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## PELAC recommendation on the LO

- Recommendation/discard atlas in April 2014
- Sent to regional groups and Commission


**Key Points**

- Pelagic fisheries qualify for de minimis exemption except *Vla N, Vla S & VIIb,c* and Irish Sea herring
- Fast track high survival studies on purse seining and deliver advice by summer 2014
- Suspend 9% inter-species flexibility for one year except for blue whiting, horse mackerel and mackerel with a list of defined bycatch species for French and Spanish artisanal fleets
- Force majeure clause especially relating to safety
- Level playing field

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## Member States Guidance Notes

- PELAC asked for guidelines to be issued for inspection services in the Member States – highlighting the importance of a harmonised approach given the Omnibus had not been adopted
- Commission provided commitment at a meeting on 12 December 2014
- Member States provided guidelines for waters covered under their jurisdiction
- However, the rules vary from country to country!!



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## Member States Guidance Notes

- UK (Scotland and England) states that the new CFP takes precedence, therefore, fish under minimum size must be landed
- Ireland and France state they will not enforce any of the contradictory legislation
- This approach makes life impossible for skippers who are fishing migratory fish through several MS EEZ
- Two UK pair trawlers were caught up by this in February when fishing off Ireland

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## Omnibus Regulation

- Fishermen need legal certainty to operate their business
- Implementing the LO with conflicting rules is less than perfect!
- Omnibus regulation has reached political agreement, but it will be early summer before actual legislation comes into force
- In the meantime fishermen are open to litigation across all the conflicting legislation – damned if you do/damned if you don't!
- Looking forward - we really do need an overhaul of the technical measures to simplify and rationalize legislation, ideally in one easy to understand document



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## Omnibus Regulation

One example: Amendments to Reg No 1224/2009

### Article 14 (a)

"Masters of each Union fishing vessel of 10 metres length overall or more shall keep a fishing logbook of their operations, indicating specifically, for each fishing trip, all quantities of each species caught and kept on board above 50kg of live-weight equivalent. The 50kg threshold applies as soon as catches of a species exceed 50kg"



### Article 17 (e)

The quantities of each species recorded in the fishing logbook, including those below the applicable minimum conservation reference size, as a separate entry



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## RSW Pumping Operation



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## Feedback from Industry

PELAC has gathered information from industry largely through Northern Pelagic Working Group

### Pelagic Fisheries January to April

- Mackerel western waters
- Horse mackerel western waters – Channel – SW waters
- Boarfish
- Herring North Sea and Western Baltic
- Blue whiting



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## Freezer Trawlers (NL, DE, FR, UK)

- Landing obligation implemented.
- Dutch monitoring group (policy, control, sector); monthly.
- Minimum size mackerel 30 cm in the North Sea and 20 cm western waters: study on minimum size for PELAC.
- Looking for efficient use of below MCRS catch
- How to handle discard chute: closed or open?
  - If closed, how to discard species not covered by the landing obligation, protected species or boarfish (de minimis).
  - Safety on board with closed outlets?
- How to register de minimis catches between countries?



Executive Committee, 21 April 2015, Bilbao, Spain



## Ireland- RSW

- Contradiction in control rules.
- Inspections SFPAs published fishery information note. The interpretation is that the new rules are not in place yet; nothing changes until the Omnibus regulation is adopted. Possibly until the autumn. Existing rules apply. (E.g high grading and slipping)
- How to deal with zero TAC of herring in VIa south and VIIbc and bycatch of herring in other fisheries?
- Discards can only be recorded by the factories.



