



HOUSE OF LORDS

European Union Committee

26th Report of Session 2017–19

**Fisheries:
implementation
and enforcement
of the EU landing
obligation**

Ordered to be printed 29 January 2019 and published 8 February 2019

Published by the Authority of the House of Lords

HL Paper 276

The European Union Committee

The European Union Committee is appointed each session “to scrutinise documents deposited in the House by a Minister, and other matters relating to the European Union”.

In practice this means that the Select Committee, along with its Sub-Committees, scrutinises the UK Government’s policies and actions in respect of the EU; considers and seeks to influence the development of policies and draft laws proposed by the EU institutions; and more generally represents the House of Lords in its dealings with the EU institutions and other Member States.

The six Sub-Committees are as follows:

Energy and Environment Sub-Committee
External Affairs Sub-Committee
Financial Affairs Sub-Committee
Home Affairs Sub-Committee
Internal Market Sub-Committee
Justice Sub-Committee

Membership

The Members of the European Union Select Committee are:

<u>Baroness Armstrong of Hill Top</u>	<u>The Earl of Kinnoull</u>	<u>Lord Soley</u>
<u>Lord Boswell of Aynho (Chairman)</u>	<u>Lord Liddle</u>	<u>Baroness Suttie</u>
<u>Baroness Brown of Cambridge</u>	<u>Baroness Neville-Rolfe</u>	<u>Lord Teverson</u>
<u>Lord Cromwell</u>	<u>Baroness Noakes</u>	<u>Baroness Verma</u>
<u>Baroness Falkner of Margravine</u>	<u>Lord Polak</u>	<u>Lord Whitty</u>
<u>Lord Jay of Ewelme</u>	<u>Lord Ricketts</u>	
<u>Baroness Kennedy of The Shaws</u>	<u>Lord Risby</u>	

The Members of the EU Energy and Environment Sub-Committee, which conducted this inquiry, are:

<u>Lord Cameron of Dillington</u>	<u>Lord Rooker</u>	<u>Lord Teverson (Chairman)</u>
<u>Viscount Hanworth</u>	<u>Lord Selkirk of Douglas</u>	<u>Viscount Ullswater</u>
<u>Lord Krebs</u>	<u>Baroness Sheehan</u>	<u>Baroness Wilcox</u>
<u>The Duke of Montrose</u>	<u>The Earl of Stair</u>	<u>Lord Young of Norwood Green</u>

Further information

Publications, press notices, details of membership, forthcoming meetings and other information is available at <http://www.parliament.uk/hleu>.

General information about the House of Lords and its Committees is available at <http://www.parliament.uk/business/lords>.

Sub-Committee staff

The current staff of the Sub-Committee are Alexandra McMillan (Clerk), Jennifer Mills (Policy Analyst) and Sally Dray (Committee Assistant).

Contact details

Contact details for individual Sub-Committees are given on the website. General correspondence should be addressed to the Clerk of the European Union Committee, Committee Office, House of Lords, London, SW1A 0PW. Telephone 020 7219 5791. Email euclords@parliament.uk.

Twitter

You can follow the Committee on Twitter: [@LordsEUCom](https://twitter.com/LordsEUCom).

CONTENTS

	<i>Page</i>
Summary	2
Chapter 1: Introduction	5
Box 1: The UK fishing industry	5
Figure 1: Composition of UK fishing fleet by country of administration, 2017	5
Chapter 2: What is the landing obligation?	7
Box 2: The requirements of the landing obligation	8
Chapter 3: The impact of the landing obligation to date	10
Preparing for 2019	11
Chapter 4: The challenge of ‘choke’ species	14
Box 3: How fishing quota is allocated	14
The scale of the choke problem	14
Could more selective fishing help?	16
Changing how you fish	16
Changing where you fish	18
Can better quota management help?	19
Quota management for the under ten metre fleet	20
Can exemptions and flexibilities help?	22
Chapter 5: The challenge of landing unwanted catches	24
Chapter 6: The challenge of communication	26
Chapter 7: The challenge of enforcement	28
Why compliance matters	28
Improving scientific understanding	28
Avoiding overfishing	28
Risk to buyers and retailers	29
How to monitor and enforce the landing obligation	30
Remote electronic monitoring	31
Box 4: Remote Electronic Monitoring	32
Enforcement approaches	35
How prepared are the enforcement agencies?	36
Chapter 8: Leaving the European Union	38
Summary of conclusions and recommendations	40
Appendix 1: List of Members and declarations of interest	45
Appendix 2: List of witnesses	47
Appendix 3: Glossary	49

Evidence is published online at <https://www.parliament.uk/hlinquiry-implementation-enforcement-landing-obligation> and available for inspection at the Parliamentary Archives (020 7219 3074).

Q in footnotes refers to a question in oral evidence.

SUMMARY

In 2013 the EU agreed new legislation to reduce, and eventually eliminate, discarding by fishers. An estimated 1.7 million tonnes of fish and other marine animals were being thrown back into the sea each year, because fishers were catching species that they did not want or that they were not allowed to keep. A public petition against the practice, spearheaded by celebrity chef Hugh Fearnley-Whittingstall, had attracted 870,000 signatures, as conservation groups stressed the wastefulness of discarding given the number of fish that did not survive their return to the ocean.

The new rules, requiring fishers to land their catch (with some exceptions), have been phased in since 2015 and came into force in full on 1 January 2019. At the time of our inquiry—November and December 2018—the UK fishing industry and government enforcement agencies should have had several years of adhering to this ‘landing obligation’ on some stocks and been fully prepared for it applying to all stocks on 1 January. Instead, we found little evidence that fishers had adhered to the new rules during the phasing in period, or that there had been any meaningful attempt to monitor or enforce compliance. And witnesses were virtually unanimous in their view that the UK was not ready to implement or enforce the landing obligation from 1 January.

The new rules require a fundamental change in fishing practices and in how compliance is monitored, and pose a number of challenges to fishers, policy makers and enforcement agencies. EU fishing policy uses fishing limits, or quotas, to prevent damage to fish stocks from overfishing. Previously, only fish that were landed counted against quota and so fishers could simply discard any excess fish. Under the new rules fishers can’t discard, so they are likely to reach their limit quickly for some species, and this could prevent them fishing for species for which they do have remaining quota—because in some areas it can be very difficult to target one species without inadvertently catching another. It is extremely disappointing that action that could have been taken to help reduce this risk—such as making changes to how quota is allocated and using different techniques and technologies to avoid catching unwanted fish—was not taken during the phasing-in period.

Enforcing the law, and preventing fishers from discarding, risks a potentially devastating impact on some fishing businesses. But we heard little evidence that either the UK Government or devolved administrations are in a position to do this. It is widely believed that the only effective way to monitor whether discards are occurring at sea is by installing cameras and other monitoring devices on vessels. The UK Government, however, has argued that it would be unfair to require this of UK fishers when it is not required by other Member States. Despite having had since 2013 to secure agreement from other countries, this has not been achieved. The UK is, therefore, in a position where the only tools it has to monitor compliance are likely to be largely ineffectual.

It cannot be right that, five years after legislation is agreed, the UK is in a position where it cannot enforce the law—both because it does not have the tools to monitor compliance and because doing so could cause significant harm to the fishing industry. The most likely scenario appears to be that discarding will continue, leaving the environmental concerns that prompted the introduction of the new rules unaddressed. It is extremely disappointing that the UK Government did not do more during the phased introduction of the

landing obligation to make it workable: Ministers must now use the opportunity created by leaving the EU to put in place the on-board monitoring requirements and changes to quota distribution that could make a discard ban enforceable and effective.

Fisheries: implementation and enforcement of the EU landing obligation

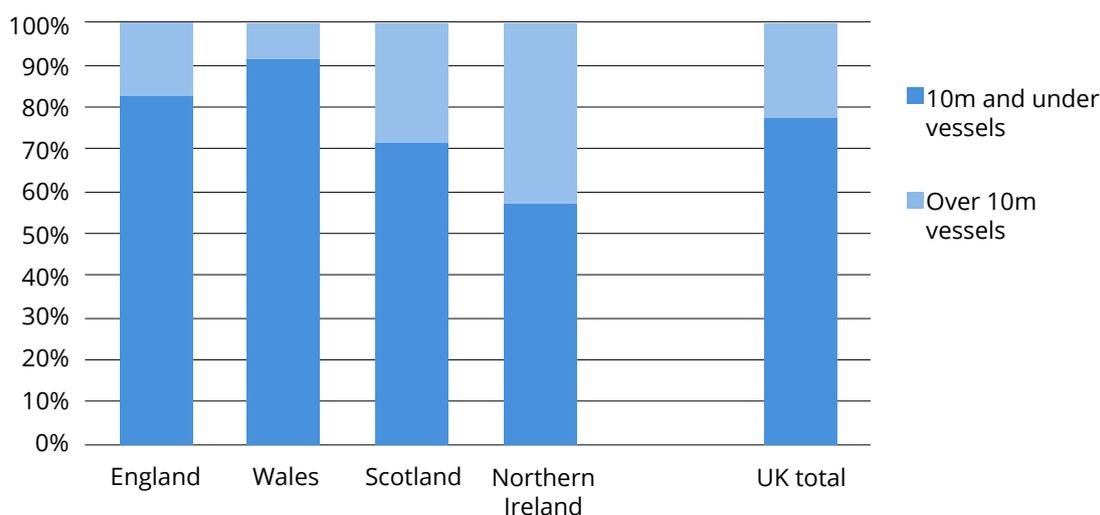
CHAPTER 1: INTRODUCTION

1. The EU Common Fisheries Policy is a set of rules designed for managing EU fishing fleets and for conserving fish stocks. The latest reform of the Common Fisheries Policy, agreed in 2013, included “an obligation to land all catches ... of species which are subject to catch limits”.¹ This is known as the landing obligation, or discard ban. In the words of a coalition of conservation groups: “The aim was to eliminate the wasteful practice of returning unwanted catches to the sea and to reduce the impacts that this has on the marine ecosystem and on the viability of fishing activities.”²
2. The landing obligation has been implemented gradually since 2015 and came into force in full on 1 January 2019. It is a significant change in fisheries policy, requiring commensurate fundamental change in fishing practice. The Chief Executive of the National Federation of Fishermen’s Organisations, Barrie Deas, described it as “the biggest change to the Common Fisheries Policy since its inception”.³

Box 1: The UK fishing industry

The UK fishing fleet is made up of approximately 6,000 vessels. Just under 80 per cent of these are small vessels, 10 metres or less in length. There are, however, significant variations in the compositions of fleets in each of the four UK nations:

Figure 1: Composition of UK fishing fleet by country of administration, 2017



1 Council Regulation (EU) No 1380/2013 on the Common Fisheries Policy ([OJL 354/22](#), 28 December 2013)

2 ClientEarth et al, *Recovering fish stocks and fully implementing the Landing Obligation* (November 2018) p 3: <https://www.documents.clientearth.org/wp-content/uploads/library/2018-11-27-joint-ngo-position-recovering-fish-stocks-and-fully-implementing-the-landing-obligation-managing-fishing-mortality-to-meet-cfp-objectives-coll-en.pdf> [accessed 24 December 2018]

3 [Q 11](#)

Despite the UK fleet being composed mainly of smaller vessels, the under 10 metre fleet accounts for only six per cent of fish landed.

