



## North Western Waters Advisory Council

### SUMMARY REPORT OF SEMINAR FROM THE EUROPEAN FISHERIES CONTROL AGENCY ON THE PRACTICAL IMPLEMENTATION OF THE NEW CFP PROVISIONS IN THE JOINT DEPLOYMENT PLANS.

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#### 1. Opening

Mr L. Kucic, Croatian Assistant Minister of Agriculture welcomed the participants.

He stressed the urgent need to protect the seas and their biotopes world wide.

After 50 years of talking about the protection of the seas, little has been done and that it is now time to do something about it. The question we need to focus on today is how the Landing Obligation can be implemented and how it should work in the future.

MR. Pascal Savouret, executive Director of EFCA, announced his Draft EFCA recommendation document to support the implementation of the Discard Ban. The objectives of EFCA is to ensure compliance with the Discard Ban regulation and to formulate recommendations for discard plans. He asks the participants to think and be proactive. He emphasized the need for a large level of cooperation from the stakeholders involved.

#### 2. Implementation of the Landing Obligation

- [Vision of DG MARE \(Ernesto Penas, Director DG MARE\)](#)

Ernesto Penas, Director of DG MARE, mentioned some questions that had been raised on the previous day when the EFCA met with the Member State authorities and the European Commission.

One of the side effects of tighter control which should be considered an opportunity is the enhancement of the scientific knowledge of the different fisheries.



The implementation of the Discard Ban needs a new policy based on a certain level of “Ownership Responsibility” from the industry. There is an advantage to being proactive and not hostile to the Ban. Compliance should be seen as a positive thing.

It was accepted that a new generation of Technical Conservation Measures is needed and that the European Commission will start a new consultation round to explore how the implementation of the Landing Obligation should be started.

Financial help schemes from the EMFF would be provided to adapt the TCM transitions.

The Advisory Councils (RAC's) will be involved and play a pivotal role in the process to amend the policy e.g. the regional aspects of the fisheries.

Incentives, such as “quota top ups in proportion to the level of discarding” would be provided for the Member States that seek better compliance.

A scheme for such advantages could be explored in more detail. Questions on incentives to support “discard free fisheries” should be addressed. For example “How can vessels equipped with CCTV be given a certain market advantage”.

- **Presentation of the Landing Obligation by Pascal Savouret (Executive Director of EFCA)**

Art 15 of the CFP “Obligation to land all catches subject to catch limits” is going through an adoption phase. The focus of ECFA’s discussion paper will be on monitoring and ensuring compliance with the underlying obligation to land all catches.

EFCA has no mandate on fisheries policy but the Agency can make technical recommendations to assist Member States regarding the range of compliance tools which could be employed to help meet these obligations.

The paper is intended to summarize EFCA’s vision through a phased approach in the commencement of work in the enforcement of the landing Obligation.

EFCA seeks a coordinated implementation through common methodologies, a level playing field and transparency. Control measures are intended to ensure a level playing field

- **Objectives are:**

- a) To ensure compliance with the requirement of accurate recording of discards.
- b) To assist MS in the development of practical control and monitoring tools through the detection of discard practices.

This would be based on a practical and simple approach based on the preparation of a toolbox for the inspectors indicating where discards are expected following a regional risk analysis as per type of fishing gear, fishing area and catch composition.

A general analysis of discards is needed to elaborate adapted control measures. Causes, risks and adapted strategies to mitigate discarding must be worked out. Mid-term measures, with recommended steps to permit the implementation of more sophisticated tools to detect non-compliance such as reference fleets, observers o/b, CCTV and Remote Electronic Monitoring (REM) must be developed.

- c) To support the development of specific discard plans with recommendations to facilitate the controllability of the obligation.

EFCA suggest a set of recommendations for the preparation of specific discard plans and/or multiannual plans in order to improve their controllability. Issues related to *de minimis*, exemptions, risk analyses and enforcement measures have to be adapted for specific cases.

▪ **Other considerations which may provide for improved possibilities for compliance:**

- a) Reverse the burden of proof: this approach could specify “approved gears” (high selectivity) with spatial and temporal restrictions, reporting and landing rules in certain areas.
- b) Incentives and disincentives: access to certain areas could be restricted to approved to high selective gear in certain area’s or times. Such gears could also benefit from additional quota or fishing effort.

▪ **EFCA Roadmap**

The EFCA coordination can be incorporated in the EFCA regional Joint Deployment Plans or MS can request EFCA to coordinate through their Operational plans.

A range of tools is available REM, CCTV, ERS.

