

A joint environmental and developmental NGO position on *A policy to reduce unwanted by-catches and eliminate discard in European Fisheries* (COM(2007)136)

This contribution is on behalf of the following organisations: WWF – BirdLife International – Greenpeace International – Coalition for Fair Fisheries Arrangements (CFFA) – International Collective in Support of Fishworkers (ICSF) — Oceana –North Sea Foundation —the Fisheries Secretariat – European Bureau for Conservation & Development (EBCD)

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After the release of its proposal to reduce bycatches and eliminate discards in EU fisheries¹, the European Commission is consulting stakeholders on their views. This is a joint NGO contribution to that consultation.

The Commission Communication and the extensive consultation process are welcome. The widespread problem of unwanted catches and subsequent discards is a continuous obstacle to sustainable fisheries in the European Union, as well as globally. Tackling it should be a priority issue in the EU, as overall discarding levels in European fisheries overall are higher than elsewhere. The situation is particularly serious in the Northeast Atlantic area, with discards estimated at 1,332,000 tonnes – 19.6 % of global discards in order to take up 11 % of global landings², and with some fisheries discarding up to 90% of their catch.

Previous initiatives to tackle this issue, although in some cases reducing bycatches and/or discards, have not gone to the heart of the problem. Therefore, the development and environment NGOs support the Commission for taking the initiative to try and eliminate these wasteful practices. We also strongly advocate that the Commission addresses the issue of discarding by EU fleets active in distant waters as a matter of urgency.

What the Commission is proposing, in a move towards a discard ban with supporting measures such as bycatch quotas and more selective gear, is a significant change in the way European fisheries operate. With effective enforcement (including observer coverage), this could be a major step towards more sustainable European fisheries.

General comments

- A policy on bycatch and discards should be complementary to, and not replace other necessary management measures, such as capacity reduction, technical measures and fisheries MPAs.

¹ Communication from the Commission to the Council and European Parliament on A policy to reduce unwanted by-catches and eliminate discards in European fisheries (COM(2007)136)

² Page 10 in Commission staff working document: Accompanying document to the Communication from the Commission to the Council and the European Parliament – A policy to reduce unwanted by-catches and eliminate discards in European fisheries (SEC(2007)380)

- The key issue is to avoid unwanted catches in the first place. By requiring, for example, Best Available Technology for gear and real-time closures we are likely to see changes in behaviour and technology.
- An EU policy needs to effectively tackle all the different types of bycatch (mature [over-quota] specimen, juveniles, endangered and protected species) and the two reasons for discarding (high-grading and getting rid of [general] unwanted catch).
- We agree with the Commission’s approach to tackle the issue on a fishery by fishery basis, and consider that a range of measures tailored to specific metiers will be required, but only after the establishment of a general framework within which certain standards are set.
- Use should be made of different tools, such as public funding, tax breaks, labelling schemes, to effectively promote more selective fishing gears together with active discouragement, through taxes and fees, of non-selective gears.
- Aside from a gradual discard ban, positive incentives need to be created to encourage uptake of Best Available Technology in terms of selectivity, gear shifts, (real-)time area closures and changing fishing grounds.
- In the case of the EU distant water fleet, the use of the most selective fishing gears should be a pre-requisite condition for participation in fishing under FPAs.
- The policy should prioritise tackling the worst offenders, ie the fisheries with the highest bycatches and most widespread discards, for example beam trawls, *Nephrops* trawls and whitefish trawls.
- The general framework to reduce bycatch and eliminate discards should apply to all vessels, but the particulars of small-scale vessels need to be considered, as some of the proposed measures can not always apply to them. Small-scale vessels generally have no space onboard for carrying observers and are not fitted with VMS. It is important, however, that small-scale vessels also do their utmost to reduce unwanted catch, either by improving their selectivity or by shifting to less damaging fishing techniques.
- Fishermen, local communities and all interested stakeholders should be fully involved in the adoption and implementation of measures under the new policy.
- Much of the proposal relies on industry initiative, but it should be remembered that the sector is not generally organized in a way suitable to collectively deal with these kinds of issues, and consideration should be given to support development of structures for this, for example international seminars for exchanging experiences on use of gear.

1. Discard ban

The introduction of a discard ban is supported by the NGOs. Discard bans in Norway and Iceland have on the whole proved successful in reducing or ending the practice and has thus eased the impact of fishing, in particular on under-sized and above quota fish.

A discard ban would move the focus of management measures from landings to catches and from fish production to fish mortality. In conformity with the precautionary approach, by regarding “no discards” as the norm, any discarding then requires adequate justification (e.g. high survival potential). Experience shows that discard bans may be effective where control of shore-based infrastructure is efficient, and where other

complementary measures, such as introduction of selective gears, reduce discards to a minimum.

It should be clear that the purpose of a discard ban is to avoid unnecessary biomass removal from the seas and not present opportunities for new markets to utilise discards. To avoid this, one option is that operators should receive compensation, equal to a small percentage of the value of the unmarketable landed catch, as is the case in Norway and New Zealand.

In the Communication, it is suggested that only finfish and crustaceans caught will have to be landed. We would like the Commission to consider widening this to the entire catch, creating the same incentives to avoid other bycatch such as invertebrates, corals, marine mammals, birds and turtles.

