



Comments on discards from the NSRAC

June 2011

Final

1. Introduction

- 1.1 Earlier this year the EU fisheries Commissioner, Maria Damanaki, announced her intention to seek a discard ban, which she suggested was necessary to preserve fish stocks. She proposed that a ban be introduced on a definite timescale, as part of a wide-ranging reform of the European Common Fisheries Policy.
- 1.2 Since its inception, the NSRAC has expressed concern about the problem of discarding. It has forwarded a series of position papers on this topic to the Commission and has tried repeatedly to engage with the Commission on this issue.
- 1.3 Reducing the impact of discarding is an important aim for the NSRAC. It wishes to assist the Commission in coming up with solutions to reduce discarding. It endorses the objective of minimising waste of the fishery resource, and reducing impact upon vulnerable fish stocks, but wishes also to achieve an economically viable fishing industry, based on fisheries that are sustainable in the long term.
- 1.4 In this paper the NSRAC sets out its views on the causes of discarding; its effects upon the industry; and how the problem of discarding might be addressed. As the Commissioner has now realised, the prevention of discarding is not a trivial task. The announcement of a discard ban is in itself of little value in resolving the difficulties. A ban will not of itself make fisheries more sustainable.
- 1.5 The NSRAC has previously emphasised that discarding varies greatly from fishery to fishery and often results from particular circumstances. Reducing discarding must be seen as part of a wider programme for achieving sustainable fisheries. The NSRAC has proposed the development of long-term management plans as the solution to taking fisheries forward. Preparing such long term management plans should include a thorough analysis of the discard issue fishery by fishery to define the biological and economic implications making it possible to conduct a cost-benefit analysis of possible measures to reduce discards and to incorporate them as appropriate.

2. Causes of discarding

2.1 The Capture of unwanted species

- 2.1.1 One of the causes of discarding is the capture of unwanted species; fish, crustaceans and other animals for which there is no market. Discards include species that are completely inedible, like starfish, but also species which are edible but which the public do not favour as food, including some of the crustaceans and fishes.
- 2.1.2 Some animals will always be rejected as food by the public. However, there is a long history of fishers and fish merchants promoting the successful consumption of previously unwanted species. The Norway lobster is a good example. Once rejected as an inedible species it has now become a highly valued delicacy. Another case is the monkfish or anglerfish that now fetches very high prices, in the UK a similar case can be made for sea bass and throughout the North Sea there are many other examples. The involvement of celebrity chefs in recently promoting species like the gurnard, which is now steadily gaining a market, is a welcome development and can do much to ensure that all that is edible is landed, eagerly sought by the consumer, and eaten with enjoyment.
- 2.1.3 A discard ban would certainly encourage the fishing industry to develop new markets for unwanted species. However, a small proportion of inedible species would remain. Some, like the starfish, would survive if discarded. Unwanted fish like the dragonet also show high survival when discarded. There is no justification for insisting that these species be stored on the fishing vessel, landed, and disposed of on land.

2.2 The capture of small fish

- 2.2.1 In general, small fish command lower prices as well as having higher handling costs. In addition EU Common Fisheries Policy legislation sets regulatory Minimum Landing Sizes (MLSs) for many of the main commercially exploited species (but not all) in order to discourage targeting of immature fish for stock conservation reasons.
- 2.2.2 Capture of small, often juvenile, fish can be avoided by a variety of means. Fishers can avoid areas where there are concentrations of small fish or areas can be closed to protect seasonal aggregations of juveniles. Nets can often be adapted to reduce the numbers of small fish captured. In some cases these measures may be introduced through regulations but fishers may be encouraged to adopt these measures voluntarily if incentives are provided. Currently some provisions in the regulations prevent fishers taking measures to improve selectivity. Those obstacles must be removed.

2.3. Discarding forced by the regulations

- 2.3.1 One of the principal causes of discarding is the disposal of fish that cannot be landed because of EU regulations. Fishers are forced to discard some of the fish that they catch.

- 2.3.2 Generally, fishermen try to plan their fishing operations to use their quota allocations as efficiently as possible. However, following lack of flexibility in EU and national regulation a major regulatory cause of discarding is the capture of fish for which the vessel lacks quota. Fishers are required by the regulations to discard any marketable fish that they catch for which they do not have quota. This kind of discarding is especially prevalent in mixed fisheries where the quota may be exhausted for one species but the vessel continues to fish for other species for which quota is still available
- 2.3.3 Discarding through lack of quota is a particular problem where there is a mismatch between the quota set, the number of vessels fishing and the actual abundance of fish on the fishing grounds. Poor data collection and insufficient scientific work leading to inadequate or no stock assessments, where the fall-back position by the Commission is to reduce quotas, may exacerbate the problem by driving quotas down for species which are abundant and likely to be caught in significant quantities. This will inevitably lead to discards, especially with local abundance of fish. TACs for a number of species, including cod and whiting in the North Sea, have not been set at levels that reflect fish abundance and this has led in current circumstances to high levels of discarding.
- 2.3.4 Regulatory discarding is also prevalent where catch composition rules are imposed by Commission regulations. In this case the regulations specify that in certain fisheries a species like the cod may not represent more than a given proportion of the catch. Fish are not caught in the neat proportions required by the regulations. Fishers do not know what they will catch until the net reaches the surface. It is inevitable that some fish will be caught which are outside the stipulated quantities. By law fishers must discard these fish. Removal of catch composition rules would cause this discarding to cease.
- 2.3.5 Poor selection of regulatory minimum mesh sizes may also promote discarding. CFP legislation sets minimum mesh sizes for most of the main fisheries in EU waters. The mesh sizes are set to avoid catches of fish below the MLS (section 2.2.1). However the highly mixed nature of fisheries in most European waters makes it impossible to get this right for all species.
- 2.3.6 In circumstance where large numbers of undersized fish are being caught fishers may wish to adopt measures to improve the selectivity of their nets for example by increasing the size of the mesh. However, they may be prevented from doing so by the perverse effects of other regulations. For example fishers in the Norway lobster fishery of the North Sea have wished to increase the size of their mesh to preclude the capture of small fish. But should they do so they would be re-classified under the Cod Management Plan and would suffer additional effort restrictions. They are prevented by the regulations from taking the appropriate conservation action.
- 2.3.7 Fishers cannot readily adjust their fishing tactics to eliminate regulatory discarding. In some cases (the example given in 2.3.5 above) they are prevented by regulations from adopting appropriate measures. They can target wanted species rather than those they do not have permission to land, but inevitably some over-quota species

