



NSRAC Position Paper

Response to the Commission Non-Paper on the Implementation of the Policy to Reduce Unwanted By-catch and Eliminate Discards in European Fisheries

Draft for approval by ExCom

1. The General Approach

- 1.1 The NSRAC welcomes the Commission's publication of a non-paper on the implementation of a policy to reduce unwanted by-catch and eliminate discards in European fisheries. By-catch and discards are amongst the most serious challenges in seeking sustainable fisheries and reducing them is part of 'the ecosystem approach' to fisheries management. There is much to commend in the Commission's general approach to the problem. A management approach focused on outcomes, as opposed to a detailed prescription of means, is a significant step forward and moves in a direction already suggested by the RACs and some member states. Adoption of a fishery by fishery approach, and reliance on the fishing industry to develop solutions appropriate for specific fisheries, will also result in better governance of the fisheries.
- 1.3 Likewise, sending a signal that a discard ban would only be contemplated *in extremis*, as a last resort, is also a welcome recognition of the biological and economic realities; and moves the issue out of the realm of political posturing.
- 1.4 However, the NSRAC doubts whether the Commission's targets and timescales for reducing discards of fisheries can be attained. Discards are inevitable in most fisheries and are often a consequence of existing rules. The proposed reductions are unrealistic and may not be achievable as they stand.
- 1.5 Two fisheries have been selected as pilots. These choices were arbitrary and to avoid discrimination the NSRAC believes that all fisheries should also be expected to take steps to reduce discarding.
- 1.6 Whilst the NSRAC is committed to reducing discards it is important to recognise that there are constraints on what can be achieved. Although the targets must be challenging they must also be attainable. Some discards are easier to reduce than others and fishery by fishery solutions will be necessary. Reducing discards should also be considered as an important factor when drafting all fisheries regulations.

2. Maximum Allowable By-catch Limit

- 2.1 By setting intermediate and final targets for discard reductions (expressed in numbers or weight) within a fixed timeframe, the Commission proposes an adaptive approach to discard reduction. The adaptive approach applies also to the establishment of baselines, which the Commission recognises are likely in the first instance to be based on relatively weak data.
- 2.2 The Commission has not defined what it means by “discards” and solicits views on whether targets should refer to all finfish and crustaceans in the by-catch or to commercial/quota species only. The degree to which the Commission definition includes benthos is subject to consultation. The NSRAC emphasises that there is a lack of knowledge of discard rates and the factors which can affect discarding. Any targets for reducing discards must recognise this lack of knowledge and must also define what is to be included as discards.
- 2.3 It is the NSRAC view is that crab, lobster and other crustaceans should be excluded explicitly from baselines and targets because their high survival rate puts them into an entirely different category from, for example, gadoids. We suggest breaking down discards into different categories such as fish (target & non-target), invertebrates etc so that targets can be set for each as required and progress to achieve them monitored (as discussed in the meeting).
- 2.4 Discards of fish occur for a number of reasons, including:
1. the selectivity characteristics of the fishing gear (best measured in terms of numbers of fish)
 2. Fish caught in a mixed fishery for which there is inadequate quota (best measured in terms of weight)
 3. Fish or other marine life that have no or low market value
 4. Fish discarded to meet other regulatory requirements such as catch composition rules
- 2.5 Without diminishing the industry’s responsibilities, it is important to recognise, that the fishing industry only has control of some of the factors that determine the overall level of discarding. Therefore, in setting baselines, target reductions and penalties it is important that the whole picture is taken into account. For example:
- a very low TAC in relation to stock abundance will lead to discarding
 - discarding can vary considerably due to the characteristics of the incoming year-classes – sure this would be mitigated under the proposals as fishers would have to take action as opposed to simply using a high year class strength as a reason for persistent high discards rates. Equally, one would assume that the year class would be predicted and therefore proactive measures could be included to alleviate the issue.
 - significant levels of discarding can arise from CFP regulations themselves. For example, the technical conservation regulations which specify catch compositions in relation to a number of mesh ranges **require** discarding if the vessel is to fish legally. Similarly, by-catch limits on spur-dog, crab claws

and the TAC on porbeagles are further examples of discarding generated by management decisions.

