



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

THE DIRECTOR-GENERAL

Brussels, 29.08.2008 D 09732
MARE-A-2 / LB D(2008)

Subject: Consultation on the implementation of a policy to reduce unwanted catches and eliminate discards in European fisheries

Dear Mr Schiappa Cabral,

Thank you for the valuable contribution of the Long Distance Fleet RAC to the consultation on the implementation of a policy to reduce unwanted catches and eliminate discards in European fisheries.

The Commission will now examine carefully your comments, proposals and concerns. In the meantime, I would like to give you some preliminary information on the main results of the consultations.

There were a total of 22 contributions received in response to the Commission's invitation for public consultation from a wide range of stakeholders including *inter alia* associations from the fishing sector; advisory bodies, public authorities, NGOs and individuals.

The main results of the consultation can be summarised below. A detailed, question by question overview can be found attached.

- The initiative of the Commission and its main objective of reducing discards of European fisheries was widely endorsed by the participants in the consultation. There was also wide support for a fishery by fisheries approach, where specific discard reduction targets are set, but the exact way to reach it is left to the industry to develop – results based management.
- Opinions diverge on the time frame for the whole implementation: while industry representatives believe that 10 to 15 years is a realistic goal, NGO's think that it is too much time and that significant discard reduction can be reached sooner.

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- There are some concerns regarding the fishery definition used to identify both fisheries, and in particular the trawlers targeting *Nephrops* in ICES area VII. Most stakeholders consider that the fishery definition in the non-paper is too broad, since different regional fleets have different discard patterns, and thus should be considered separately in future regulations (namely with different discard reduction targets).
- There is also agreement that the targets set in the non-paper lack an appropriate definition. A clear and unambiguous definition of what species are included in the targets of discard reductions is fundamental for the implementation of the policy to reduce unwanted catch. However, opinions diverge in what species should be included in the targets.
- All industry representatives agree that the discard reduction targets should be realistic and achievable. They should also be set in cooperation between industry, managers and scientists.
- Finally, advisory bodies and the fishing industry support a gradual reduction of discards while NGO's are in favour of a discard ban. Support for banning high-grading was also stated.

The Commission services have started to work on the next phases to prepare the first discard regulation and the fisheries "roadmap". The issues and questions dealt with by the consultation, as well as suggestions made, have been taken into consideration in the preparation of the Impact Assessment Report that was prepared by the Commission. The Commission intends to come forward with a proposal for a Council Regulation in October 2008.

Yours sincerely,



Fokion Fotiadis

Enclosure: Report on the public consultation

Cc: Management Committee

OVERVIEW ON THE CONTRIBUTIONS RECEIVED IN ANSWER TO THE CONSULTATION ON THE IMPLEMENTATION OF THE POLICY TO REDUCE UNWANTED BY-CATCH AND ELIMINATE DISCARDS IN EUROPEAN FISHERIES

The non-paper on the implementation of the policy to reduce unwanted by-catch and eliminate discards in European fisheries was the basis for a targeted stakeholder consultation (from the 24 April till the 24 June) through the Regional Advisory Councils and with Member States and a broad one to the general public through "Your Voice in Europe". A workshop was organised by the Commission on 27-28 May 2008 with participation from all stakeholders (RACs, ACFA, MSs, NGOs, scientists, managers), to promote debate and exchange of views regarding the consultation questions specified in the non-paper.

In total, 22 written contributions were submitted to the consultation. They may be grouped into different categories of stakeholders:

- RACs (6)
- fishing industry (4)
- NGOs (3)
- Scientists or scientific bodies (2)
- Public bodies or similar (6); at national level (5) or regional/local level (1)
- Others (1)

This overview of the main points raised in the consultation process is based on the written submissions received. This document is provided as background information only. It is not a formal report by the Commission, nor should it be interpreted as such. As most of the contributions received were presented according to the main chapters and associated questions developed in the consultation document prepared by DG MARE Services, this overview is presented and structured in the same way.

1. PROPOSED METHODOLOGY

There is a unanimous view and often strong support in all contributions of the necessity to reduce discards of European fisheries. Furthermore, there is also wide support for a fishery by fisheries approach where specific reduction targets are set, but the specific way to reach it is left to the industry to develop – results based management. Opinions however diverge when the time frame for the whole implementation is considered: while industry representatives believe that 10 to 15 years is a realistic goal, NGO's think that it is too much time and that significant discard reduction can be reached sooner.