The total number of fishers employed in the UK has fallen from just under 50,000 in the 1930s to less than 12,000 in 2016. 52 per cent are based in England and Wales, 41 per cent in Scotland and seven per cent in Northern Ireland.

The UK fleet has the second-largest total catch (in terms of landed weight) and the second-largest fleet size (by weight) in the EU.⁴

Source: House of Commons Library, Fisheries Management in the UK, Briefing Paper, [Number 8457](#), 5 December 2018, House of Commons Library, UK Sea Fisheries Statistics, [Number 2788](#), 5 December 2017

3. In this report, we examine the challenges this change poses in the UK to both the fishing industry and to the agencies responsible for implementing and enforcing the landing obligation. We consider what has happened during the four-year phasing-in period and, now that the policy has fully come into force, we review how prepared the UK was for full implementation.
4. The EU Energy and Environment Sub-Committee, whose members are listed in Appendix 1, met in November and December 2018 to take evidence for this inquiry. We are grateful to those who gave oral evidence and to those who responded to our request for written contributions, all of whom are listed in Appendix 2.
5. **We make this report to the House for debate.**

⁴ Based on 2016 figures. Spain had the largest total catch, and the largest fleet in terms of gross tonnage.

CHAPTER 2: WHAT IS THE LANDING OBLIGATION?

6. The EU's Common Fisheries Policy (CFP) seeks to ensure that fishing and aquaculture are environmentally, economically and socially sustainable and that they provide a source of healthy food for EU citizens.⁵
7. In their 2013 reform of the CFP the European Parliament and Council stated: "Measures are needed to reduce the current high levels of unwanted catches and to gradually eliminate discards. Unwanted catches and discards constitute a substantial waste and negatively affect the sustainable exploitation of marine biological resources and marine ecosystems and the financial viability of fisheries."⁶ Before the landing obligation was introduced, an estimated 1.7 million tonnes of fish and other marine animals were discarded in EU fisheries each year.⁷
8. There are a number of reasons for discarding fish at sea. Jeremy Percy, Director of the New Under Ten Fishermen's Association, told us: "The reasons for discarding are mainly that you do not have quota, you are catching undersize fish or it is of no economic value."⁸ Marine biologist George Charalambides agreed that lack of quota and fish being undersized were two causes, and also mentioned 'high-grading' (discarding low-value catches of a particular species in order to preserve quota for higher-value fish).⁹
9. Discarding is generally seen as wasteful, as many of the fish will not survive and so have been killed for no purpose. It also conflicts with the EU's efforts to ensure that fishing is undertaken at sustainable levels. The EU sets catch limits for most commercial fish stocks, based on scientific advice about the health of that stock. But without a discard ban, as Samuel Stone, Head of Fisheries and Aquaculture at the Marine Conservation Society, explained, "There is nothing to stop fishermen catching fish outside their quota and throwing them away ... A discard ban introduces a firm limit, because it means that you have to have quota for what you catch and you have to land that."¹⁰
10. The landing obligation, therefore, was introduced to "reduce (unwanted) fishing mortality ... improve fisheries management, fishing practices and ultimately the livelihood of fishing communities".¹¹ It was, as ClientEarth, the Marine Conservation Society and WWF told us, "strongly supported by the UK Government"¹² as well as the by UK-based 'Fish Fight' campaign headed by Hugh Fearnley-Whittingstall.¹³

5 The current principles underpinning the EU's Common Fisheries Policy were set out in Regulation 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ([OJ L 358/59](#), 31 December 2002)

6 Council Regulation (EU) No 1380/2013 on the Common Fisheries Policy ([OJ L 354/22](#), 28 December 2013)

7 ClientEarth et al, *Joint NGO priorities on the revision of the EU Fisheries Control System* (October 2018): <https://www.documents.clientearth.org/wp-content/uploads/library/2018-10-23-joint-ngo-priorities-on-the-revision-of-the-eu-fisheries-control-system-coll-en.pdf> [accessed 27 December 2018]

8 [Q 31](#)

9 Written evidence from Charalambides et al ([IEL0011](#))

10 [Q 33](#)

11 ClientEarth et al, *Recovering fish stocks*

12 ClientEarth, the Marine Conservation Society and WWF, *Implementation of the landing obligation in 2019: Urgent recommendations for the UK Government and Devolved Administrations* (November 2018): <https://www.mcsuk.org/media/urgent-recommendations-for-landing-obligation-in-2019.pdf> [accessed 29 November 2018]

13 Written evidence from Charalambides et al ([IEL0011](#))

Box 2: The requirements of the landing obligation

The landing obligation was included in the 2013 reform of the EU Common Fisheries Policy. Article 15 of the Regulation¹⁴ states:

“All catches of species which are subject to catch limits and, in the Mediterranean, also catches of species which are subject to minimum sizes ... shall be brought and retained on board the fishing vessels, recorded, landed and counted against the quotas.”

It provides for a phased implementation, with the requirements applied on a fishery-by-fishery basis, beginning on 1 January 2015, and applying to all relevant fisheries from 1 January 2019.

The Regulation allows for the following exemptions to the requirement to land all catches:

- Species of which fishing is prohibited.
- Species for which scientific evidence demonstrates high survival rates.
- Catches falling under *de minimis* exemptions (up to 5 per cent of total annual catches of all species subject to the landing obligation can be discarded where scientific evidence indicates that increases in selectivity are very difficult to achieve, or to avoid disproportionate costs of handling unwanted catches).

The details of which fish stocks are covered by survivability and *de minimis* exemptions are set out in Delegated Regulations covering different sea areas. Known as discard plans, or multi-annual plans, these are based on joint recommendations by groups of Member States and evaluation by the Scientific, Technical and Economic Committee for Fisheries, and are revised at least every three years.

The Regulation also includes a derogation that allows Member States to count catches of one species against their quota for another species (‘interspecies flexibility’), up to a total of 9 per cent of the quota, and allows Member States to exceed their yearly quota for a species by 10 per cent and count it against a future year’s quota.

Finally, the Regulation states:

“For the purpose of monitoring compliance with the landing obligation, Member States shall ensure detailed and accurate documentation of all fishing trips and adequate capacity and means, such as observers, closed-circuit television (CCTV) and others. In doing so, Member States shall respect the principle of efficiency and proportionality.”

Source: Council Regulation (EU) No 1380/2013 on the Common Fisheries Policy ([OJ L 354/22](#), 28 December 2013)

11. Witnesses were clear that the introduction of the landing obligation was a profound change for the industry. Samuel Stone told us: “It is a reversal of traditional fisheries management, turning it on its head. It is a very new approach, and it will take a lot of effort to bring people along. It is designed

¹⁴ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulation (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/584/EC

to be a very big change in fisheries management, but a very big change is what is needed.”¹⁵

12. **The landing obligation was introduced to protect the health of fish stocks by stopping fishers from returning part of what they catch back into the ocean. It was agreed as part of the 2013 reform of the Common Fisheries Policy, was applied to some fish stocks from 2015 and came into force in full on 1 January 2019. It is a significant and important change to fisheries policy and practice.**

CHAPTER 3: THE IMPACT OF THE LANDING OBLIGATION TO DATE

13. As explained in the previous chapter, the landing obligation was applied to some fish stocks from 2015, and each subsequent year more stocks have been added. Fisheries Minister George Eustice MP explained how this had affected the UK:

“In year one, in 2015 in the North Sea, we had mackerel, herring, horse mackerel, blue whiting, boarfish, sprats, swordfish and bigeye tuna ... The following year, we added haddock, hake, nephrops, northern prawn, plaice, saithe and sole. Once we got to 2017 ... we added cod and whiting.”¹⁶

As a number of our witnesses explained, the approach was to begin with the stocks to which it would be easiest to apply the landing obligation (such as stock in areas with only a few different types of fish, where it is easiest to avoid unwanted catches), with the more challenging stocks left for 2019.¹⁷

14. Most witnesses reported that the landing obligation had little effect during the phasing-in stage. Communities Inshore Fisheries said that “there has been no noticeable impact to date”;¹⁸ Jeremy Percy from the New Under Ten Fishermen’s Association told us “it has had a limited impact on our members”;¹⁹ and fisheries researcher Grant Course stated that “to date there has been no impact”.²⁰
15. Many witnesses also told us, however, that this limited impact was because the requirements of the landing obligation were not being complied with. Graham Doswell, a fisher from Eastbourne, told us: “People have not landed undersize fish; they just discard them and carry on.”²¹ Marine biologist George Charalambides said: “The initial phases of the LO [landing obligation] suggest that discarding is continuing as there is scarcely any undersized fish (now subject to the LO) being landed despite the fact previously reported discards were high.”²² Research consortium DiscardLess stated: “According to the 2017 data reported to ICES [International Council for the Exploration of the Sea], discards have remained high and landings of undersized fish ... have remained negligible, even for the fish stocks already fully covered by the landing obligation that year.”²³
16. This situation does not appear to be unique to the UK. Jeremy Percy told us: “The landing obligation has been in force in the Baltic, for example, since 2015. To put it politely, very largely a blind eye has been turned by officialdom to fishing activities. There is still widespread discarding of a number of species in the Baltic by large-scale fleets.”²⁴ According to Samuel Stone from the Marine Conservation Society: “There is consensus among Member States, the European Fisheries Control Agency and various other

16 [Q 52](#)

17 Written evidence from Charalambides et al ([IEL0011](#)), [Q 43](#) and [Q 52](#)

18 Written evidence from Communities Inshore Fisheries ([IEL0009](#))

19 [Q 24](#)

20 Written evidence from Grant Course ([IEL0004](#))

21 [Q 24](#)

22 Written evidence from Charalambides et al ([IEL0011](#))

23 Written evidence from H2020 DiscardLess ([IEL0014](#))

24 [Q 24](#)

agencies and stakeholders that there has been widespread non-compliance to date.”²⁵

17. Witnesses attributed this lack of compliance to the landing obligation not being enforced. Graham Doswell said: “I have seen no enforcement at all yet at sea.”²⁶ Samuel Stone agreed: “To be blunt, it does not seem that it is being enforced to date.”²⁷ George Charalambides told us: “Given the low levels of at sea monitoring at present it appears the industry has largely been left to adhere to the LO [landing obligation] on a voluntary basis.”²⁸
18. DiscardLess highlighted that “there have been very few confirmed infringements of the LO [landing obligation] by conventional inspections”,²⁹ even though illegal discarding is thought to be widespread. This appears to be borne out by evidence from the Minister who told us:

“In England, since the landing obligation was implemented in 2015, there have been 8 verbal re-briefs issued to masters for issues relating to non-compliance. Penalties in the form of quota deduction were also awarded to four vessels ... In Scotland, a single fixed penalty notice was issued for breach of the landing obligation in 2016. ... There have been no recorded incidents of non-compliance in Wales and Northern Ireland.”³⁰

19. **Although the landing obligation has applied to a number of UK fish stocks since 2015, we heard no evidence that fishers have been complying with it. Little attempt appears to have been made to enforce the landing obligation’s requirements thus far, allowing the discarding of fish to continue.**

Preparing for 2019

20. The phasing-in of the landing obligation, beginning with the simplest fisheries, should have allowed Member States to prepare for the challenges of full implementation. Michael Coyle, Head of Compliance and Control at the Marine Management Organisation, told us: “The phased implementation ... has allowed the industry to start thinking more about selectivity and how to avoid unwanted catch. It has allowed us to undertake trials of cameras and on-board monitoring. In each year, we have provided guidance to the industry and tried to give people clarity.”³¹
21. This positive view was not shared by many witnesses. The National Federation of Fishermen’s Organisations told us:

“Phasing the introduction of the landing obligation has not been a success. Difficult issues have been deferred, rather than resolved and it is likely therefore that the 1st of January 2019 will be that Big Bang that we have sought to avoid, with many unresolved problems still confronting the fishing industry.”³²

25 [Q 38](#)

26 [Q 29](#)

27 [Q 35](#)

28 Written evidence from Charalambides et al ([IEL0011](#))

29 Written evidence from H2020 DiscardLess ([IEL0014](#))

30 Written evidence from George Eustice MP ([IEL0021](#))

31 [Q 43](#)

32 Written evidence from the National Federation of Fishermen’s Organisations ([IEL0003](#))

Helen McLachlan, Programme Manager at WWF-UK, said:

“We are disappointed. We have had five years from the point of announcing the landing obligation and it coming into the legislature ... I am afraid that we do not feel that planning and preparation have been done to good effect, to the point where we are now looking at a landing obligation that is not being effectively implemented or monitored.”³³

Samuel Stone, appearing before the Committee less than one month before the landing obligation would fully come into force, agreed: “There has been a lack of visibility of any firm plans for monitoring and rolling out the discard ban.”³⁴

22. Samuel Stone told us that, despite the phasing-in period, “even in the Member States, a lot of questions have remained unanswered for several years, and we are only just seeing some firm and concrete answers a few weeks before full implementation.”³⁵ One such question, raised by several witnesses, was the significance of the landing obligation for fisheries that have one or more species with a zero total allowable catch (TAC). Jeremy Percy told us: “The scientific advice for the south-west of England next year is a zero cod catch ... If you ask fishermen about the implications, they will say they do not know.”³⁶ Strikingly, the Fisheries Minister was unable to offer any clarity: “By definition a zero TAC is incompatible with a discard ban. You are not allowed to land any fish, but you are not allowed to throw it back either.”³⁷ Speaking on 12 December 2018, Allan Gibb, Head of Sea Fisheries Division at Marine Scotland, told us: “The regional group I attend, along with my UK colleague, is meeting again tomorrow in Brussels to try to resolve those issues ... [it] may be the area of clarification that is most urgent before 1 January.”³⁸
23. The Minister subsequently told us that, at a meeting of EU fisheries ministers on 17 and 18 December, the European Commission “proposed bycatch TACs for these stocks and an approach to managing these bycatch quotas through a pool system was agreed.”³⁹ At the time of writing, it is unclear how this will work in practice or whether it will address witnesses’ concerns.
24. Witnesses had different views as to why more had not been done to prepare for full implementation. George Charalambides suggested that “the scale of the discard problem has been underestimated by the legislators and regulatory bodies (notably the Marine Management Organisation—MMO)”.⁴⁰ Samuel Stone agreed: “There may have been a very large underestimation of the volume of work, effort and resources needed properly to do this, and they [Government officials and Ministers] are realising that it may be a case of too little, too late.”⁴¹ Helen McLachlan suggested the lack of preparation could be because “with Brexit, there has been a possibility that the UK will think that perhaps it will not be implemented”.⁴²

33 [Q 34](#)

34 [Q 35](#)

35 [Q 34](#)

36 [Q 31](#)

37 [Q 53](#)

38 [Q 45](#)

39 Written evidence from George Eustice MP ([IEL0021](#))

40 Written evidence from Charalambides et al ([IEL0011](#))

41 [Q 37](#)

42 [Q 34](#)

25. The Fisheries Minister, however, blamed a lack of commitment from other Member States that had led to delays in EU-wide decision making:
- “It is fair to say that we did not make as much progress through the regional working groups as quickly as we would have liked and hoped. We were pressing for earlier decisions, but trying to get a consensus with many other countries, some of which were less enthusiastic, has proved difficult ... the low-hanging fruit—the easy things to get on to a discard ban—were done early, so we are left at the end of the process with the most difficult and intractable of problems.”⁴³
26. **The landing obligation’s four-year phasing-in period should have allowed Member States, the fishing industry and other stakeholders to work together and plan for how the new rules could be successfully applied to all fisheries from 1 January 2019. This did not happen.**
27. **With only a few weeks until it came into force in full, some fundamental questions about how the landing obligation would operate remained unanswered. Fishers in areas where one or more species has a zero total allowable catch, for example, did not know how the landing obligation would be applied to their catches.**
28. Giving evidence in November and December 2018, in the weeks leading up to the landing obligation coming fully into force, witnesses were virtually unanimous in their view that the UK was not ready to implement the requirements from 1 January 2019. Jeremy Percy said that “it is becoming nonsensical to expect this to be implemented on 1 January”;⁴⁴ Samuel Stone told us: “I am not confident at all that it will be fully implemented in a few weeks’ time”;⁴⁵ Communities Inshore Fisheries were also “not confident the UK is anywhere near ready to fully implement the Landing Obligation”;⁴⁶ and George Charalambides said that “the current challenges suggest that the LO [landing obligation] will not be effectively implemented by January 2019”.⁴⁷
29. The UK agencies responsible for implementation did not disagree. When asked directly if they were confident the landing obligation could be fully implemented from 1 January, Michael Coyle told us: “We can endeavour to implement it, and get across the rules and change our enforcement practices, but it will not be fully compliant.”⁴⁸ Allan Gibb stated simply: “To be frank, I am not fully confident.”⁴⁹
30. **With only a few weeks until it was due to come into force, witnesses to this inquiry did not believe the UK was in a position to implement the landing obligation.**

43 [Q 63](#)

44 [Q 26](#)

45 [Q 35](#)

46 Written evidence from Communities Inshore Fisheries ([IEL0009](#))

47 Written evidence from Charalambides et al ([IEL0011](#))

48 [Q 44](#)

49 *Ibid.*

CHAPTER 4: THE CHALLENGE OF ‘CHOKE’ SPECIES

31. In order to prevent overfishing, vessels have a maximum quota for different species of fish that they can land. The process whereby quotas for each species are calculated and allocated to vessels is summarised in Box 3.

Box 3: How fishing quota is allocated

Most fish stocks in Europe have annual catch limits, known as total allowable catches (TACs). These are agreed in negotiations at the EU Council of fisheries ministers, using advice from the International Council for the Exploration of the Sea. The TACs are then divided among Member States as quotas, with shares based on a historical reference period dating back to the 1970s. Member States are then responsible for allocating their quota shares to their national fleets (in the UK the quota is split between the four UK nations and then divided among the fleet). There are 23 Producer Organisations (POs) in the UK which allocate and manage quota for their members; quota allocation to smaller vessels and those whose owners are not members of POs is done by the relevant body in each administration: Marine Scotland, Welsh Government, the Northern Irish Department of Agriculture, Environment and Rural Affairs and the Marine Management Organisation.

Source: Parliamentary Office of Science and Technology, UK Fisheries Management, [POSTnote 572](#), February 2018

32. This system of allocating quotas, when combined with the landing obligation, creates significant difficulties in ‘mixed fisheries’—that is, fisheries that include fish of a variety of ages and species. Before the landing obligation was introduced, fishers discarded fish they caught if they went over quota (that is how they achieved compliance); now they are required to land all catches. But, as Allan Gibb from Marine Scotland told us: “In the mixed fisheries you cannot dictate exactly what is going to come up in your net.”⁵⁰ So, as Hazel Curtis, Chief Economist at Seafish, explained: “When you run out of one quota ... the expectation [is] that you would not be able to continue fishing in that sea area with that fishing gear if there is a risk that you would catch more of the stock for which you have run out of quota.”⁵¹ This is known as ‘choking’, and, as the National Federation of Fishermen’s Organisations (NFFO) told us: “There has been a growing recognition that the principal problem with implementing the EU landing obligation ... lies with the risk of ‘chokes’ in mixed fisheries.”⁵²
33. **The obligation to land all catches could result in quotas for some species being met very quickly. This would result in vessels operating in mixed fisheries having to cease fishing, despite having quota available for other species, because they cannot guarantee they can avoid catching any more of the ‘choke’ species.**

The scale of the choke problem

34. The fishing industry is extremely concerned about the impact that chokes could have on fishers’ livelihoods. The NFFO told us: “Chokes could cause vessels, or fleets, to tie up early in the year, with serious social and economic

50 [Q 43](#)

51 [Q 2](#)

52 Written evidence from the National Federation of Fishermen’s Organisations ([IEL0003](#))

consequences.”⁵³ Graham Doswell, a fisher from Eastbourne, agreed that fishers “will be closed and tied up within a week or two”.⁵⁴ Skipper David Stevens told us: “For our fishery in the Southwest it is expected that the haddock choke as it stands at present will tie the fleet up within 8 weeks into the New Year.”⁵⁵ Jeremy Percy, from the New Under Ten Fishermen’s Association, described a simulation of the landing obligation that took place several years ago:

“They were given plenty of quota for a six-month trial as if they were running under the landing obligation. The project lasted for five weeks before they ran out of quota ... [The skipper] said that, no matter how hard they tried to avoid fish for which they had no quota or that were undersized, now and again they brought them up.”⁵⁶

35. The impact of chokes will vary, as Hazel Curtis told us: “Different groups of vessels have different degrees of choke problem, depending on the quota allocation they currently have. Some of them would run out early in the year, some would get halfway through the year, and some would get nearly all the way through the year.”⁵⁷
36. The implications are stark. The South East Fishermen’s Protection Association told us: “Fishermen will be severely financially affected or bankrupted. Crew will lose their jobs. Fish markets will suffer reductions in landings and have to reduce staff.”⁵⁸ David Stevens said: “We will face bankruptcy as an industry”;⁵⁹ and the Coastal Producer Organisation told us that “the rules as they stand will destroy small businesses commercially”.⁶⁰ Modelling undertaken by Seafish suggests that £165 million worth of fish could remain uncaught in 2019 as a result of the landing obligation.⁶¹
37. Fisheries Minister George Eustice MP acknowledged that chokes would be a significant problem: “Our expectation is that ... parts of the fleet could be choked and have to tie up half way through the year.”⁶²
38. The ramifications of adhering to the landing obligation could be so severe that some witnesses thought the rules would simply be ignored. The NFFO stated: “A very strong incentive will ... be created for fishing vessels to discard those species which would lead to choking their operations.”⁶³ Barrie Deas, Chief Executive of the NFFO, argued:

“Put yourself in the position of the captain of a vessel who looks at his portfolio of quotas and can see that he will run out of one, which means that he will have to stop fishing for the other five, or 25, depending on the area. What is he going to do? His business, his crew and his house—everything—depends on what happens now.”⁶⁴

53 Written evidence from the National Federation of Fishermen’s Organisations ([IEL0003](#))

54 [Q 23](#)

55 Written evidence from skipper David Stevens ([IEL0001](#))

56 [Q 26](#)

57 [Q 2](#)

58 Written evidence from South East Fishermens Protection Association ([IEL0005](#))

59 Written evidence from skipper David Stevens ([IEL0001](#))

60 Written evidence from the Coastal Producer Organisation ([IEL0006](#))

61 [Q 3](#)

62 [Q 63](#)

63 Written evidence from the National Federation of Fishermen’s Organisations ([IEL0003](#))

64 [Q 12](#)

Jeremy Percy agreed: “One fisherman I spoke to stated: ‘We have a choice: we go broke because of the choke species ... or we become criminals. We are not going to go broke’.”⁶⁵

39. **It was shocking to hear, on the eve of the new rules coming into force, that the industry, researchers and the Government all thought the landing obligation could result in some of the UK fishing fleet being required to stop fishing part way through the year.**
40. **There is a clear risk that the economic impact of chokes on fishers provides a strong, perhaps irresistible, incentive to break the law by continuing to discard fish caught over quota.**

Could more selective fishing help?

