



TERMS OF REFERENCE

IMPLEMENTATION OF LANDINGS' OBLIGATION ("DISCARDS BAN")

The Coach House – Dublin Castle

Wednesday 18 September 2013

1. Background / Main purpose

A key element of the proposed reform of the Common Fisheries Policy is the progressive elimination of discards in all EU fisheries through the introduction of an obligation to land all catches. Political agreement has been reached by the European Parliament and Council on the Basic Regulation on the CFP reform with a new start date for implementation of the landing obligation for (small and large industrial) pelagic fisheries and Baltic salmon for 1 January 2015.

At the last Executive Committee meeting (Dublin, 24 July 2013), it was agreed that this topic merited further discussion and decided that a dedicated Focus Group meeting on this topic would be convened in September. The purpose of this group is to achieve a common understanding of how the "discards ban" policy could be achieved in North Western Waters (ICES VI-VII).

The RAC will look at the different components needed for the development of "bottom-up" regional discard plans for North Western Waters that can be discussed and agreed with concerned Member States; in case a joint recommendation is feasible, it would be subsequently put forward for validation of the European Commission, ICES and STECF.

2. What has been done so far?

- Legal basis: Basic Regulation on CFP Reform (Final Compromise text of Council-EP)

Article 15 – Landing obligation

All catches subject to catch limits [...] caught during fishing activities in Union waters of by Union fishing vessels outside Union waters in waters not subject to third countries' sovereignty or jurisdiction, in the fisheries and geographical areas listed below shall be brought and retained on board the fishing vessels, recorded, landed, and counted against the quotas where applicable, except when used as live bait, in accordance with the following timeframe [...]

Article 17 - Regionalisation of decision making

Member States (MS) will cooperate between themselves and will consult the future Advisory Councils (ACs) on fisheries management plans at regional level.

Terms of Reference

Implementation of landing obligation in Mixed Demersal Fisheries for North Western Waters
NWWWRAC Horizontal Working Group – Dublin Castle, 18 September 2013



The Commission will act as facilitator if required so the MS and the ACs can adopt joint recommendations. It is vital for the ACs to get involved in the process or they will risk ending up in two parallel deliberations with the result of not agreeing a common position with MS and presenting two sets of differing advice.

- Scope of application:

The landing obligation applies only to catches subject to catch limits (i.e. TAC and quotas) plus those Mediterranean stocks, which are subject to minimum landing sizes. A number of exemptions apply to species with high survival rates and that the rules currently in force regarding prohibited species continue to apply.

The landing obligation is an EU rule, and it is not enforceable against non-EU countries/fleets regulated by their national laws / RFMOs. The EU will, however, address this issue by developing specific derogations for those non EU vessels fishing in EU waters.

- Calendar and timetable for the implementation:

The main demersal stocks of North Sea, North Western Waters and South Western Waters will be dealt with within the period 2016 to 2019.

- Omnibus Regulation:

This is an interim legislative measure that has been adopted in July 2013 by the European Commission to remove all legislative barriers (technical conservation and control measures) to the effective implementation of the landing obligation.

3. What needs to be done?

- **NWWRAC work**

The DG MARE representative suggested developing a stepwise approach for a discards plan in close collaboration with concerned coastal Member States. This might prove difficult for the area of NWW as there are no intergovernmental fora or bodies similar to those for the North Sea (Scheveningen Group) or Baltic Sea (BALTFISH).

The structure below is only suggested here for discussion. A more sophisticated or developed layout for a fishery discards plan could be refined. In this respect, the Pelagic RAC plan for NEA mackerel could be used as a template for reference.



1. Conduct an audit of NWWRAC fisheries
 - Biology
 - Stock size and distribution
 - List of species
 - Management measures (including technical measures) in place
 - Catch data
 - Definition of fleets (by nationality) and métiers (by area/gear/no of vessels / season)
2. Diagnose practical problems occurring in the fisheries with discards: fishing / discard maps?
3. Identify possible remedial actions and solutions.
4. Collect sources of existing discards data and data on survival rates: discard atlas?
5. Adopt appropriate selectivity measures;
6. Look at appropriate funding mechanisms regarding TCMs → The RACs are mentioned specifically as potential beneficiaries under art 15.

- **Commission's strategy**

As a first step, the Commission will work on identifying the main fisheries and the main species. It will then create a first list of species and seek feedback from relevant fishermen and other stakeholders through the RACs.

Regarding the approach to be followed, the reform contains three scenarios or "plans" (by priority):

PLAN A – Achieve the landing obligation through multi-annual management plans (MAMP)

PLAN B – Establish a temporary discard plan (lifespan: 3 years)

PLAN C – Insert a "fall-back" position:

In case of inaction or failure to agree joint recommendations by the Member States and the RACs, the Commission would be entitled to adopt a delegated act under its own initiative, under article 15 but this would only be to set *de minimis* exemptions. Under this scenario the basic rules included in the reform would apply.



4. Way forward / next steps

An Expert Working Group of STECF has recently met (9-13 September) to look at the scientific and economic effects of the implementation of the landings ban dealing with the following topics:

- Data issues
- *De minimis* and quota flexibility rules
- Survival rates of discarded fish
- Monitoring and control programmes
- Content and structure of future regional discard plans.

It must be noted that “*de minimis*” rule applies to up to 5% of TACs of all species where a landings obligation exists. However, there might be many ways of interpreting and applying this rule (e.g. duration of fishing trip, single species, multiple species)..

The Commission will wait until it receives STECF advice, and will subsequently develop its own opinion. It will also submit a request to ICES before the end of 2013 to develop guidelines for setting TACs once the discards ban is implemented and assess the impacts of the ban on catch forecasts taking into account all available data.

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