EFCA has been contributing to and working with BALTFISH and STECF in the past months and will continue to do so. It will use the same document as basis for participation in the coming Technical Working Groups and RAC’s.

The elaborated Roadmap covers a work schedule from 2013 to 2019 and fixes deadlines for key milestones and associated objectives (a) accurate reporting of discards, (b) development of practical control and monitoring tools (c) support of development discard plans.



- **Presentation by STECF ( John Casey, Chair of STECF; and Norman Graham – MI Ireland)**

## **Landing obligation in EU Fisheries considerations of the STECF Expert WG.**

### **Part-1 of the presentation considers the issues to be addressed and some conclusions**

- **Survival**

Main methodologies are identified, an expert group has to develop a manual on discard survival experiments, definition of “high survival” is subjective, short term experiments may overestimate the survival. On the other hand, landing discards that have high survival probability can have a negative stock impact. Avoiding unwanted capture should be a primary objective. Minimize and avoid.....

- **De minimis & quota flexibility**

A) De minimis= unclear, several interpretations, vessels , fleet, MS, regional level, haul level...

B) Quota flexibility can be applied beneficially to “balance the books”

Cumulative use of A+B can generate large catches.

- **Conclusions from STECF & ICES on Catch estimation**

Less than 10% discards = 34 stocks

Stocks with detailed and comparable data available from both ICES & STECF = 23 stocks

Stocks for which either ICES or STECF indicate significant discard (> 10%) = 28 stocks

Currently large discard of over-quota fish ( COD)

Some discard estimates are underestimated which can create CHOKe species

If discards are overestimated then potential for overexploitation exists.

- **Horizontal control, monitoring & enforcement**

Good science is required, so accurate control is needed, certainly at sea.

Reliance on self- reporting is insufficient and inadvisable, sanctions need to be proportionate to offences.

De minimis and survival exemptions from the landing obligation generate legitimate discards, they complicate the monitoring.



- ✓ Reference fleets complicate some principles such as;
- ✓ Level playing field is removed
- ✓ Deterrents and incentives
- ✓ Evidence in court complicated

### Part-2 Considerations and support for development of discard plans

- **Development of guidelines to assist MS in formulating joint recommendations that could form the basis of regional discard plans.**

It is a compilation of possible solutions for following key issues:

- ✓ Definition of fisheries
  - ✓ Exemptions on basis of high survivability
  - ✓ Provisions for de minimis exemptions
  - ✓ Fixing of minimum conservation reference sizes
  - ✓ Identification of potential impacts of the Landing Obligation due to CHOKE species
- **The summary of the presentation speaks for itself:**

*“Lots of observations & more questions!”*

- **Presentation by ICES**

Barbara Schoute ( ICES advisory Program) gave a short overview of their role in the elaboration of the Discard Ban process.

ICES and STECF work close together and try to avoid any duplication of their work. The biggest challenge for science is transposing “Landing Quota” to “Catch Quota”. The calculation of Discard rates for this purpose is a key issue.



### **3. Regional Discard Plans**

- **Presentation of the Baltic Sea case**

Normunds Riekstins ( chairman of Baltfish) gave an overview of the situation in the Baltic Sea area.

8 EU MS + Russia are involved and the coordination seems to work.

Baltfish started elaborating a strategy to control the landing obligation and put together the requirements.

Enforcement tools must be still defined to document all catches and discards.

- **Presentation of the “Scheveningen Group”**

Chairman Leon Loomans from the Dutch Ministry of Economic Affairs gave a short update on their progress in the implementation of a Landing Obligation in the North Sea area.

Progress has been made in the development of a “ Discard Atlas” for the NS.

The Atlas is arranged in a tabulated format and gives the average discard rates for the different fish stocks.

### **4. Conclusion**

The EFCA Chairman Mr. Savouret urges the industry to cooperate in a proactive way.

He states that the input from all speakers will be taken on board in the next discussions. A Next meeting is planned in March.

Ernesto Penas from DG Mare thanked the stakeholders for their cooperation.



The meeting gave him more work to be solved in Brussels.

The problem is that there exists no methodology to solve the many questions that have been arisen.

He pleaded for a voluntary sign up from the industry. A kind of “Ownership of the industry” in the development of the “Discard Plans” with incorporated incentives.

Initially the first “Discard Plans” would be a tentative approach that must be adaptive after a trial period. This first measures will inevitably be based on incomplete science and will need adjustments.

Two main questions for the EC are; how to find a way of reporting in an accurate way the discards and how to incorporate all this in a legal basis.

**-END OF THE REPORT-**