Changing how you fish

41. Dr Tom Catchpole, Principal Fisheries Advisor at Cefas, told us that “changing the way you fish and changing the design of the fishing net” could help fishers avoid catching fish they do not want.⁶⁶ Marine biologist George Charalambides agreed: “Technical solutions can potentially be very effective at reducing discards and catches of choke species, while in theory, being relatively easy to apply.”⁶⁷
42. DiscardLess told us:
- “In 2018, the STECF [Scientific, Technical and Economic Committee for Fisheries] convened an Expert Working Group to assess the risk of choke species in the North Western Waters ... The outcome of the analyses was that improved gear selectivity using existing modifications would certainly contribute to improving the situation for a number of stocks.”⁶⁸
43. The STECF also found, however, that improved selectivity “would not solve all issues for the stocks scored in the highest risk level”.⁶⁹ The NFFO agreed: “Moving towards optimum selectivity ... is easier in some fisheries than others. The physiology of some species, and catch compositions of different species in the catch, limit the extent to which unwanted catch can be minimised at sea.”⁷⁰ The South East Fishermen’s Protection Association gave an example of this:
- “In mixed fisheries over 20 species are regularly caught. It is quite normal for there to be at least six TAC species within these 20. Each of these species have a completely different physical size and shape. Each have completely different minimum landing sizes. If gear is modified to select out a certain size of one species that happens to have a wide, flat profile, that will not suit a small round species. Conversely a gear configuration that is designed to avoid round fish bycatch would still capture small flat fish. It is impossible to create gear that will achieve discard avoidance for all species.”⁷¹

65 [Q 25](#)

66 [Q 2](#)

67 Written evidence from Charalambides et al ([IEL0011](#))

68 Written evidence from H2020 DiscardLess ([IEL0014](#))

69 *Ibid.*

70 Written evidence from the National Federation of Fishermen’s Organisations ([IEL0003](#))

71 Written evidence from South East Fishermens Protection Association ([IEL0005](#))

44. Mike Park, Chief Executive of the Scottish White Fish Producers Association, highlighted another limitation of increased selectivity: “If you get selectivity to the point that you remove every unwanted species of fish or crustacean in your net, the chances are that you are losing some of the commercial aspects of the catch.”⁷² This was borne out by David Steven’s personal experience: “We reduced undersize fish being caught by 87% using a new technical measure in our nets ... However we still faced a discard issue with haddocks and an economic loss on all other species of 15%.”⁷³
45. The under ten metre fishing fleet emphasised that increased selectivity would not solve their choke issues. Jeremy Percy explained: “Because 80% of our members use passive gear, which is more selective, we will struggle to be more selective in the size of fish, but very often we cannot avoid catching fish.”⁷⁴
46. Notwithstanding these reservations, we heard frustration that there had not been more take-up of selective technology during the landing obligation’s phasing-in period. Samuel Stone, from the Marine Conservation Society, said: “There have been a lot of trials on how selectivity can be improved ... but it does not seem that the outcomes of those trials have been adopted and taken forward ... It would have been nice to see some of the outcomes becoming commonplace and implemented in the fleets.”⁷⁵
47. Helen McLachlan, from WWF-UK, agreed:
- “Although trials have been successful, there has been no rollout or adoption of them further afield than the vessels that trialled them. Part of that may be about money and could be addressed by the EMFF [European Maritime and Fisheries Fund]. Part of it is because people do not know whether that is where they should invest their business plan.”⁷⁶
- She explained that “a specific reason cited for EMFF funding for this period was to assist with the introduction of the landing obligation”, but she did not think the UK had “taken good advantage” of this.⁷⁷
48. Dr Catchpole suggested the low take-up of selective technology was linked to the landing obligation’s lack of impact to date: “The idea of the landing obligation is to try to create an incentive so that there is an economic advantage in avoiding those catches by modifying trawls and doing other things. We have not yet got to the point where that incentive has started to bite.”⁷⁸ Fisheries researcher Grant Course made a similar point: “Unless there is an effective monitoring regime, then where is the incentive to introduce selective fishing and reduce discarding, if discarding can continue unseen and unpunished?”⁷⁹

72 [Q 12](#)

73 Written evidence from skipper David Stevens ([IEL0001](#))

74 [Q 28](#)

75 [Q 34](#)

76 [Q 36](#)

77 [Q 34](#)

78 [Q 4](#)

79 Written evidence from Mr Grant Course ([IEL0004](#))

49. **Using different types of equipment could enable some fishers to fish more selectively, thus avoiding species for which they have little or no quota and so reducing the risk of chokes.**
50. **However, the extent to which selectivity can reduce choke risks depends on the fishery, and some fishers are already highly selective.**
51. **Although a number of trials have been conducted, the landing obligation does not yet appear to have incentivised fishers to adopt more selective gear. The extent to which this may change now the landing obligation applies to all fisheries may depend on how badly fishers are affected by chokes and how strictly the ban on discards is enforced.**

Changing where you fish

52. George Charalambides identified another potential means of mitigating the risk of chokes:

“Another approach to reduce discards and chokes is to modify fishing behaviour ... through changing the fishing ground or the timing of the fishery to avoid unwanted bycatch. Closures can be on a permanent or temporary basis and can prevent all or certain types of fishing ... [They can be] implemented either by command, i.e. by governments, or a self-governance approach i.e. by the industry. The most successful is the self-governance approach, which involves the fishers reporting their catch in real-time and if it contains large amounts of bycatch or undersized fish.”⁸⁰

53. Allan Gibb endorsed this approach:

“Personally, I am very supportive of the real-time notification that is made available and is transparent to the wider industry. People can avoid an area if need be, even for a couple of weeks; or if they go somewhere and catch a lot of fish that everybody is struggling with, everybody knows, so, as well as that boat moving away, nobody else goes there without having to regulate for it. It will be a voluntary exchange of information.”⁸¹

54. Mike Park told us this was already being used to good effect:

“We are engaging in Scotland in real-time reporting of everything we catch to try to illuminate hotspots of catches. If there is a hotspot of cod or hake and we make people aware of it, they can avoid it, and by default that helps with the problem.”⁸²

55. The South East Fishermen’s Protection Association, however, noted that “inshore vessels (under 15m in length) will not have the luxury of simply moving fishing grounds to avoid choke species”.⁸³ Jeremy Percy agreed:

“I have skippered boats up to 30 metres in length. You can say, ‘Okay, boys; let’s steam away for 12 hours from those fish and try to find

80 Written evidence from Charalambides et al ([IEL0011](#))

81 [Q 47](#)

82 [Q 12](#)

83 Written evidence from South East Fishermen’s Protection Association ([IEL0007](#))

something else'. The under-10 guys are enormously limited in their range; they cannot simply steam away to try to find another area."⁸⁴

56. **Technology increasingly makes it possible for fishers and the authorities to share information on their catches in real time. This presents an opportunity to reduce unwanted catches and chokes.**
57. **We strongly encourage Government and industry to work together to create an effective, comprehensive system for real time notifications that is useful to, and trusted by, fishers.**

Can better quota management help?

58. Chokes occur when a vessel (or Producer Organisation or Member State) runs out of quota for a particular fish stock. But as Hazel Curtis explained, there are ways to obtain more quota:

“Quota units, and the right to catch a tonnage of fish in a calendar year, can be moved among vessels, either within the same producer organisation or between different producer organisations. There are international swaps, and leasing of quota is sometimes done in exchange for money, but internationally it is typically done by swapping quota for quota, so there is a kind of barter system of quota in one stock for quota in another.”⁸⁵

59. The Coastal Producer Organisation estimated “that the retail value of quota traded is over £300m annually, approximately one third of the total value of the entire quota ... We estimate that over 55% of traded tonnage is through international swaps and over 40% through domestic swaps.”⁸⁶ Barrie Deas agreed that “very large tonnages of unutilised quota are swapped in return for quota that is more useful”.⁸⁷ But, he continued: “Whether it is sufficient to address the choke issue is the \$100,000 question.”⁸⁸

60. Hazel Curtis identified significant benefits in the opportunity to trade quota:

“In our modelling work, we looked at what would happen if people had only the quota they were allocated at the start of the year versus the quota they ended the last year with, after all the trading and international swaps. That can make a really big difference to the degree of choke. In some sea areas and for some vessel types, it would make the difference between being able to fish for maybe only 60% of the days at sea they had last year and, after swaps and moving quota around, fishing for 98% of last year’s days at sea.”⁸⁹

61. Samuel Stone thought the process of trading quota was too complex: “In many cases quota is available, but it is not getting to the places where it is needed because of complications with domestic and international trading.”⁹⁰ Barrie Deas agreed: “There is a liquidity problem; the signs are that fisheries

84 [Q 26](#)

85 [Q 5](#)

86 Written evidence from the Coastal Producer Organisation ([IEL0008](#))

87 [Q 17](#)

88 *Ibid.*

89 [Q 5](#)

90 [Q 35](#)

managers may be reluctant, in the context of the landing obligation, to swap away quota that they might need for themselves to avoid a choke situation.”⁹¹

62. Hazel Curtis noted that “there is no mechanism at the moment to oblige anybody to move quota around. It is a commercial transaction.”⁹² Barrie Deas told us: “Whether there could be more understanding between Member States about the need to move quota around is something that has been put to the regional groupings of Member States. They have decided not to do anything at this stage but to see what the level of uptakes is early in the new year.”⁹³
63. In relation to moving quota within the UK, Nigel Gooding, Deputy Director for EU fisheries policy and negotiations at Defra, told us:
- “We have worked very closely with Producer Organisations over the past year to encourage swapping—for example, where quota in one part of the UK is needed in another part of the UK. We have been encouraging a spirit of co-operation within Producer Organisations to increase the movement and liquidity of fish around the UK. That has been accepted very well. They are joined together by a code of conduct and a memorandum of understanding to try to develop that for the future, particularly to address some of the choke risks in 2019.”⁹⁴
64. **Swapping and leasing quota between vessels, between Producer Organisations and between Member States is already a well-established practice and has the potential to mitigate some of the choke risks posed by the landing obligation.**
65. **There is no requirement, however, to move quota to where it is needed. It is therefore entirely possible that vessels will be choked and forced to stop fishing when sufficient quota exists, either elsewhere in the UK or elsewhere in the EU, that would have allowed them to continue. Fishers’ livelihoods should not be threatened in this way.**
66. **We urge the Government to work with the devolved administrations to put formal mechanisms in place to avoid vessels choking where there is sufficient quota available elsewhere in the UK, and to make the case to the European Commission for a similar mechanism at EU level.**
67. **Work to address this known risk could have been undertaken during the four-year phasing-in of the landing obligation. It is disappointing that this opportunity has been wasted.**

Quota management for the under ten metre fleet

68. Representatives of the under ten metre fleet identified swapping or leasing quota to reduce choke risks as a particular challenge. Jim Pettipher, Chief Executive Officer of the Coastal Producer Organisation, explained:

