blank sheet of paper and for true consideration there are a lot of gaps to be filled in.

Action: Development to be communicated to DAG.

12. Industry-led data collection. Stephen Mangi, Cefas.

http://www.seafish.org/media/1148837/dagmar14_cefas_industryleddatacollection.pdf

Industry-led data collection offers many opportunities: it is continuous; can cover a broad area; offers high-resolution sampling and a large number of ships of opportunity. Potentially, it is an efficient way of collecting commercial fishery data and enables industry to work closely with scientists to improve stock assessments. It is better to sample a few fish from many locations than to sample many fish at each of a few locations. Stephen outlined some good practice pointers.

13. UK gear selectivity database. Mike Montgomerie, Seafish and Stephen Mangi, Cefas.

http://www.seafish.org/media/1148601/dagmar14_seafish_cefas_ukgearselectivitydatabase.pdf

Mike and Stephen outlined work that had been conducted independently at Seafish and Cefas which will now be amalgamated into a UK gear selectivity database. Phase one will link together Cefas selectivity database and Seafish gear spreadsheet and ensure terminology matches; Phase two - build access database with Seafish spreadsheet; Phase three integrate Cefas spreadsheet; and Phase four develop web based system.

Discussion

- Q. Is this only focussed on Defra and Cefas? A. No it is UK-focussed.
- The Cefas spreadsheet in its current format looks like it could be very useful at a meeting, but individuals may need some help in navigating through it.
- This looks like a great start. This has always been a criticism that there is no central database. How Member States react to selectivity issues will always vary.
- This could complement the break even economic indicator referred to in the STECF presentation.
- Q. This looks like a great tool. Could it also include practical issues such as health and safety issues? A. This will start from a basic level but will be an overarching tool – if it works fishermen will overcome health and safety issues.
- Q. What is the timing for this? A. This is early days but we are aiming to add the database to the website by the end of the summer. It will also link in with the Seafish Risk Assessment for Sourcing Seafood (RASS) project.
- Q. Is the Cefas spreadsheet available now? A. Yes it is and the aim is to circulate it for peer review.

14. DAG's role going forward

Mike Park asked for feedback on how the group should work going forward. Just under 10% of the DAG mailing list responded to a Seafish survey which posed questions to see whether the group was still fit for purpose or if we needed to make any changes which would benefit the industry. The survey showed that the group was perceived to be doing a good job and was an information hub, and was a clear conduit for information. There has been some talk surrounding the word 'action' and what that should mean in terms of what we provide – is awareness an action? If DAG is an information hub how do we make sure that DAG has access to that information? Should we change the name - Discard Awareness Group, Discard Information Group, Discard Monitoring Group? DAG was recognised for its function to store and disseminate information. Could it have more of a function in providing a gap analysis and producing discreet project work?

Comments

- The public perception is that there is a discard ban and that everything will be landed. However the landings obligation only applies to quota species so fish will still be discarded. There is a mismatch between reality and public perception. Could that be factored in?
- There is a subtle difference and this is a discourse issue and could certainly be factored in. Does everyone agree with what I (Mike Park) have suggested that DAG remains a hub and an information sharing forum across the supply chain, but should also be aware of where there are gaps in that information and produce discreet project work where appropriate.
- Why are we getting hung up on the word 'action'? If we rename the group it could be viewed as a talking shop, and it is more than that. There are plenty of people around this room who are taking action. We should not beat ourselves up about 'not taking action'. It is excellent that we are disseminating information and getting people together in one room.
- Don't change the name. The group performs an important role. It is very good at co-ordinating information and helping to identify the route forward.
- Q. If Government did not provide information how useful would this meeting be? A. It would remove a significant part of the equation and make it less interactive.
- Q. Given time and resource constraints could this information sharing and facilitation be achieved in other ways. A. I don't think that one day every four months is too onerous. There is uniqueness about this group – bringing this group of people together to discuss one issue does not happen elsewhere.
- Q. There is a worry that Government is not taking back anything new out of this meeting. There is also an element that all the actions seem to be against Government. I do like the information sharing but wonder if we could introduce more elements of collaborative working rather than talking?

- Government should be working with all the RACs and there should be more joint working but until that happens, and is fully functioning, this group fulfils a very useful function.
- I think this is about sitting down together and sharing information. I think we should all take something new out of every meeting (at this meeting we saw first sight of the pelagic landings obligation, the EDF report and the UK gear selectivity database).
- This is the first DAG meeting that I have been to where we have not had skippers present. I think their presence adds another dimension but of course it is not always easy for them to attend.

15. Any other business

15.1 Responsible Fishing Scheme (RFS)

There was a quick update on RFS from Mike Park (and a summary sheet circulated). The conclusion from the feedback on the external review of the RFS was to reform and re-launch. The intention is to: upgrade standard to ISO17065 status; Seafish should own the standard (not the case currently); remain business-to-business; retain name and logo; do not seek Chain of Custody at this time. Next milestone is completion of revised standard by September 2014.

Today there are 594 vessels engaged with RFS and 347 certified. The five key priority areas are: safety, health and welfare; training/professional development; the vessel and its mission; treating fish as food; care for the environment.

16. Date of next meeting

This was not discussed but next DAG meeting is likely to be in early July 2014. (The date agreed later was Wednesday 2 July).