Below a summary of the main opinions received is presented by each non-paper question:

- 1. Should the targets refer to all finfish and crustaceans in the (by-) catch occurring in the fishery or to commercial / quota species only?*

Most contributions from the industry and advisory bodies concluded that only a few selected commercial/quota species are viable as a target for discard reductions in the short term. NGO's and scientist tend to disagree and state that all discarded species should be considered, since fisheries should be seen in an ecosystem context and not as an isolated activity in the marine environment, in line with an ecosystem approach to fisheries management.

2. *Should the approach follow a gradual reduction of discards in a fishery or should discarding be made illegal (discard ban)?*

As with previous the question, RACs and fishing industry support a gradual reduction of discards while NGO's are in favour of a discard ban. Support for banning high-grading was also stated. Arguments against a discard ban range from difficulties in control, increase costs and low compliance, while in favour is the notion that only a discard ban is a sufficient negative incentive to cause a change in fisherman's behaviour to effectively reduce unwanted catch.

2. FISHERIES

There are some concerns in the contributions regarding fishery definition used to identify both fisheries and in particularly the trawlers targeting *Nephrops* in ICES area VII. Most stakeholders consider that the fishery definition in the non-paper is too broad, since different regional fleets have different discard patterns, and thus should be considered separately in future regulations (namely with different discard reduction targets).

There is also agreement that the targets set in the non-paper lack an appropriate definition. A clear and unambiguous definition of what species are included in the targets of discard reductions is fundamental for the implementation of the policy to reduce unwanted catch.

3. *Concerning the timeframe there are 3 options to consider for achieving the final target per fishery: fast – medium - slow. Should the targets set out above be achieved faster or slower than proposed?*

The fishing industry considers that the final targets should be reached at a slow pace to allow them to adapt to the new reality and thus reduce costs. However, other stakeholders assume that a balance must be reached between achieving the goals as soon as possible to protect depleted fish stocks while giving the industry time to adapt.

4. *Concerning the final targets per fishery, should they be lower / higher?*

All industry representatives state that the targets should be realistic and achievable. They should also be set in cooperation between industry, managers and scientists. The majority of stakeholders consider that 10% discard rate target for beam trawlers targeting flatfish is overoptimistic, considering the low selectivity of a beam trawl.

5. *What could be the criteria for setting a final target in a given fishery?*

Answers to this question are diverse, although there is agreement that the criteria should be fisheries specific and achievable. To some stakeholders the criteria should be related to the impact of discards in stocks and the ecosystem (namely related to survival rates and associated fishing mortality). Others consider that targets should be robust to natural variations in discard rates linked to recruitment, seasons, and areas.

6. *Should there be specific / additional reduction targets for sensitive species such as for example recovery species?*

Most stakeholders agree that targets should be set for sensitive and recovery species.

7. *Should there be discard bans for sensitive species?*

As in question number 2, industry and advisory bodies are against a discard ban for sensitive species while NGOs are in favour, except for species that have a high survival rate after discarding. Some NGOs refer that skates and rays in the North Sea should be considered as sensitive species and cod as a recovery species.

8. *How could such specific protection of recovery species and sensitive species best be implemented?*

NGO's refer to closed areas for fishing (marine protected areas) as one of the most important measures to protect recovery and sensitive species. Increase data availability, increase selectivity and other technical measures were also mentioned in the written contributions.

3. MEASUREMENT OF COMPLIANCE

9. *Should the targets apply to individual vessels only?*

The stakeholder's position differs: some are in favour of the targets applied to individual vessels since it will improve compliance and control, while others are against it as it may be discriminatory. Nevertheless, targets should be set to fleets within the fisheries identified in the non-paper.

10. *Should the technical adaptations to achieve the targets be spelt out at Community level or should this be left to the fishing sector?*

There is a general consensus that technical measures should not be spelled out at European level, but should be left to the industry to develop them as to reflect the specification and the regional realities of each fishery.

11. *How much, if any, of possible proceedings of landings of unwanted by-catch should be given to vessel owners?*

As expected the feedback from the industry is that the proceedings of landed discards should be given to fisherman to compensate for extra incurred costs. Several stakeholder's have highlighted the danger of paying for landed discard as it may give origin to a new market for discards, and thus create a perverse incentive to maintain or even increase unwanted catch. Thus the majority advocates for a very small percentage of the value of the unwanted catch to be given to vessel owners.