- 2.6 Discarding is a shared problem with a variety of causes and therefore the responsibility for developing solutions should be shared. Both the industry and fisheries managers have responsibilities now that discard reduction has been defined as a political priority.
- 2.7 The criteria for setting discard baselines, and discard reduction targets should be consistent and meaningful. In other words the Commission should be clear (in a way that it is not in the non-paper) what the targets relate to and what is included in the definition of discards. If benthos is to be included then this needs to be understood from the outset. The inclination of the NSRAC is to start simply; by limiting the definition of discards to quota species only, although this does not preclude recording discards of other species or subsequently broadening the scope of the definition.
- 2.8 It is important to appreciate from the outset that meaningful reductions in discards will seriously impact on both the costs and earnings of fishing vessels. Once a viable strategy for reducing discards has been identified, adapting gear or fishing patterns to reduce discards will involve higher costs and foregone catch of marketable fish. Economic impact assessments, mitigation measures and transitional financial support measures through the European Fisheries Fund (EFF) should therefore be an integral part of the development of a discard reduction strategy.

3. Fisheries

- 3.1 The Commission has chosen the Area VII *Nephrops* and the North Sea flatfish fisheries to pilot its approach to discard reduction. Although STECF has indicated that these are fisheries with high discards they are not the only fisheries which could be so characterised.
- 3.2 *North Sea Flatfish*
 - 3.2.1 The Commission assumes that the total discard rate in the North Sea beam trawl fishery is 70% by weight and 80% by numbers and proposes a reduction to 15% by weight and 20% by numbers over a 6 year time-frame. The discard rate of plaice is assumed to be 50% and 80% respectively. Intermediate targets will require an initial reduction by 40% reduction in the first year.
 - 3.2.2 The first point the NSRAC wishes to make is that the Commission's discard estimates are based on only 0.2% of beam trawl trips and fail to reflect the different discard rates in different parts of the beam trawl fishery and under different circumstances. The priority must therefore be to improve the available information through verifiable self-sampling. This is a task where collaborative work is already in progress and where measures to reduce discards are planned to take place in an adaptive way.
 - 3.2.3 It is widely acknowledged that improving selectivity in the 80mm beam trawl fishery presents a particular challenge because even slightly increased mesh size leads to a disproportionate loss in the catches of sole, the main economic driver in this fishery. It is clear that alternative solutions are required. Simply putting pressure on the operators in this fishery by introducing targets will not of themselves deliver a solution.

- 3.2.4 The most salient point to make about this fishery is that it is already subject to a management plan which, when effective, of itself will lead to a significant reduction in discards through a general reduction in fishing pressure. From simulation models the discarding of plaice is expected to decrease to 35% of the current level by 2015 and may even decrease further. Together with technical and other management measures plaice discards can only be reduced to 30% in the long term. The targets set by the Commission for this fishery may be unrealistic. However, the pilot projects already underway will assist in developing more realistic targets and the NSRAC supports a proposal that the Dutch and Belgian industries should work with the Commission and environmental NGOs to reduce discarding by this fleet.
- 3.2.5 Moving beyond this it is necessary to define options for discard reduction and then engage with the industry on a viable way forward.

4. Monitoring

- 4.1 The NSRAC supports the use of on-board observers. It also believes that there is a role for video-surveillance technologies in monitoring catches with lower financial outlay. Use of these techniques could increase baseline data, especially if integrated with Vessel Monitoring Systems. The use of e-log-books would also complement an observer programme. The NSRAC would like the Commission to sponsor the development of enhanced video-surveillance techniques as a substitute for or? Or is it of? –observer programmes. The NSRAC is not convinced that the Commission's proposal to place observers on fishing vessels for at least 10% of trips is achievable. There are serious questions in relation to funding, human resources and the availability of trained observers.