“The under-10s across the country—80% of the fleet—do not hold quota; they fish against a monthly allocation that is handed out to

91 [Q 17](#)

92 [Q 5](#)

93 [Q 17](#)

94 [Q 56](#)

them by the MMO [Marine Management Organisation]. They are on non-sector licences ... If you have 100 kilos of cod and you catch 110 kilos, and if you are an over-10 in membership of one of the other POs [Producer Organisations], you can either cross-book it to another boat within the PO or retrospectively lease, as it is called, so when you get back to port ... Non-sector boats, which are all of the under-10s and a small number of over-10s ... cannot do that. A condition of their licence is that, before they go to sea, they must have in place all the quota they might need.”⁹⁵

69. The same group of witnesses also expressed concern that having a monthly allocation of quota from the Marine Management Organisation (MMO), rather than being able to manage their own quota allocation throughout the year, increased the risk of chokes. Plymouth fisher Graeme Searle told us:

“The monthly quota system implemented by the MMO does not work. In the winter, we can catch a lot of pollock and we never catch it for the rest of the year ... We have been explaining since 2013 that we need to catch pollock earlier in the year because there is none at the end of the year; it is seasonal. They have taken no notice whatever.”⁹⁶

He told us that “at the end of last year, 167 tonnes of pollock were left over”, because it had not been allocated to fishers during the pollock season.⁹⁷

70. The Coastal Producer Organisation told us they wanted to be given the same abilities as other Producer Organisations to manage quota on behalf of their members, including the ability to cross-book and retrospectively lease quota.⁹⁸ In response, Michael Coyle, from the Marine Management Organisation (MMO), said:

“The key issue is that the Coastal Producer Organisation does not represent all the under-10 fishermen ... We are not at a stage at the moment where they could manage the whole of the non-sector quota, but they could manage their own quota holdings. We are working very closely with people from the Coastal Producer Organisation to see what we can do to help them embed their Producer Organisation and get them to a status where they can take more control.”⁹⁹

71. **We are concerned that the under ten metre fleet do not have the same ability to mitigate choke risks as larger vessels that are members of Producer Organisations, because of the way quota is allocated and the restrictions on cross-booking and retrospective leasing. We are disappointed that the phased introduction of the landing obligation was not used as an opportunity to resolve this imbalance. We urge the Government to address it as a matter of urgency, to ensure under ten metre fleet vessels have the same quota flexibilities as the rest of the fleet.**

95 [Q 23](#)

96 [Q 26](#)

97 *Ibid.*

98 [Q 23](#)

99 [Q 48](#)

Can exemptions and flexibilities help?

72. As highlighted in Box 2, the Regulation that introduced the landing obligation included a number of exemptions and flexibilities that could help mitigate the risk of chokes. In addition, DiscardLess told us that “policy changes have emerged that were not originally foreseen in the CFP [Common Fisheries Policy] such as the removal of some TACs [total allowable catches] ... or changes to the prohibited species list”.¹⁰⁰
73. Witnesses disagreed over the extent to which exemptions should be used. The NFFO, for example, said that “exemptions from the obligation to land are welcome and necessary for a workable policy”,¹⁰¹ and the South East Fishermen’s Protection Association told us: “Certain species [are] ... exempt from this discard ban due to high survivability rates. This is quite right and should be extended to include any specie with a significant survival rate.”¹⁰²
74. Conservation organisations, on the other hand, expressed concern about exemptions. WWF found that in many areas the number of exemptions “increased by 300% between 2017 and 2019”.¹⁰³ A joint position paper produced by seven conservation organisations in November 2018 stated that requests for exemptions “fail to address the root causes of the problem, or simply mask overfishing or discarding”, describing them as attempts to avoid “implementing the requirements of the [Common Fisheries Policy]”.¹⁰⁴
75. The Wildlife Trusts raised particular concerns over proposals to remove total allowable catch limits from some stocks in order to exempt them from the landing obligation. They were “strongly opposed to proposals that catch limits be removed. Setting catch limits is the main, and most effective, management tool for ensuring sustainable harvesting.”¹⁰⁵
76. The landing obligation’s interspecies flexibility allows quota of one stock to be used to cover the catch of another stock. Samuel Stone described this exemption as “a bit foggy”¹⁰⁶ and Julian Roberts, Head of Future Fisheries at the MMO, described it as “a blank sheet of paper” that could challenge the system of setting catch limits.¹⁰⁷
77. The Minister acknowledged the difficulty of balancing the health of fish stocks with the economic risk that chokes pose to the fishing industry:
- “There is always pressure from some Member States, although not from the UK, to deviate from the science for what they would call socioeconomic reasons ... There will be something more legitimate this time, because [of] the risk of choke ... If the only answer is to make a more generous by-catch provision on those stocks, or even consider in some cases adding them to the prohibited list, we would have to consider it, to make the obligation work.”¹⁰⁸

100 Written evidence from H2020 DiscardLess ([IEL0014](#))

101 Written evidence from the National Federation of Fishermen’s Organisations ([IEL0003](#))

102 Written evidence from South East Fishermen’s Protection Association ([IEL0007](#))

103 WWF, *Evaluating Europe’s course to sustainable fisheries by 2020* (December 2018): http://d2ouvy59p0dg6k.cloudfront.net/downloads/wwfepo_cfpscorecardreport_dec2018.pdf [accessed 24 December 2018]

104 ClientEarth et al, *Recovering fish stocks*

105 Written evidence from the Wildlife Trusts ([IEL0002](#))

106 [Q 36](#)

107 [Q 45](#)

108 [Q 55](#)

78. **The more species that are exempt from the landing obligation, the fewer problems it will cause fishers. Where a proposed exemption can be supported by scientific evidence (such as a where a species is found to survive discarding well) this is to be welcomed. We are concerned, however, at the number of exemptions being granted, which may undermine the objectives of the landing obligation.**
79. **Adhering to catch limits that have been set in line with scientific advice is a key mechanism to maintain healthy fish stocks. We would be deeply concerned if the challenges of implementing the landing obligation resulted in the removal of total allowable catch limits or the routine use of ‘interspecies flexibility’ to count the catch of one species against the quota of another.**

CHAPTER 5: THE CHALLENGE OF LANDING UNWANTED CATCHES

80. Fishers are now required to keep on their boats and bring to land all fish they catch, including those they have no interest in. These could be fish of lower value, or undersized fish (those below ‘minimum conservation reference size’) that are not allowed to be sold for human consumption. This new requirement poses several challenges for the fishing industry.
81. Dr Tom Catchpole, from Cefas, told us: “It is clear that there will be challenges on vessels handling and storing the fish.”¹⁰⁹ Mike Park, from the Scottish White Fish Producers Association, agreed:
- “All the unwanted catch has to be treated the same [as the rest of the catch], because vessels can be out for six or eight days. You cannot store them without ice ... You have to separate all the species as well ... A number of vessels physically do not have room for that ... You fill up your fish room with fish you cannot sell, but you have to go home anyway because you are out of space and out of ice.”¹¹⁰
82. Because discard data are not routinely captured, it is not known what percentage of catches will be below the minimum conservation reference size. Moreover, as these undersized fish would not previously have been landed, there are no systems in place to deal with them and it is currently unclear what the impact will be if significant volumes are landed. Dr Catchpole told us: “There are markets for that material, although ... the price differential between the human consumption market and other markets is huge.”¹¹¹ Jeremy Percy, from the New Under Ten Fishermen’s Association, said: “It can go for bait, cosmetics, food additives et cetera ... [but] most of the ports, and certainly most buyers, will have no interest in it at all.”¹¹²
83. Fishers expressed concern over what they would do with undersized fish. Plymouth fisher Graeme Searle told us: “You land it on the quayside and nobody knows what is happening to it ... How do I get rid of it as crab bait, pet food or whatever? There is no clear guidance.”¹¹³ Jim Pettipher, from the Coastal Producer Organisation, told us: “The problem is that there is still no guarantee that anyone would buy it ... [A fisher] in Hartlepool said, ‘We have one buyer in Hartlepool. What do I do with it if he doesn’t want it?’”¹¹⁴
84. Allan Gibb, from Marine Scotland, said: “the challenges are around how you dispose of small amounts of undersize fish if you do not have the facilities. Are you going to pay for a big lorry to take half a box of fish 500 miles? There are economic elements and associated disproportionate costs.”¹¹⁵
85. Dr Catchpole told us: “There will be challenges at the ports. The infrastructure is not there to deal with that material.”¹¹⁶ Jeremy Percy agreed: “Nobody has made any preparation.”¹¹⁷ Graeme Searle provided an example: “Plymouth

109 [Q 9](#)

110 [Q 20](#)

111 [Q 2](#)

112 [Q 26](#)

113 *Ibid.*

114 *Ibid.*

115 [Q 44](#)

116 [Q 9](#)

117 [Q 26](#)

Trawler Agents are the second biggest auctioneers in the country ... We would have to double the refrigeration capacity, the boxes and the landing staff. There is absolutely nothing in place.”¹¹⁸

86. Fisheries Minister George Eustice MP downplayed these concerns. He acknowledged that there were “worries” about port capacity, but continued:
- “Around three years ago ... We set up something called the onshore task force, which included all the ports and fishing industry interests, to work out how to handle it. At the time, they identified that there is quite a bit of processing capacity to handle those issues ... Subsequently, as we rolled out the landing obligation in those areas, we found fewer problems with undersize and juvenile fish than we thought, because there have been improvements in selectivity. We have been able to have more survivability exemptions ... I think I am right in saying that the problem has not presented itself as quite the challenge that was anticipated as recently as three years ago.”¹¹⁹
87. Helen McLachlan, from WWF-UK, suggested that the reason that additional port facilities had not been needed to date was “because there have not been the levels of landings anticipated; the fish have presumably continued to be discarded at sea”.¹²⁰
88. **With fishing vessels unable to discard unwanted fish, a proportion of their storage capacity will in future be taken up with fish of little or no market value. There is an obvious economic impact for fishers from this change.**
89. **Fish caught below minimum conservation reference size must now be landed. It is currently unknown what volumes will be landed or what markets there might be for these fish, which cannot be sold for human consumption. There are concerns that the port infrastructure and supply chains needed to receive, store and sell or dispose of these fish are not in place. Despite the Minister’s confidence that this issue had been resolved, the strong evidence heard in this inquiry suggests that those concerns remain valid.**
90. **Indeed, the fact that such concerns have not yet given rise to major problems during the phasing-in of the landing obligation may mean only that fishers are continuing to discard undersized fish. If the ban on discards is properly enforced, the volumes landed should rise significantly and additional facilities for storing and potentially disposing of these fish may well be needed.**
91. **We urge the Government to monitor this situation closely, and to work with the fishing industry and ports to obtain a clear picture of the volumes of undersized fish landed, the markets available and the quantities for which no market is found, which therefore have to be disposed of.**

118 *Ibid.*

119 [Q 61](#)

120 [Q 38](#)

CHAPTER 6: THE CHALLENGE OF COMMUNICATION

92. Fishers told us they were not sufficiently informed about the landing obligation or what they would be required to do in order to comply with it. Graeme Searle told us: “Nobody really knows anything about it. I spoke to several fishermen in Plymouth the other day and no one has any idea.”¹²¹ Graham Doswell, a fisher from Eastbourne, agreed:

“I have spoken to fishermen in the south-east area, at the other end the country. I did not find one who knew about it; some were completely unaware of the landing obligation. They thought it had gone to sleep and been forgotten about. Others knew that it was in the air but really did not know what was going to happen.”¹²²