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## Scotland- RSW

- *Too early to draw any firm conclusions. Only few weeks fishing with very bad weather in January.*
- *Many vessels land in Norway. Seems like business as before. Some bycatches of horse mackerel are graded out.*
- *Scottish guidance note is a cut and paste from the commission FAQ. Although the new CFP is said to take precedence, it has not been tested.*
- *CCTV is focus for control agency, Marine Scotland Compliance.*
- *One Scottish pelagic vessel has been piloting CCTV since 2013.*
- *A small vessel has been discarding because of safety issues and was spotted by an inspection airplane – force majeure.*



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## Denmark- RSW

- *Main issue: bycatch of high value species, e.g. bycatch of small mackerel or saithe.*
- *Will the 9% rule apply? How do we secure a level playing field in EU.*
- *Sorting and grading not allowed in most fisheries.*



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## Sweden- RSW

- *No new discussion on CCTV.*
- *Functioned quite well; problems that can be foreseen.*



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## Spain

- *Not much information available yet, but so far there do not seem to be big problems.*
- *Difficulties expected once the horse mackerel fishery starts in the middle of June due to small amounts of quota.*



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## France

- *Do we have to grade fish not destined for human consumption species by species? This is what we do presently, (we do not mix e.g. mackerel with boarfish or horse mackerel).*
- *Do we have to bring into the factory deck the few fish found on deck coming from the cod-end?*
- *When hauling at the very end of a trip a cod-end with e.g. 60 tons of fish while it turns out we only have enough place in our cargo hold for 50 tons, what do we do with the 10 tons too much?*
- *Fish frozen for non human consumption cannot be packed (no plastic, no cartons) because the fish meal factories do not want any packaging. Consequently, the fish blocks move on the pallets in the cargo hold which is dangerous for the crew. How should we solve this problem?*



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## Use of exemptions: high survivability and *de minimis*

- *No intelligence indicating that purse seine high survivability exemption has been utilised in North Sea or Western waters – more likely to be used during the main herring summer and autumn mackerel seasons.*
- *Spanish fleet has not yet used the high survivability nor *de minimis* exemption, but this is expected to be used in the future.*
- *Freezers trawlers (Netherlands and Germany) have utilised part of the boarfish *de minimis* exemption.*
- *Unclear if artisanal fleets <25m in France and Spain have utilised their *de minimis* exemption.*



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## 9% interspecies flexibility

- PELAC advocated not to use 9% rule for one year with few exceptions.
- Not fully understood what the consequences will be in the short/medium and long term.
- No information to suggest any Member State has used the 9% flexibility to date.
- Need an overview of stocks which have biological limit reference points – this is implicit in the regulation.



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## Monitoring forum

- Northern Pelagic Industry has approached EC to set up a "Forum" to monitor the implementation of the LO.
- Industry initiative to deal with practical problems that arise during the bedding down process.
- EC is keen on the proposal and will help facilitate where they can.
- Small active group consisting of industry, regional group representatives, fisheries control experts and EC representation.

### The following is foreseen:

- Changes to discard plans (if necessary) through delegated acts
- Practical interpretation issues
- Guidance to skippers/owners



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## Monitoring, Control & Enforcement

- PELAC very clear in recommendation that MCE must be implemented uniformly across Member States.
- That hasn't been the case to date, as the MS guidance notes have shown.
- Adoption of the Omnibus will remove some of the conflicting rules.
- MS regional groups are discussing MCE with their control experts but to date no information disseminated to the ACs.
- PELAC has not commented on specific MCE measures – there are a number of pilots studies being carried out but we await the results.
- Measures must effective but there has to be a level playing field in terms of implementation.
- Measures must apply to "third country vessels" fishing in EU waters otherwise LO could be undermined.



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## PELAC role

- PELAC will act as forum for industry and wider stakeholders to discuss the discard ban – certainly in the initial stages of implementation.
- Provide opportunity for scientists/other organisations e.g. EDF to present research and ideas to PELAC.

### Amendment to Regulation 1379/2013 - Article 15 (13a) new

By 31 May 2016, and by 31 May of each subsequent year up to and including 2020, the Commission shall submit to the Parliament and to the Council an annual report on the implementation of the landing obligation, based on information transmitted by the Member States, the Advisory Councils and other relevant sources to the Commission.

- PELAC has responsibility to provide feedback on the implementation of the LO until 2020.



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Thank you!



Questions?