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Essential steps towards tackling the EU Discarding problem

3rd May 2011

The practice of discarding unwanted fish overboard is an appalling manifestation of bad fishing practice and governance in the EU, and is high on the Commission's agenda. On 1st March 2011 meetings to tackle or end discarding were debated with Member States, Members of the European Parliament and the Court of Auditors. The Commission has also renewed its request for stakeholders' contributions on this issue.

The fact that a large number of fishing activities undertaken by EU fishers result in unwanted catches is a major obstacle to achieving sustainable fishing in the European Union and its distant water fisheries. The practice of discarding is only a symptom of these bad fishing practices. While fish is discarded all around the world, overall discarding levels in European fisheries are higher than elsewhere.¹ Preventing unwanted catches and tackling discarding should therefore be a priority in the context of the CFP reform. Earlier attempts to tackle discarding have in some cases led to a reduction in discard rates, but they have not efficiently addressed the heart of the problem – catches of unwanted fish. Therefore, development and environment NGOs as well as the OCEAN2012 coalition support the further initiative to try to reduce these unwanted catches. We also strongly advocate that the Commission addresses this issue and associated discarding by the EU's distant water fleets as a matter of urgency.

Fishing practices and consequent discards cannot be seen out of context of the overall management of European fisheries. For this reason we are promoting a package that would steer the EU catching sector towards selective fishing for the target species and sizes, maximising both economic and ecological sustainability. The package consists of:

- Fishing limits which restore and maintain healthy fish populations above levels which can produce the maximum sustainable yield (MSY), not later than 2015;
- Catch quotas (instead of the current landing quotas);
- Closures of mixed fisheries when most restricting quota is filled;
- Discard bans;
- Minimum market sizes;
- At sea observer programs - either in person or with cameras; and
- Priority access to fish resources based on environmental and social criteria.

Moreover, the use of more selective gear, real time closures and bycatch quotas are essential improvements needed in the way European fisheries operate after the CFP reform, as they all focus on avoiding unwanted catch at source. With these safeguards in place as the priority approach, the NGOs support introduction of a discard ban as a supportive measure. However, implementation of a discard ban without such supporting measures misses that crucial mitigation of unwanted catches and may even be counter-productive.

¹ The situation is particularly serious in the North-east Atlantic area, where annual discards amount to over 1.3 million tonnes, representing nearly 20% of global discards for just 11% of global landings (see 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). Trawl fisheries generate particularly high discard levels of discards, in some cases up to 90% of their catch. Damagingly high levels have also been reported for certain EU métiers fishing in third country waters under Fisheries Partnership Agreements.

Key demands

1. A policy on bycatch and discards should effectively tackle all the different types of bycatch and discarding and should be complementary rather than replacing other necessary management measures in the new CFP toolbox, such as capacity reduction, technical measures and the designation of fisheries MPAs etc.
2. The key issue is to avoid unwanted catches in the first place. This should be done by inter alia: promoting the use of best available technology for gear, real-time closures of fishing grounds when bycatch rates are too high, prohibiting fishing in certain areas and during important periods (e.g. during the spawning season) and, where necessary, banning specific non-selective gears. Participation in such bycatch avoidance and discard elimination schemes should be compulsory for operators.
3. Incentives should be provided to encourage gear shifts and uptake of the most selective and less destructive gear technology. These could be in the form of providing preferential access to fish resources to those fishing in the most sustainable way, i.e. those operations fishing in the most selective and least destructive way. However, all quota-based incentives must remain within the agreed overall total allowable catch.
4. The implementation of a discard ban requires a shift in fisheries management from landings to catches, thereby addressing overall fishing mortality. By making “no discards” the norm, any discarding then requires adequate justification (see following point). All fish that is caught must be counted against the quota. Likewise, minimum landing sizes (MLS) must be replaced by minimum marketing sizes (MMS), keeping at least the same size limits as current MLS. Catch and bycatch quotas must be set according to biological parameters, and mixed fisheries management must be based on protection of the most vulnerable stock.
5. Some exceptions will need to be made for certain species and in certain fisheries. All protected species (including non-fish bycatch) caught alive that may survive must be released, and if they are dead, their commercialization should be prohibited. Other species that are not of commercial interest or caught below the MMS that can survive must also be released if caught alive. Further studies on survival rates of such species in different fisheries would be desirable in order to inform and regulate the latter exception.
6. An effective system of control and enforcement is crucial in the implementation of a discard ban, including in particular at-sea enforcement. The EU must establish the capacity to communicate and enforce real-time closures and real-time catch reporting. Moreover, onboard observer programmes play an important role in the success of the policy. In cases where observer coverage may be impractical (e.g. small-scale vessels), the use of other observer techniques (such as cameras) to achieve fully documented fisheries should be promoted. Monitoring and enforcement measures must be imposed consistently across all Member States and fleets.
7. Special attention should be given to how bycatch avoidance measures can be applied to EU fleets fishing in the waters of third countries. As a priority, the emphasis should be on the need to promote selective fishing and to ban destructive fishing practices. This is particularly important in the coastal zone of tropical countries, where wasteful and destructive practices directly affect local coastal communities, who depend on fishing for their livelihoods.
8. A pure effort-based system is not a desirable management measure to achieve bycatch reduction and an end to discarding. Such a fisheries management regime tends to promote an increase in catch-per-unit effort and to result in a race to fish. This in turn would promote the use of less selective gears, as in general more selective gears tend to catch less in a given amount of time.