He continued:

“People do not have a clue, even our fish buyer, who buys from 40 under 10-metre boats. I spoke to him yesterday. He had spoken to the local MMO [Marine Management Organisation] and asked for advice. He was told, ‘You had better look it up online; we don’t know’. Knowledge of what is actually going on is very sparse.”¹²³

Barrie Deas, from the National Federation of Fishermen’s Organisations, confirmed it was the same for his members: “They are not clear.”¹²⁴

93. The Coastal Producer Organisation blamed this uncertainty on the Government and on enforcement agencies: “The MMO and Defra have been poor at communicating about the landings obligation with most fishermen in England and with other key players in the industry such as merchants, markets and traders, all of whom could be directly affected by the landings obligation.”¹²⁵
94. Enforcement agencies, not surprisingly, disagreed. Michael Coyle, from the Marine Management Organisation, told us:

“We have written to every single fisherman over the last three years to provide them with guidance ... We are providing not just generic guidance but very specific guidance relating to gears, areas and fisheries. We have used social and digital media ... We have been going around talking to the industry. We have had sessions tailored to specific fisheries in Whitehaven, North Shields, Poole, Plymouth and various offices ... I do not think the job is done by far, but our approach to enforcement and implementation is to carry on with that education period ... Our staff are ready and are aware of what they need to do.”¹²⁶

Allan Gibb, from Marine Scotland, believed that the message had in fact got through to fishers: “Broadly speaking, my industry is fully aware of what is required and what to do going forward.”¹²⁷

121 [Q 23](#)

122 *Ibid.*

123 [Q 26](#)

124 [Q 15](#)

125 Written evidence from the Coastal Producer Organisation ([IEL0006](#))

126 [Q 44](#)

127 *Ibid.*

95. **Weeks before it was due to come into force in full, fishers told us that they and their colleagues did not feel they had sufficient knowledge of how the landing obligation was going to operate.**
96. **The Government should work with enforcement agencies and industry bodies to ensure effective communication with fishers continues throughout 2019, to give fishers the best possible chance of understanding what they need to do to comply.**

CHAPTER 7: THE CHALLENGE OF ENFORCEMENT

Why compliance matters

Improving scientific understanding

97. Helen McLachlan, from WWF-UK, told us: “For the general health and well-being of our marine systems, it is really important that we are aware of what we remove.”¹²⁸ Samuel Stone, from the Marine Conservation Society, explained: “Traditionally, fish that have been discarded have not been well recorded ... Scientists do not know the proportion of discarding in a lot of fisheries. This kind of measure will help to get a handle on that.”¹²⁹
98. ClientEarth, the Marine Conservation Society and WWF, in a paper on the landing obligation, gave a more detailed explanation: “Catch information forms the basis of stock assessments, which in turn underpin the setting of future fishing opportunities. If these are not accurate, there is a serious risk of overfishing some stocks and the risk of stock depletion, with the resulting environmental and socioeconomic impacts.”¹³⁰
99. Skipper David Stevens identified some of the practical consequences of the lack of accurate data for fishers:

“At present ... we are forming our whole data framework program at ICES [International Council for the Exploration of the Sea] level, on very small amounts of data ... The data being used in my opinion to achieve this is too limited and in some cases there is clear gaps in the data which is causing choke species within a fishery.”¹³¹

Fisheries researcher Grant Course made a similar point: “Choke species are an issue in a mixed fishery but until we have accurate data we don’t exactly know how much of a problem.”¹³²

100. **By requiring all catches to be brought to shore, the landing obligation should increase understanding of the volume of different species caught. This will allow regulators to set catch limits that more accurately reflect the current health of fish stocks and so ensure fishers receive the most generous quota possible, while also protecting vulnerable stocks from overfishing.**

Avoiding overfishing

101. The UK Seafood Industry Alliance told us: “If [the landing obligation is] implemented poorly the result will be unaccounted for mortality, which undermines fishery science and could lead to overfishing.”¹³³ Helen McLachlan agreed:

“At the minute, there is wide acceptance that discard levels are occurring at similar and, in some circumstances, higher rates than previously. That is exceedingly dangerous for our stocks; it just means that in reality we have overfishing. We have done great things in recent years with positive

128 [Q 33](#)

129 *Ibid.*

130 ClientEarth, the Marine Conservation Society and WWF, *Implementation of the landing obligation*

131 Written evidence from skipper David Stevens ([IEL0001](#))

132 Written evidence from Mr Grant Course ([IEL004](#))

133 Written evidence from the UK Seafood Industry Alliance ([IEL0013](#))

trends—building stocks up again and decreasing fishing mortality, and we are about to reverse all that if we do not get this right.”¹³⁴

102. Quotas were previously calculated on an assumption that a proportion of fish caught would be discarded: if scientific advice was for a maximum of 100 fish to be caught, but fishers were thought likely to discard x , the quota would be set at $100-x$. With discards now banned, fishers have received a ‘quota uplift’: additional quota to reflect the fact that it now covers everything caught, not just everything landed. If fishers continue to discard, however, this could result in overfishing. Mike Park, from the Scottish White Fish Producers Association, explained: “There is a threat that fishermen will land all of it to market and continue to discard, which means that more fish will be coming out of the sea than should be coming out.”¹³⁵
103. Fisheries Minister George Eustice MP accepted that the landing obligation could lead to overfishing if it is not effectively enforced: “That is a fair comment ... If you are not able to enforce it, there is a danger that you give an uplift in the quota but still get discarding. The uplift is treated as an extra fishing opportunity, rather than as a way to mitigate a risk. Yes, that is a danger.”¹³⁶
104. **Without effective monitoring, there will be no way of determining if discards are still occurring and consequently whether the catch limits that are set to prevent overfishing are being adhered to. This could be a particular problem now that quotas have been increased, based on an assumption that no discarding will take place: if fishers continue to discard and simultaneously land their increased quota, they will be catching greater volumes than they were before the landing obligation was introduced, potentially leading to overfishing and damage to fish stocks.**

Risk to buyers and retailers

105. Non-compliance with the landing obligation could also lead to damage to the wider market for fish and fish products. Tesco told us:
- “If the regulation is not strictly followed and there is no effective enforcement there will be Illegal, Unreported and Unregulated (IUU) fishing happening in UK waters and by UK vessels with illegally caught fish entering UK and other supply chains. This risk would ultimately sit with retailers and leave them exposed in the knowledge that IUU fish may be entering their supply chains.”¹³⁷
106. The UK Seafood Industry Alliance agreed: “Failure to implement the landing obligation carries a substantial reputational risk for the industry and damages the image of seafood as a sustainable product. We therefore have a need to assure that the fishermen that supply us are complying with the regulations.”¹³⁸ ClientEarth, the Marine Conservation Society and WWF agreed: “Reversal in sustainability and widespread reports of unrecorded

134 Q 38

135 Q 18

136 Q 60

137 Written evidence from Tesco (IEL0016)

138 Written evidence from the UK Seafood Industry Alliance (IEL0013)

and illegal catches could severely damage consumer and business confidence in UK seafood.”¹³⁹

107. Mike Park explained that the Scottish White Fish Producers Association had worked hard to get a number of fish stocks certified by the Marine Stewardship Council:

“Once you start moving into the IUU ... it brings under scrutiny the whole gold standard certification you have for your stocks, which puts you in jeopardy in the market. Fishermen are aware of that and are trying very hard to make sure that we do not get into that area. They understand the negatives of losing any of the marketplace.”¹⁴⁰

108. **Individual fishers may want or need to demonstrate compliance with the landing obligation in order to meet retailers’ requirements. An insistence by a significant proportion of retailers, in the UK and across the EU, on demonstrable compliance could be a significant driver of behaviour change.**
109. **There is a threat to the UK fishing industry as a whole if failure to comply with the landing obligation results in a reputation for illegal fishing.**

How to monitor and enforce the landing obligation

110. As explained in Box 2, the Regulation establishing the landing obligation states: “for the purpose of monitoring compliance with the landing obligation, Member States shall ensure detailed and accurate documentation of all fishing trips and adequate capacity and means, such as observers, closed-circuit television (CCTV) and others.”¹⁴¹ In addition, the EU fisheries Control Regulation places an obligation on Member States to instigate a number of measures to monitor fishers’ compliance with the Common Fisheries Policy.¹⁴²
111. A report by WWF in 2015 explained that the traditional approach to monitoring compliance with fisheries regulations has included:

“Undertaking dockside compliance and fish market visits; using aircraft (including unmanned aircraft) to overfly fishing vessels; using patrol vessels to undertake at sea boardings or surveillance; using Vessel Monitoring Systems (VMS) that use satellite positional data to work out location and speed of vessel; sending observers to sea for the duration of a sea trip ... and using self-reported data.”¹⁴³

139 ClientEarth, the Marine Conservation Society and WWF, *Implementation of the landing obligation*

140 [Q 13](#)

141 Article 15 (13), Council Regulation (EU) No 1380/2013 on the Common Fisheries Policy ([OJ L 354/22](#), 28 December 2013)

142 Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ([OJ L 343/1](#), 22 December 2009). This amended and introduced a number of measures which the Member States were obliged to instigate in order to monitor fishers compliance with and the operation of the Common Fisheries Policy. These include: inspections; reports; surveillance; licences; criminal and administrative sanctions; and vessel monitoring and detecting systems. The Regulation also allowed for the imposition of financial sanctions against Member States that failed to comply with its obligations (see for example Article 103).

143 WWF, *Electronic Monitoring in Fisheries Management* (2015): http://assets.wwf.org.uk/downloads/fisheriesmanagement_2.pdf [accessed 7 January 2019]

The European Commission, however, has stated that “there is a consensus among relevant actors involved in fisheries control, that traditional means of control, such as inspections at sea and aerial surveillance, are not effective to monitor the LO [landing obligation]”.¹⁴⁴ This view was shared by most of our witnesses.