will be caught; or catches will fail to match the catch composition rules. In these circumstances the only way to avoid discarding is to permit these fish to be landed without an economic incentive for the fisher as such, and to provide appropriate means for ensuring that the excess fish are accounted for.

2.4. Discarding for economic reasons

2.4.1 Fish may also be discarded to optimise economic returns to the fisher. High grading is a practice of harvesting fish where only the best quality fish are brought ashore and landed. Where the quantity of fish that can be landed is restricted by legislation or the capacity of the fishing vessel there is a perverse incentive to catch fish, choose which ones will achieve optimal prices, and cast the rest back into the sea. High grading allows fishers to improve quality and gain higher prices for a catch. High grading may be exacerbated by restrictions in effort, including limited days at sea. In the time available fishers must make the most from the fish they catch.

3. The way forward

3.1 In the past the main approach adopted by the Commission has been to impose complex technical regulations upon the design and operation of fishing gears specifying permitted technologies in minute detail for each fishery. This has not worked in the sense that the problem with discards has not been solved. Faced with challenges from the industry and the public the Commissioner has called for a discard ban. It has not been described in detail how that might be achieved, however translating the idea into workable solutions is a major challenge and will require a massive enforcement level.

3.2 It is important to bear in mind that discarding is not a barrier to achieve MSY and that even with a discard ban reaching a situation with no discard is an illusion.

3.3 In the past, the NSRAC has called for an approach that specifies the required outcome (reduced discarding) and leaves it to the industry to develop technical solutions to achieve that result. Such an approach would change the balance of incentives so that fishermen would have a direct interest in employing their ingenuity to find ways of minimising discarding, rather than finding ways of circumnavigating the current mountain of technical regulations. This would represent a huge change in both philosophical approach and practice compared to the way the CFP regulates the fishing industry at present. The Conservation Credits scheme currently operating in Scotland provides an example of what can be achieved in terms of providing additional protection for cod.

3.4 Encouraging progress in reducing discards has been made through *catch quota* schemes in a number of North Sea member states. By using an incentive and results based approach, verified by CCTV, fishers have been encouraged to adapt their fishing patterns within a “catch less, land more approach”. Given the mixed character of many North Sea fisheries, it is clear that *catch quotas* should ideally be applied carefully through a voluntary and incremental approach if it is to retain the support of

the industry and the RAC, a support which is a precondition for any such regulation not to fail. However, to ensure the success of such an approach major changes in the current regulations for technical measures, control issues and market organisation would be needed.

- 3.5 The NSRAC would caution against the introduction of additional, heavy-handed measures without proper evaluation of the consequences. One example of this is the current Cod Management Plan, with both TAC provisions and days at sea restrictions. This has reduced fishing opportunities for many fishers, and has also increased their costs, but without achieving the overall reduction in fishing mortality necessary for rebuilding cod stocks. In particular it has encouraged high grading as a response to reduced fishing opportunities. The simultaneous operation of both an input (days at sea) and an output (TAC) regime has created problems. Discarding of juvenile cod has now been supplemented by economic or regulatory discarding of quality fish with a market value. Moreover, the restrictions in days at sea, and lack of flexibility in applying Article 11 have borne heavily on vessels that do not catch cod. In many cases vessels have adequate quota for species other than cod, but cannot fully take this quota and maintain their income because of the days at sea restrictions imposed under the cod recovery plan. Experience indicates that where the Commission introduces measures without adequate discussion with the industry the inevitable result is regulation that fails, but which imposes a heavy and in some cases redundant burden upon the fishing fleets.
- 3.6 Many initiatives have been taken by fishers to reduce discarding. We have attached examples to this paper. The lesson to be learned from them is that fishers can reduce discards in a way specific to their particular fisheries. However, the economic incentives in the industry must be aligned with the management objective of reducing discards.

4. In Conclusion

4.1 The NSRAC:

- Shares the Commission's desire to reduce discards;
- Suggests that the main feature of any initiative by the Commission should be to align incentives with the reduction of unwanted discards;
- Highlights the need to avoid perverse incentives that encourage fishers to discard;
- Emphasises that although much can be learned on discard management from other countries, because of the complexity of EU fisheries in the North Sea it will not be possible or desirable to slavishly copy the approaches more or less successfully applied elsewhere;

- Sees the development of fishery by fishery long term management plans as the most appropriate vehicle for implementing reduction of discards.