



# Landing obligation and a pathway to compliance

BARRIE DEAS

NATIONAL FEDERATION OF FISHERMEN'S ORGANISATIONS

# Chokes in mixed fisheries

- ▶ Recognised as primary implementation issue
- ▶ Joint recommendations by regional groups of member states
- ▶ Delegated acts
  
- ▶ High Survival Exemptions
- ▶ De minimis exemptions
  
- ▶ “But the JRs will not resolve all choke issues”

# Acute chokes – as identified by advisory councils

- ▶ West of Scotland cod
- ▶ West of Scotland whiting
- ▶ West of Scotland haddock
- ▶ Irish Sea whiting
- ▶ Celtic Sea haddock
- ▶ Bristol Channel Sole
- ▶ Channel cod
- ▶ Western approaches plaice
- ▶ North Sea cod
- ▶ North Sea hake
- ▶ North Sea ling
- ▶ North Sea saithe
- ▶ North Sea plaice

# Areas of uncertainty...

- ▶ Category 2 chokes?
- ▶ Predicting chokes?
- ▶ Reliable discard estimates?
- ▶ Compliance?
- ▶ Further choke avoidance measures?
- ▶ Political interventions?
- ▶ December Council

# To date or in the pipeline....

- ▶ Multiannual plans based on F- ranges
- ▶ The TAC for Dab has been removed, removing the species from the LO
- ▶ A high survival exemption for skates and rays (time limited and conditional)
- ▶ A high survival exemption for some plaice fisheries
- ▶ Bass will probably be excluded from the LO

# December Council – Difficult compromises

Dealing with the remaining chokes poses the Commission and member states with some unpalatable choices:

- ▶ Stalling on the MSY timetable
- ▶ Choke avoidance
- ▶ Zero catch advice
- ▶ Departing from CFP Rules on Relative Stability
- ▶ Removing TAC status
- ▶ Increasing TACs to near current catch levels
- ▶ Additional exemptions
- ▶ Spain - Bycatches

# Other Instruments

- ▶ Quota flexibilities
- ▶ Banking and borrowing
- ▶ Interspecies flexibility – last resort
- ▶ Quota transfers and exchanges
- ▶ liquidity?

# CFP Policy Objectives

- ▶ Article 2:1 of the CFP Objectives

“The CFP shall ensure that fishing...activities are environmentally sustainable in the long term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits and of contributing to the availability of food supplies”



# Regulatory alignment (lack of)

- ▶ Landing obligation – Basic Regulation
- ▶ Technical measures – Agreement this year?
- ▶ Western Waters multi-annual plan – Agreement next year
- ▶ Control Regulation – Agreement 2019 (?) Implementation 2121 (?)
- ▶ CFP Reform - 2023

# Choke responsibilities

- ▶ Fishing vessels
- ▶ Producer organisations
- ▶ Member states (individually or collectively)
- ▶ Commission
- ▶ Co-decision makers

# Pathway to compliance

- ▶ Regulators have a responsibility to provide a pathway to compliance
- ▶ A vessel must have clear sight of how to operate in a compliant manner
- ▶ Chokes represent a major obstacle to compliance
- ▶ As yet, there is no pathway to compliance

# Control challenges

- ▶ From point of landing to monitoring and controlling activity at sea
- ▶ Chokes
- ▶ Culture of compliance
  
- ▶ Information
- ▶ Education
- ▶ Enforcement

# Regulatory reform

- ▶ Article 15 of the Basic Regulation
- ▶ Revision unlikely before 2023
- ▶ Council has scope to intervene through TAC setting
- ▶ Brexit – alternative route for UK?

# A tailored UK landing obligation?

- ▶ UK ministers have been clear that the principle of a LO will be retained
- ▶ Widely accepted that a discard ban will be part of the regulatory landscape
- ▶ A workable landing obligation in the UK
- ▶ Transition period – *acquis* applies including LO

# Possible ingredients of UK discard ban

- ▶ UK as an independent coastal state
- ▶ TAC, quota share, and access decisions made in annual bilateral negotiations
- ▶ Rebalancing of UK quotas shares
- ▶ A system of “overage” for bycatch species
- ▶ Continued selectivity and avoidance work
- ▶ TACs focused on target species
- ▶ Non TAC-alternatives in risk-focused approach
- ▶ Devolved powers

# Overage

- ▶ Bycatch species landed
- ▶ Sold on human consumption market
- ▶ Vessel only receives a small part of economic value (alternative, a charge can be levied on the vessel)
- ▶ Avoids chokes without creating an incentive for targeting high value bycatch
- ▶ Norway and New Zealand operate something similar



# Adaptive management

- ▶ Learn the lessons on the CFP
- ▶ Cumbersome decision-making is an obstacle
- ▶ Unintended consequences
- ▶ We need a responsive, adaptive, management framework
- ▶ Delegated powers are vital
- ▶ Safeguards
- ▶ Fisheries Bill imminent – Parliamentary passage will be critical

# Transition period

- ▶ “As it stands now, the Draft Withdrawal Agreement provides for a transition period until 31 December 2020. During this period, the principle would be that the UK would retain the same rights and obligations as it has as a Member State, and will consequently be fully bound by the CFP.”
- ▶ “However, there are some exceptions, such as participation in the decision-making processes from which it will be excluded. A guidance document setting out practical implications related to withdrawal and transition - including the participation of UK stakeholders in different EU fora - will be published after the Withdrawal Agreement has been signed.”

DG Mare, European Commission

Thank you