112. First, as ClientEarth, the Marine Conservation Society and WWF stated in their paper published in November 2018, “discarding is a practice which occurs at sea and as such effective monitoring needs to include coverage of vessel activity at sea”.¹⁴⁵ Moving the focus of monitoring activity from the quayside, where fish are landed, to the sea, where they are caught, will be, as Dr Tom Catchpole, from Cefas, told us, “a fundamental shift ... getting accurate estimates of what is being caught at sea is very challenging.”¹⁴⁶ Barrie Deas, from the National Federation of Fishermen’s Organisations, agreed: “You are asking the enforcement authorities to monitor the activity of many thousands of vessels right across the marine area, which is an enormous task.”¹⁴⁷
113. Second, patrol vessels/aircraft and observers can only monitor a small percentage of the fleet, for a small proportion of the time. ClientEarth, the Marine Conservation Society and WWF told us: “At present it is estimated that traditional monitoring covers less than 1% of at sea activities across UK fleets.”¹⁴⁸ Allan Gibb, from Marine Scotland, explained some of the limitations: “The analogy I use is that, if it is an offence to litter and a police officer is walking behind you, you probably will not drop your Mars bar wrapper on the ground. When you board vessels, they tend not to discard in front of you.”¹⁴⁹ He added: “You can have as many enforcement ships as you like, but you can only be aboard one fishing vessel at a time, and there are lots of them out there. You spend three or four hours aboard a vessel, and the fishermen will not do anything wrong when you are there, but then you go away.”¹⁵⁰ Julian Roberts, from the Marine Management Organisation (MMO), explained that fishers planning to break the rules were unlikely to agree to have observers on board: “Fishermen can decide whether or not to take out observers. If they do not have quota at a given point in time, they might be reluctant to do that.”¹⁵¹
114. **Traditional methods of monitoring compliance with fisheries regulations will not be sufficient to ensure fishers are not discarding at sea.**

Remote electronic monitoring

115. The European Commission has stated that closed-circuit television (CCTV) is “the only effective control tool to ensure control and enforcement of the LO

144 European Commission, *Towards new SCIPs: Advisory Council Consultation*: <http://www.nwwac.org/fileupload/Correspondence/Year%2013/SCIPs-Stakeholders'%20consultation.pdf> [accessed 24 December 2018]

145 ClientEarth, the Marine Conservation Society and WWF, *Implementation of the landing obligation*

146 [Q 8](#)

147 [Q 19](#)

148 ClientEarth, the Marine Conservation Society and WWF, *Implementation of the landing obligation*

149 [Q 45](#)

150 [Q 46](#)

151 [Q 49](#)

[landing obligation] at sea and to provide a deterrent to illegal discarding”.¹⁵² Michael Coyle, from the MMO, agreed that without “some kind of onboard monitoring it is going to be very difficult”.¹⁵³

Box 4: Remote Electronic Monitoring

Remote Electronic Monitoring (REM) systems typically combine:

- CCTV cameras to record fishing activity from multiple views.
- GPS receivers to track vessel routes and pinpoint fishing times and locations.
- Sensors to monitor fishing gear usage.

Information can be sent to shore over satellite links, allowing near-live monitoring, or stored on hard drives.

Source: WWF, *Remote Electronic Monitoring* (September 2017): https://www.wwf.org.uk/sites/default/files/2017-10/Remote%20Electronic%20Monitoring%20in%20UK%20Fisheries%20Management_WWF.pdf [accessed 7 January 2019]

116. Dr Catchpole explained that Remote Electronic Monitoring systems are now “readily available”:

“They have integrated sensors that determine where the vessel is, how fast it is moving and when its winches are operating so that you can assess when it is actually going through the fishing operation, as well as having a link to a series of CCTV cameras so that you can collect images. Basically, you can replay the entire fishing trip and generate information from that. That technology is widely used in many other parts of the world. It is very well established.”¹⁵⁴

117. A number of our witnesses strongly supported this approach. Helen McLachlan told us: “We have advocated the adoption of electronic monitoring for the over 10-metre fleet, which represents 94% of the catch in weight and 88% in value, so it addresses a lot of the quota catch.”¹⁵⁵ Tesco told us: “The implementation of fully documented fisheries by electronic monitoring ... would help provide retailers with the transparency and traceability their customers demand.”¹⁵⁶ ClientEarth, the Marine Conservation Society and WWF issued a joint statement in which they stated:

“It is our view that the UK government and DAs [devolved administrations] need to roll out measures that will ensure that catches from all over 10m vessels (about 21% of all UK vessels) and selected under 10m vessels are fully documented and monitored—either by Remote Electronic Monitoring (REM) with cameras or fisheries observers, supplemented by inspections at sea, or in some cases a combination of all of these.”¹⁵⁷

152 European Commission, *Towards new SCIPs: Advisory Council Consultation*: <http://www.nwwac.org/fileupload/Correspondence/Year%202013/SCIPs-Stakeholders%20consultation.pdf> [accessed 24 December 2018]

153 Q 46

154 Q 9

155 Q 33

156 Written evidence from Tesco (IEL0016)

157 ClientEarth, the Marine Conservation Society and WWF, *Implementation of the landing obligation*

118. In terms of the cost involved in electronic monitoring, Helen McLachlan told us:

“We have looked at the costing for the over 10-metre fleet, and it is somewhere in the region of £5 million for all those vessels, which compares to an estimated annual running cost of current operation as usual of £20 million ... You could have 100% observer data at a quarter of the cost.”¹⁵⁸

119. Some witnesses suggested that REM technology should, at least in the first instance, be used for monitoring rather than enforcement. Grant Course told us:

“CCTV should be installed on all over 10m vessels ... [but] industry should not have to worry unduly about penalties for discarding for at least 3–5 years so that the scientists have an opportunity to gather correct and accurate data that can be used in stock assessments and to inform management decision making.”¹⁵⁹

David Stevens asked: “What is the point [in REM] if this is simply used as enforcement and not to first improve data collection which is at the heart of the problems we face?”¹⁶⁰

120. Allan Gibb, in contrast, warned that “you cannot not see something once you have seen it. The camera might be there for a scientific purpose, but if you see something else you cannot pretend you have not seen it.”¹⁶¹

121. Witnesses differed over whether REM should or could be used on the under ten metre fleet. The South East Fishermen’s Protection Association said:

“CCTV monitoring of fishing vessels for LO [landing obligation] requirements, may be practical for vessels in excess of 24m in length ... However smaller inshore vessels are cramped for space and many do not have the reliable infrastructure necessary for the support of such systems.”¹⁶²

122. Julian Roberts disagreed on the issue of practicality, but argued for a proportionate and risk-based approach to using the technology:

“It is practically possible to monitor small vessels ... but the risk profile for compliance with the landing obligation shifts towards larger towed-gear vessels and the large towed-gear fisheries, the large-scale pelagic and demersal fisheries ... Those are the kinds of fleets we would look to focus on first with electronic monitoring.”¹⁶³

Allan Gibb agreed: “We do not think it is proportionate or reasonable to put cameras on very small vessels ... in a risk-based approach, why would you? Lots of vessels are contributing relatively little impact on the overall catch of demersal species.”¹⁶⁴

158 [Q 33](#)

159 Written evidence from Mr Grant Course ([IEL004](#))

160 Written evidence from skipper David Stevens ([IEL0001](#))

161 [Q 49](#)

162 Written evidence from South East Fishermens Protection Association ([IEL0005](#))

163 [Q 46](#)

164 *Ibid.*

123. Helen McLachlan believed that REM should be installed throughout the fishing fleet:

“Camera systems can be applied to many vessel sizes; they are absolutely applicable, even to under 10-metre vessels ... 80% of the fleet is under 10 metres. It is important that we understand what is being removed from a range of fisheries, so that we have an ecosystem-based approach to our fisheries management.”¹⁶⁵

124. While the Minister, and the enforcement agencies in England and Scotland all supported the use of REM, there are currently no plans to use it as either a monitoring or an enforcement tool. Julian Roberts explained:

“We are keen to make sure that, if we introduce camera monitoring on UK vessels, it is only right that a level playing field is established with foreign vessels ... On that basis, we have been working with the European Fisheries Control Agency and other Member States to establish best practice guidelines for electronic monitoring ... We were expecting that to be in place by now, but the problem is that monitoring the landing obligation is a Member State competence, so you have to establish agreement.”¹⁶⁶

125. Even though REM is not mandatory, vessels can choose to use the technology as a means of demonstrating compliance, and some witnesses suggested they should be incentivised to do so. Samuel Stone spoke about the possibility of using additional quota as an incentive: “We would like [quota] uplift applied to fleets that can demonstrate that they are genuinely trying to comply with the discard ban, by employing best practice selectivity measures, with cameras on board to help to demonstrate that.”¹⁶⁷ DiscardLess made a similar suggestion: “EM [electronic monitoring] vessels could be relaxed from several technical rules and benefit from additional quota against the full documentation and monitoring of their catches, while non-EM vessels would not receive any additional quota.”¹⁶⁸

126. Julian Roberts told us such incentives had already been offered: “In the North Sea we have only allowed the English quota uplift for cod to be given to vessels that have cameras on board.”¹⁶⁹

127. **Remote electronic monitoring (REM) is the only practical and effective way to monitor compliance with the landing obligation.**

128. **Because of the desire to ensure a ‘level playing field’ with other EU countries, UK Governments will not require the use of REM until other Member States agree to require it of their vessels. It is extremely disappointing that this agreement has not been secured, six years after the landing obligation was agreed, and even though the obligation has now come fully into force.**

129. **Given the importance of ensuring compliance, and that REM is the only tool that can do this, we encourage Ministers to consider requiring the use of REM on at least those larger vessels responsible**

165 [Q 39](#)

166 [Q 46](#)

167 [Q 35](#)

168 Written evidence from H2020 DiscardLess ([IEL0014](#))

169 [Q 46](#)

for the majority of the UK catch, regardless of the policies of other Member States.

130. **The Government could use existing tools, such as the ability to allocate quota or financial support to cover equipment costs, to incentivise the use of REM and we would support this action in the short-term. This does not, however, remove the need for a comprehensive, mandatory roll-out that would enable REM to be used as an effective tool to monitor compliance with the landing obligation.**

Enforcement approaches

131. Witnesses expressed different views on how strictly the landing obligation should be enforced, at least initially. Samuel Stone told us: “Enforcement has to be fairly reasonable and focused on those who are deliberately abusing the rules.”¹⁷⁰ Jeremy Percy, from the New Under Ten Fishermen’s Association, told us: “Enforcement needs to be very light touch, because it is clear ... that fishermen do not understand the requirements at sea, on landing or ashore. The idea that we will have some sort of big-bang introduction with perhaps overenthusiastic enforcement is a very serious concern.”¹⁷¹
132. The MMO, which is responsible for enforcement in England, expected to adopt a balanced approach. Michael Coyle said: “When we come across issues, whether it is a choke issue or unintended by-catch, we try to work with fishermen and the industry to see what can be done and what mitigations there are ... In our decision-making we will be proportionate.”¹⁷² In written evidence, the MMO told us:
- “There will be an education period, and the MMO will continue to have dialogue with industry representatives and individual fishers throughout next year, on key barriers preventing full compliance. This would include understanding what efforts have been made to avoid the catching of unwanted fish.”¹⁷³
133. Not all our witnesses supported a phased approach to enforcement. Marine biologist George Charalambides said: “Enforcement should be strict and ready in order to tackle any noncompliant behaviour.”¹⁷⁴ And a coalition of environmental organisations stated in November 2018:
- “The obligation to land all catches was agreed in 2013, and discussions leading to its adoption started several years earlier. The LO [landing obligation] was phased in over a period of 5 years to allow industry and Member States to adapt ... Further postponing the full implementation of the LO will provide no additional incentive to change fisheries management or fishing practices.”¹⁷⁵
134. Other witnesses reminded us what a strict approach to enforcement would mean. Hazel Curtis, from Seafish, said: “If we had full compliance, we would also have choke and tiedup fleets.”¹⁷⁶ And Mike Park told us that “the

170 [Q 38](#)

171 [Q 31](#)

172 [Q 47](#)

173 Supplementary written evidence from the MMO ([IEL0020](#))

174 Written evidence from Charalambides et al ([IEL0011](#))

175 ClientEarth et al, *Recovering fish stocks*

176 [Q 8](#)

consequence [of strict enforcement] would be extreme harm to the fishing industry and communities”.¹⁷⁷

135. **The landing obligation was introduced for important conservation reasons and, like any legislation, its objectives will not be achieved unless the rules are effectively enforced.**
136. **The dilemma posed by the landing obligation, however, is that effective enforcement could do serious economic damage to the fishing industry. If the Government believes that eliminating discarding is critical to protect the health of UK fish stocks, despite the choke issues that will arise, it may have to accept that not all current fishing businesses will survive.**

How prepared are the enforcement agencies?