5. Additional Key Points

- 5.1 The Commission should take note that:

- Especially in view of the fuel price crisis, it is more important than ever to undertake economic evaluations of costs and benefits of proposed discard reduction measures
- The whole area of how incentives could be used to align fishing strategies with management objectives (in this case discard reduction) is underdeveloped. The Commission should be encouraged to move from an abstract discussion of principles to a more concrete use of incentives, even on a pilot basis. It is important to realise that without the right kind of incentive structures discard initiatives will fail
- Perverse incentives/Disincentives for methods or behaviours which result in higher levels of discards. The situation where vessels using 70-89mm get additional days at sea is an example of where bad practice is currently incentivised, when actually it should be discouraged.
- Realistic timeframes consistent with economic survival are required. Perhaps STECF has a role in defining these

- The survival rates of different species have been inadequately integrated into the Commission's approach
- It is important to realise that there are wide variations in discard rates: by season, by year-class, by fishing ground, by metier and even by fishing vessel. The Commission should be made aware of the particular dangers of setting overall, absolute targets, and need to be aware of the circumstances in specific fisheries and set targets accordingly.
- The concept of a discard ban needs to be very carefully defined
- For some kinds of discards the solution lies in technical innovations. Improved selectivity is however only one management measure
- The reality in the field is very complex. This is not an argument for indefinite deferral but it is a warning against rushing into rapid solutions: time must be given for crews to develop solutions tailored to their fisheries
- A requirement to land the whole catch will not of itself reduce fishing mortality. There are logistical problems in landing the entire catch
- There is a need to avoid perverse consequences, such as reducing discards but increasing fishing mortality
- There is much encouragement to be taken from measures adopted in the recent past, such as the square mesh panel. This is not a solution for all fisheries and reinforces the need for a fishery by fishery approach

5.2 ~~Setting appropriate TACs is crucial to reducing discards. Too low a TAC in relation to fish abundance generates high levels of discarding. Repetition of bullet point 1 in section 2.5~~

5.3 There is a need to generate a culture of discard reduction. The deduction of discards from the TAC could provide an incentive for reducing discards but there are serious misgivings about the availability of data to support such decisions. The NSRAC would support the development of more positive incentives for reducing discards, which would reward positive behaviour by fishers. At the meeting I suggested that we use some of the text in the WWF response outlining our TAB approach whereby total removals are included in the TAC to attach a cost to fishers in removing all fish regardless of marketability – this has not been reflected in this text. Can you add some text Giles

5.4 Forecasting of discards is important and can be used to set triggers to adjust the TACs.

6. Enforcement and Sanctions

6.1 The discussion of additional layers of enforcement and stronger penalties strikes a jarring note in the proposal. From experience of the recent past such an approach will undermine a collaborative approach to discard reduction.

6.2 The Peterhead Conference on Control and Compliance came up with a number of suggestions for improving control and compliance. Better compliance requires:

- Clearer, simpler rules, with provision for swiftly dealing with any anomalies.
- More incentives for fishers to comply with the regulations. The use of carrots as well as sticks. Testing through pilot projects.
- More effective use of technology. Greater use of VMS and electronic log-books.
- Certification and better traceability can play an important role. Consumers' views are important and influential.
- Higher quality, more responsive and up-to-date science is crucial. The stock assessments needed to be validated by fishers, and fishers need to be involved to a much greater extent in the provision of information on the stocks through science/fisheries partnerships.
- A prosperous and economically sustainable fishing industry, with the right balance between fishing capacity and the size of the resource, is essential if there is to be strong compliance.
- There has to be equity of treatment across Member States and beyond. Any perception that the system is unfair will create problems with compliance.

7. Joint Responsibilities

- 7.1 It is important to realise that achieving the Commission's vision of a low discard CFP will involve very radical legislative changes to remove discards generated through management measures such as catch composition and by-catch rules.
- 7.2 Discards are not simply the result of fishers' actions but often result directly from fisheries legislation. The quota system itself is partially responsible for discarding and needs further consideration and adjustment.
- 7.3 Parallel to the changes in fishing practices expected from the industry there is an equally significant challenge to fishery administrators and legislators. Reducing discards is a joint responsibility