



**NON-PAPER ON DISCARDS BAN FOR DISCUSSION WITH THE STAKEHOLDERS
IN BRUSSELS ON 3 MAY 2011**

1. INTRODUCTION

Our fisheries management system is not delivering a sustainable management of our resources and, in addition, incentivises fishermen to discard important quantities of fish. The reasons for discarding are European and national legislation, which are not well suited for European Union waters, where the majority of catches are from mixed fisheries.

Following the High Level Meeting organised by the Commission on 1 March last, this non-paper is intended to be the basis for discussion with stakeholders on how to make a discard ban operational. Many positive initiatives to reduce discards have been taken by the fishing industry in recent years, but these measures only cover a small amount of catches and therefore do not allow a comprehensive solution to the problem of discards. The Commission is therefore looking for a more ambitious and integrated approach as a way forward.

The Commission invites stakeholders to express their views about the issues mentioned in this non paper as well as about any other issues that would need to be addressed to allow an effective implementation of an ambitious no-discard policy in the reform of the Common Fisheries Policy.

2. BOTTOM UP INITIATIVES

Avoiding catches of unwanted species in the first place is crucial. Over the past years the fishing industry across the European Union has taken various initiatives in a bottom up approach to increase selectivity. These initiatives like the project 50 % in the UK, the selectivity measures for Nephrops vessels in the Bay of Biscay, the Scottish Conservation Credit Scheme, the use of grids by some vessels in the Irish Sea Nephrops fisheries, the Swedish grid in Nephrops fisheries, the UK and Danish Close Circuit Television (CCTV) and catch quota systems are proof of the industries determination to tackle unwanted catches at their roots.

In a regionalised approach the fishing industry could become an active player of locally based management

- industry in self regulation could choose best selective gears, discard avoiding measures and the most adequate fishing strategy for specific fisheries

- Producer Organisations could plan fishing activities and take decisions such as closing a fishery once quotas are used up.

Question: what other initiatives can contribute best to eliminate discards and what incentives could be given to the fishing industry to take such initiatives on a much wider scale than to date?

3. THE ROLE OF TECHNICAL CONSERVATION MEASURES

Technical conservation measures can foster better selectivity of gear and fishing practices. The next generation of technical measures, whether they are framework measures decided at European Union level or concrete technical measures decided at Member State level while co-operating in a sea-basin approach, should be geared towards avoiding unwanted catches in the first place. To this end measures that could be taken could include inter alia:

- Gear selectivity measures
- Real time closures
- Area closures

Question: what other specific technical measures can contribute best to eliminate discards?

4. HOW TO IMPLEMENT A DISCARD BAN IN MIXED FISHERIES?

Mixed fisheries with Total Allowable Catches (TACs) and quotas could in the future be managed by a catch-quota system, where all catches have to be landed and would be counted against the quotas.

Examples of supporting measures in such a system could be:

- MS could improve their quota swaps to better reflect the likely catches of their fleet
- vessel owners or groupings of vessels owners could receive quotas from their Member States according to likely catch composition
- vessel owners could use individually tradable user quotas to cover their catches by transferring them between vessel owners or by leasing them in real time from their Member States
- catch quotas could be established for targeted species and by-catch quotas for associated species

Mixed fisheries in the Mediterranean could continue to be managed by fishing effort only.

Question: what would be the effects of such a system? How would the fishing vessel operators change their practices?

5. WHAT TO DO WITH INCIDENTAL CATCHES TO BE LANDED?

A discard ban will induce additional costs for the industry, related to sorting, storage and landing of unwanted and unexpected fish. This means both undersized and unmarketable fish, but also fish that has been caught outside the limits of the catch composition rules for a specified fishing gear. The reformed Common Fisheries Policy could help the fishing industry cope with such additional costs with specific measures under the market policy, like

- authorizing their sale on the market for human consumption;
- allowing a part of the proceeds to be kept by fishermen to incentivise landing of all catches; the part of proceeds to be kept by fishermen has to be such that it does not become an incentive to target small and/or juvenile individuals;
- funding Producers Organisations when designing, adopting and implementing fishing plans allowing a better management of the fishing activities and adding consistency between the production and the commercial strategies and encouraging consequently Producers Organisations' members to limit discards thanks to better fishing practices;
- Supporting marketing and promotions actions.

Question: How can fishermen, particularly when dealing with rules on the marketing of catches of unwanted and unexpected fish, be further involved to come up with innovative ideas? How can we make sure such fish are not wasted, but also that the financial rewards are not so high as to encourage them being targeted?

6. HOW TO ENSURE COMPLIANCE WITH AND CONTROL OF A DISCARD BAN?

A discard ban requires compliance and an effective control and surveillance. Some discrepancies in the current management system will need to be addressed to allow an effective enforcement of management measures to address properly the questions of unwanted catches and to increase the reliability of information made available on catches and effort.

These discrepancies may be tackled by incentives and disincentives adopted in the management framework. For instance, incentives for fully documented fisheries could be made available, by

- extending the use the Vessels Monitoring System (VSM) and the e-logbook,
- CCTV on vessels above 12 metres,
- improving landings control,
- adopting deterrent sanctions against discarding practices.

However, progress in terms of compliance and enforcement depends also to a large extent on fishermen behaviours.

Question: Beyond rules on control and surveillance, what could be suggested and supported by fishermen and/or fishermen organisations which would increase the compliance with the management framework?