But some exceptions will need to be made for certain species and in certain fisheries. All protected species (turtles, sharks, marine mammals) caught alive that may survive must be released, and if they are dead, their commercialization should be prohibited. Other species of no commercial interest that can survive must also be released if caught alive. Finally, all fish caught below the legal minimum landing size which have a chance to survive should also be released. In order to regulate this last exemption, studies on survival rates in different fisheries may need to be carried out.

2. Quota management

It is clear that the use of quotas as the main management tool has many limitations and partially explains the high levels of discarding in EU fisheries. However, as long as the EU uses TACs, one of the supporting measures to the discard ban should be the counting of all landed bycatch against quota allocations. For critical stocks, such as cod and other species subject to recovery plans, particular bycatch quotas should also be considered.

3. Minimum Marketing Size

According to the Commission proposal, Minimum Landing Sizes (MLS) need to be replaced by Minimum Marketing Sizes (MMS) if a discard ban is implemented. If enforced effectively, this will avoid opening up new markets for undersized fish and should still provide a disincentive for the capture of small undersized fish.

Current discard practices that are the result of incompatible technical rules on MLS and mesh sizes should be looked at with priority, as these are relatively easy to rectify. The bycatch of undersized plaice in the sole fishery with 80 mm is a prime example: increasing the MLS (or MMS) for sole will increase the opportunities for sole to spawn at least once, and bycatch of immature plaice will decrease substantially (currently, in this mixed fishery on average 6 plaice are discarded for 1 landed sole).

4. Real time closures

Experience in Norway has shown that real time closures can provide effective protection for commercial fish stocks and non-target species. The effectiveness of such a system, however, depends significantly on objective criteria for when sensitive areas are to be

closed as well as adequate enforcement, and requires immediate action once it has been established that the circumstances fit the criteria.

5. Control and enforcement

Enforcement will be crucial in the implementation of a discard ban. A plan should be developed at the earliest possible opportunity, encompassing a range of measures, in particular, at sea enforcement, observer schemes, electronic recording where feasible and a system of designated ports of landing.

Onboard observer programmes will play an important role in the success of the policy. They should not be dismissed because of cost implications, as it has been demonstrated that with large comprehensive levels of coverage, per day costs can be reduced.

In some cases observer coverage may be impractical (ie small-scale vessels), therefore the possibility to implement other observer techniques should also be fully investigated. For example, recent technical developments make it possible to use cameras in monitoring of bycatch, or carry out automated image analysis of the catch.

Monitoring and enforcement measures must be imposed consistently across all Member States and fleets. For example, the potential to run observer programmes as Community operations, organised by the Community Fisheries Control Agency should be considered.

6. Reducing EU bycatch and discards in third country waters

Particular attention should be given to how all of these measures can be “translated” to apply to EU fleets fishing in the waters of third countries. First, the emphasis should be put on input control (notably because of the lack of control and enforcement), and the need to introduce selective fishing and to ban destructive fishing practices. This is particularly important in the coastal zone of tropical countries, where wasteful practices directly affect local coastal communities. Secondly, the EC should take the opportunity of this debate to make an issue of discarding in the negotiations for FPAs. Third countries need to be convinced of the necessity to introduce measures to stop the waste of their resources.

7. Financial incentives

We support the Commission’s proposal to look at financial incentives supporting this new policy, for example use of the EFF. It is important, however, that the Commission fully explores the use of both negative and positive financial incentives.

Financial support should be made available for vessels to adopt more selective and less environmentally damaging fishing practices. But at the same time, non-selective fishing has to become more costly. It would be appropriate to develop standards for Best Available Technology (BAT) and to apply these when financially supporting gear changes, thereby further encouraging uptake of newly developed gear improvement. The Commission may consider a step-wise approach, giving a basic level of support to any change that improves selectivity and a higher level of support to more successful techniques.

The Commission may also consider creating financial incentives for gear manufacturers to improve and market best available technology on a larger scale.

All financial incentives should be equally applicable to EU vessels fishing outside EU waters, as this is probably a more realistic way to ensure that EU fleets active in third countries reduce their bycatch and discarding.

8. Closing fisheries with unsustainable discard levels

In the Commission staff working document accompanying the Communication³, available information on bycatches and discards is provided, confirming the long-held view of NGOs that trawl fisheries are particularly damaging. Indeed, there are examples of fisheries where discards of 90 % of the catch is common practice. We believe that unless bycatch levels are dramatically cut, these fisheries should be closed. The level of wastage and collateral damage are simply not acceptable from a sustainability point of view.

Beamtrawl fisheries are a particular problem, and different types of trawls are high on the list of offenders. Indeed, the FAO shows that trawl fisheries for shrimp and demersal finfish account for 52 per cent of total estimated discards but only 22 per cent of total landings.

A standard for acceptable bycatch levels should be considered, above which a fishery would be closed, just as percentage of juveniles is suggested to trigger real-time area closures. Acceptable levels of bycatch would need to be applied on a case by case basis. This standard could then be gradually reduced to provide added incentive to improve the selectivity of the gear – similar to the fishery-by-fishery standards proposed by the Commission.

9. High-grading

High-grading is mentioned in the Communication as one of the two types of financially driven discards. If a discard ban is to be effectively implemented, high-grading needs to be made illegal and the devices that enable high-grading, such as onboard sorting grids in pelagic fisheries, banned.

³ Commission staff working document: Accompanying document to the Communication from the Commission to the Council and the European Parliament – A policy to reduce unwanted by-catches and eliminate discards in European fisheries (SEC(2007)380)