



October 2019

Discard Action Group e-alert – latest developments re the Landing Obligation and gear selectivity

<https://www.seafish.org/article/the-discard-action-group>

Regulatory news

Technical Conservation 2019 - Rules and regulations. 13 August 2019.

The new 'tech con' regulation 2019/1241 repeals Council Regulation 850/98 and some other current Commission Regulations. The regulation is intended to simplify the current system, to increase its flexibility through a regionalised approach adapted to the specificities of each EU sea basin, and to optimise the contribution of the technical measures to the objectives of the common fisheries policy.

House of Lords enquiry into the impact of the landing obligation. Government response published. 2 October 2019.

The [House of Lords enquiry](#) into the implementation and enforcement of the landing obligation focused attention on a number of interrelated questions:

- Is the new legislation being complied with?
- Is it reasonable to expect large tonnages of fish, previously discarded, to be landed?
- Has sufficient weight been given to changes in selectivity and fishing behaviours, prior to and since the full implementation of the landing obligation?
- What has the effect of the various mitigation measures been?

The initial report was published on 8 February 2019 and the Government response received 4 April 2019. The Committee followed up on the concerns raised during its earlier inquiry and received evidence from the fishing organisations, the British Ports Association, the enforcement bodies and the Minister of State for Agriculture, Fisheries and Food in May and June 2019. The follow up report was published on 16 July 2019.

The Government response: The EU fisheries landing obligation: six months on was published on 2 October 2019. [See](#)

New discard plans

Commission Delegated Regulation (EU) 2019/905 of 13 March 2019 amending Delegated Regulation (EU) 2018/2034 establishing a discard plan for certain demersal fisheries in North-Western waters for the period 2019-2021.

The Commission adopted a regulation to amend the demersal fishery discard plan in North western waters, following proposals from Belgium, Spain, France, Ireland, the Netherlands and the United Kingdom. The changes concern a modified definition of 'Seltra panel', deletion of erroneous requirement to use highly selective gears in the fisheries for Norway lobster caught with otter trawls and the exclusion of the demersal Queen scallop fishery from the scope of certain technical measures for selectivity.

A [draft Commission Delegated Regulation](#) was issued on 1 October 2019 specifying details of implementation of the landing obligation for certain demersal fisheries in the North-Western waters for the period 2020-2021. This delegated act repeals and replaces the current North-Western waters demersal discard plan (Delegated Regulation (EU) 2018/2034) which was amended above.

Commission Delegated Regulation (EU) 2019/906 of 13 March 2019 amending Delegated Regulation (EU) 2018/2035 specifying details of implementation of the landing obligation for

[certain demersal fisheries in the North Sea for the period 2019-2021.](#)

The Commission also adopted a regulation to amend the landing obligation for certain demersal fisheries in the North Sea, following a submission from Belgium, Denmark, France, Germany, the Netherlands, Sweden and the United Kingdom. The changes concern the inclusion of the trawl fishing gear "OTT" within the gear code lists for trawls, and clarification that certain exemptions for vessels using trawls also apply to bottom twin trawls. A number of errors in the quantitative calculation of de minimis exemptions are also corrected.

[A draft Commission Delegated Regulation](#) was issued on 1 October 2019 specifying details of implementation of the landing obligation for certain demersal fisheries in the North Sea for the period 2020-2021. This delegated act repeals and replaces the current North Sea demersal discard plan (Delegated Regulation (EU) 2018/2035) which was amended above.

Reports

[Reports: Spain, France, and Denmark failing to enforce discard ban. 15 October 2019.](#)

[France](#), [Denmark](#) and [Spain](#) are failing to enforce the EU ban on fish discards, threatening European fish stocks and the health of our ocean. New reports show that the three countries, all with major fishing industries, have not adequately enforced the 'landing obligation' or punished law-breakers. ClientEarth Fisheries lawyer Elisabeth Druel said: "As long as discarding continues, we will not know how many fish are being killed at sea. Without this data, scientists cannot make the right estimates to protect our fish stocks."

News and views

[Blame the system, not the fishermen for landings obligation failure, says Whitby chief. 17 October 2019.](#)

Dan Whittle, managing director of family-owned shrimp processor Whitby Seafoods said the introduction of the landings obligation earlier this year had failed to solve the nation's fish discard problem. "Does anyone think we've completely eradicated the discarding of fish? Those in the know would say, probably not," said Whittle. However, Whittle was adamant that fishermen were not to blame for the failure of compliance. "Discarding isn't immoral, the discarding we have remaining is for fish that we haven't worked out how not to discard," Whittle said. "The problem is the system, not just fishermen; we overestimate the ability that they and their nets have to avoid certain fish." Whittle noted that iterative improvements on fishing nets had been taking place in the five years prior to the discard ban's implementation, with four different nets trialed in that time.

[New footage has emerged showing fish being illegally dumped back into the sea. Late October 2019 in The Independent.](#)

Several thousand tonnes of dead fish have been illegally discarded by trawlers in the North Sea and west coast of Scotland this year, a Freedom of Information request has revealed. Small, juvenile fish often end up getting caught in scampi fisheries because their mesh nets are so small. Under EU regulations introduced earlier this year to curb overfishing, boats are no longer allowed to discard any undersized fish they catch. Instead, the smaller fish – which cannot be sold for human consumption – must be taken back to land, to count towards their overall quota. Data showed that more than 2,600 tonnes of unwanted cod, haddock, whiting and saithe were estimated to have been caught in scampi fisheries in the first three months of this year. This will result in the waste of around 10,500 tonnes of dead fish by the end of 2019, according to an FOI response analysed by marine campaigning group Open Seas. The landing data shows virtually none of this bycatch is declared in port – which means a large portion of it must be illegally thrown out of the boat. This means fishermen are not discouraged from fishing in shallow coastal waters where juvenile fish live, so fragile populations of fish like North Sea cod are not given chance to recover. The use of "escape

panels” has allowed some fisheries to reduce the amount of other bycatch, most of which are small juvenile fish that haven’t yet had chance to breed.

[MMO’s positive approach on Landings Obligation welcomed.](#) 22 September 2019.

Brixham’s largest beam trawler operator, Waterdance Ltd has invested time and resources in examining the implications of the Landings Obligation on its fleet, and has identified small grades of monkfish as the only cause for concern. ‘We found that it was key to be prepared for the new legislation and we held individual training sessions on the landing obligation with each of our skippers of the eleven-strong Waterdance beam trawl fleet,’ said the company’s Senior Manager of Fisheries and Quota Martyn Youell. The Waterdance fleet already uses highly selective gear, allowing the majority of small fish escape, and exemptions available for sole and plaice apply. He added that the high survivability exemption for skates and rays is also important as the body shape of these species means that they difficult to avoid with selectivity measures.

This is an amalgamation of the news alerts issued in October 2019.