4. MONITORING AND IMPLEMENTATION RESPONSIBILITIES

12. *Should the cost for the observer schemes be paid by Member States only or should the fishing industry contribute to such expenses?*

The majority of the replies ranged from the National Authorities, the European Commission or the industry to pay (in isolation or shared) for the observers schemes. NGO's agree that the industry should, at least, contribute to the cost of observers on board. One suggests that the money received from possible fines should be used for funding the observer's programmes. Another NGO refers that "the cost of an observer programme should be viewed as an investment in the long term sustainable management of that fishery".

13. *Should reference fleets be counted against the Member States' obligations in terms of observer coverage or should their contribution to monitoring efforts be additional?*

Again industry would reply yes, that reference fleets should count against observer's coverage, while by the contrary most NGOs agree that reference fleets should be set apart of the coverage required by observers.

5. INSPECTION AND CONTROL

14. *Which mechanisms for control are useful in the context of by-catches?*

One mechanism referred to by one NGO is to have a minimum level of inspections of vessels in order to compare data from observed and unobserved trips, but also data from vessels from the reference fleet with vessels outside. Use of reference fleets is also mentioned by stakeholders as a tool for testing new control measures such as the one stated in the reply to the question below.

15. *How can new technologies best be used for monitoring and control in this context?*

Electronic monitoring of fisheries activities is one of the most common options referred to in the written contributions, jointly with the obligation of reporting discard in the electronic logbooks.

16. *Should the relevant provisions on the use of electronic logbooks, in particular those concerning the recording and reporting of fishing activities and on means of remote sensing, be anticipated from what is foreseen in the legislation?*

Yes, namely the obligation to report discarding in electronic logbooks and extended use of VMS.

6. FOLLOW-UP

17. *Should these proposed deductions be proportionate to the by-catches?*

Yes as a negative incentive, to demonstrate the cost of discarding to the fishery. Nevertheless, several contributions refer to the danger of reducing quotas as an incentive to discard.

18. *Should there be other forms of sanctions?*

Fines were stated as an alternative, with the added benefit of funding the observer schemes. Reduction of effort is also mentioned in some contributions.

19. *Should such sanctions rather apply at individual or at national level?*

Stakeholder's positions are divided in this question. Some refer to national level while others consider that sanction should be applied at individual vessels to penalise directly bad behaviour.

20. *Should specific technical measure be compulsory if the targets are not reached?*

The majority of positions taken are that technical measures should be made compulsory if the targets set are not met.

7. OTHER ISSUES TO BE ADDRESSED

21. *Should the landings of unwanted by-catch be counted against the quotas?*

Yes, although there is no agreement in the procedure. According to one NGO quotas should be based on total removals and not just on landings, in accordance with an ecosystem approach to fisheries management. However, others contributions refer to the problem of relative stability and increase complexity in the TAC system.

22. *Should a specific by-catch quota be set for species under catch limitations?*

There is no clear agreed position regarding this question in the consultation. One NGO states that for recovery species, the quota should be transformed in a bycatch quota, and when it is exhausted it should prompt the closure of the fishery. Others consider bycatch quotas as a risk of increase fishing opportunities instead of restricting unwanted or excess catch of these species.

23. *What role could the industry play in determining areas for real time closures?*

The real time closures depend on the knowledge of the industry to be set up, as they are the best to determine sporadic concentration of juveniles or spawning aggregations in a particular area. Again, the role of reference fleets in implementing real time closures is highlighted by several stakeholders.

8. GOVERNANCE

24. *In what ways could stakeholder involvement in the implementation be ensured?*

The majority of stakeholders highlight meetings/workshops as the forum for discussion between managers, scientist and industry in developing strategies to reduce discards applicable to each fishery. They also mention the role that RACs can have in coordinating discard reduction measures such as real time closures, but also in collection of discard data and in monitoring.

25. *Should a permanent advisory structure on discard elimination be established for each fishery?*

The majority of the contributions conclude that although a specific discard group may have some advantages, this can be created within existing structures such as the RACs, STECF or under ICES.

26. *How could the involvement at different levels (local/ regional/ Member States) be best organised?*

The RACS are the best forum for regional and national level involvement according to most stakeholders.