137. ClientEarth, the Marine Conservation Society and WWF have expressed concern about the UK’s preparedness to enforce the landing obligation:

“It has long been anticipated that the LO [landing obligation] will require an increased focus on monitoring and control of catches at sea ... However, we are extremely concerned that plans to make this transition have not been put in place or indeed will not be sufficiently in place by January 2019.”¹⁷⁸

Grant Course agreed: “There is no effective control and monitoring measures in place, despite having had 5 years to do this.”¹⁷⁹ Similarly, Barrie Deas told us: “Based on my conversations with enforcement authorities, I do not think they have a silver bullet, and at the moment I cannot see that they have in their hands a solution to the problem of enforcing the regulation.”¹⁸⁰

138. We also heard evidence that authorities have been unable to enforce regulations in place before 1 January, weakening confidence in their ability to enforce the new rules. As outlined in Chapter 3, witnesses did not believe the ban on discards for stocks subject to the landing obligation since 2015 had been upheld. Several also referred to ‘high-grading’ (discarding low-value catches of a particular species in order to preserve quota for higher-value fish) which Grant Course told us “has been banned for nearly 20 years”.¹⁸¹ He continued: “High grading has been widespread despite this ban ... it has been unenforceable because it required detection at sea.”¹⁸² Julian Roberts accepted this: “The prohibition on high grading, which is responsible for a large proportion of discards, has been in force for 15 years or so. It has always been the same issue: how do you monitor compliance?”¹⁸³
139. In response to such concerns, Michael Coyle told us: “We will have an expansion in monitoring resources ... so that we can expand our checks and balances at the quayside and carry out at-sea monitoring.”¹⁸⁴ The Minister said: “We have taken the decision to delay the decommissioning of the three

177 [Q 19](#)

178 ClientEarth, the Marine Conservation Society and WWF, *Implementation of the landing obligation*

179 Written evidence from Mr Grant Course ([IEL0004](#))

180 [Q 19](#)

181 Written evidence from Mr Grant Course ([IEL0004](#))

182 *Ibid.*

183 [Q 46](#)

184 *Ibid.*

current fisheries patrol vessels. In addition, four new ones are about to come on stream.”¹⁸⁵ He also told us:

“In the absence of cameras, MMO [Marine Management Organisation] officers largely look at landing data from individual vessels. Because they know where those vessels have been fishing, they do a comparative analysis of a range of vessels; if one of them looks widely out of kilter, because something funny has been going on, it gives them the intelligence-based ability to pick up a problem. At the moment, my conclusion would be that they are largely enforcing it by looking at catch and landings data.”¹⁸⁶

140. As noted earlier in this chapter, however, current data on catches and discards are poor. Moreover, Julian Roberts told us: “You can evaluate the data for what you might think is a level of compliance or otherwise, but you cannot prove it.”¹⁸⁷ Allan Gibb agreed: “To detect the offence you have to see it.”¹⁸⁸
141. **On the eve of the landing obligation fully coming into force, the UK appeared entirely unprepared to monitor or enforce compliance. Having decided not to require remote electronic monitoring, enforcement agencies will be relying on a handful of patrol boats and attempting to make assessments about compliance based on the fish that are landed. This is clearly not an effective compliance tool, and the absence of an effective enforcement strategy indicates a disregard for the landing obligation and its objectives.**
142. **The Government should reconsider its approach and set out a clear plan for monitoring compliance that will satisfy the industry, the EU, retailers and the general public.**

185 [Q 57](#)

186 *Ibid.*

187 [Q 46](#)

188 [Q 43](#)

CHAPTER 8: LEAVING THE EUROPEAN UNION

143. At the time of writing, it is not known whether the proposed UK-EU Withdrawal Agreement,¹⁸⁹ which includes provision for a transition period until 31 December 2020, will be ratified. If it is, EU law will continue to apply in the UK until the end of that transition period. This includes the landing obligation.
144. At the end of the transition period, or from 29 March 2019 if a deal is not agreed, the UK Government could choose to alter or revoke the landing obligation.
145. The majority of our witnesses supported the retention of some form of ‘discard ban’. Barrie Deas, from the National Federation of Fishermen’s Organisations, told us: “There is recognition that we will have a landing obligation or discard ban in some form ... We realise that it would be unrealistic to go back to a situation where there was no landing obligation, and we would not want to, but we have to make it workable.”¹⁹⁰ Jeremy Percy, from the New Under Ten Fishermen’s Association, agreed: “We recognise that we should be encouraged and supported to reduce our discard rate as much as humanly possible.”¹⁹¹
146. Fisheries Minister George Eustice MP told us that he thought “the discard ban and the landing obligation ... are right as a point of principle”.¹⁹² Indeed, the Government’s Fisheries Bill,¹⁹³ currently before the House of Commons, includes the same objective to eliminate discards as the Common Fisheries Policy.
147. Fisheries researcher Grant Course told us that Brexit, and the fact that the UK would resume control of its national waters,¹⁹⁴ gave the Government an opportunity to improve how it implements the landing obligation. Referring to the current reluctance to enforce the landing obligation with remote electronic monitoring, he said:
- “This is understandable when the UK is part of the EU and it would have required an EU approach to provide all fishermen with a level playing field. However now that we are leaving the EU, we can have our own rules and standards and ensure that any visiting vessels abide by these. There is an opportunity to set the bar high, monitor this effectively and stop other nations continuing to fish without effective monitoring.”¹⁹⁵
148. The Minister explained that this option was included in the Fisheries Bill: “[It] makes provision for us to do a number of things, including making it a requirement of a vessel licence, whether a British or a foreign vessel, to have

189 Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community as endorsed by leaders at a special meeting of the European Council on 25 November 2018 (25 November 2018): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/759019/25_November_Agreement_on_the_withdrawal_of_the_United_Kingdom_of_Great_Britain_and_Northern_Ireland_from_the_European_Union_and_the_European_Atomic_Energy_Community.pdf [accessed 2 January 2019]

190 Q 21

191 Q 31

192 Q 62

193 *Fisheries Bill*, Clause 1 [Bill 278 (2017–19)]

194 The Committee examined the implications of the UK becoming an independent coastal state in its report *Brexit: fisheries* (8th Report, Session 2016–17, HL Paper 78)

195 Written evidence from Mr Grant Course ([IEL0004](#))

certain equipment. It could require cameras on vessels as the price of access to our waters.”¹⁹⁶

149. The Fisheries Bill also includes provision for a ‘discard prevention charge’ in England.¹⁹⁷ Wildlife Trusts told us: “The proposal aims to provide a cushion when quota limits for potential choke species in mixed fisheries are approached, allowing over-quota landings to enable fishing to continue, while providing a financial disincentive to drive increased selectivity.”¹⁹⁸ The Minister explained:

“[It] will give vessels the option to pay a charge to land catch in excess of quota. This charge will be priced in such a way that it is financially preferable to adopt more sustainable practices and avoidance measures to reduce unwanted bycatch. If vessels choose to pay the charge, they will be able to sell their over quota fish ... but will not be subject to further enforcement action.”¹⁹⁹

150. Barrie Deas told us that, although the details still had to be worked out, “it is those sorts of things, and creative thinking, embedded in a collaborative approach, that will take us through”.²⁰⁰ Jeremy Percy was more sceptical:

“If you are over quota, as far as our understanding goes, you will now be able to sell it on the market for human consumption, but you will be charged an amount of money to ensure that you do not profit from it. That is supposed to provide a disincentive for fishermen to catch more than their quota. Unfortunately, that is not the way fishing works. Very often, you cannot determine how much fish is in your net before you dump it on deck. ... The larger-scale and financially well-off boats will just write that into their business plan, so they will still be able to land more fish than they have quota for, but they will be able to pay the charges. It lacks disincentive for them and discriminates between large and small vessels.”²⁰¹

151. **It seems likely that the UK Government will retain the principle of the landing obligation when the UK leaves the EU. We welcome this.**
152. **Leaving the EU will give the UK Government and devolved administrations the power to place requirements on foreign vessels in UK waters. This gives Governments an opportunity to require remote electronic monitoring (REM) on all vessels, UK and non-UK, fishing in UK waters, thus removing any potential disadvantage to UK fishers. We urge Ministers to mandate the use of REM as soon as they are able to set their own rules for vessels operating in UK waters.**
153. **The Government has signalled its intention to introduce a ‘discard prevention charge’ in England. While we welcome further measures to incentivise improved selectivity, it is important that quotas and catch limits are not undermined. It would not be acceptable for fishers to be able to catch and land unlimited quantities of fish in return for simply paying a fine.**

196 [Q 57](#)

197 [Fisheries Bill](#), Clause 23 [Bill 278 (2017–19)]

198 Written evidence from the Wildlife Trusts ([IEL0002](#))

199 Written evidence from George Eustice MP ([IEL0021](#))

200 [Q 21](#)

201 [Q 26](#)

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

What is the landing obligation?

1. The landing obligation was introduced to protect the health of fish stocks by stopping fishers from returning part of what they catch back into the ocean. It was agreed as part of the 2013 reform of the Common Fisheries Policy, was applied to some fish stocks from 2015 and came into force in full on 1 January 2019. It is a significant and important change to fisheries policy and practice. (Paragraph 12)

The impact of the landing obligation to date

2. Although the landing obligation has applied to a number of UK fish stocks since 2015, we heard no evidence that fishers have been complying with it. Little attempt appears to have been made to enforce the landing obligation's requirements thus far, allowing the discarding of fish to continue. (Paragraph 19)
3. The landing obligation's four-year phasing-in period should have allowed Member States, the fishing industry and other stakeholders to work together and plan for how the new rules could be successfully applied to all fisheries from 1 January 2019. This did not happen. (Paragraph 26)
4. With only a few weeks until it came into force in full, some fundamental questions about how the landing obligation would operate remained unanswered. Fishers in areas where one or more species has a zero total allowable catch, for example, did not know how the landing obligation would be applied to their catches. (Paragraph 27)
5. With only a few weeks until it was due to come into force, witnesses to this inquiry did not believe the UK was in a position to implement the landing obligation. (Paragraph 30)

The challenge of 'choke' species

6. The obligation to land all catches could result in quotas for some species being met very quickly. This would result in vessels operating in mixed fisheries having to cease fishing, despite having quota available for other species, because they cannot guarantee they can avoid catching any more of the 'choke' species. (Paragraph 33)
7. It was shocking to hear, on the eve of the new rules coming into force, that the industry, researchers and the Government all thought the landing obligation could result in some of the UK fishing fleet being required to stop fishing part way through the year. (Paragraph 39)
8. There is a clear risk that the economic impact of chokes on fishers provides a strong, perhaps irresistible, incentive to break the law by continuing to discard fish caught over quota. (Paragraph 40)
9. Using different types of equipment could enable some fishers to fish more selectively, thus avoiding species for which they have little or no quota and so reducing the risk of chokes. (Paragraph 49)
10. However, the extent to which selectivity can reduce choke risks depends on the fishery, and some fishers are already highly selective. (Paragraph 50)

11. Although a number of trials have been conducted, the landing obligation does not yet appear to have incentivised fishers to adopt more selective gear. The extent to which this may change now the landing obligation applies to all fisheries may depend on how badly fishers are affected by chokes and how strictly the ban on discards is enforced. (Paragraph 51)
12. Technology increasingly makes it possible for fishers and the authorities to share information on their catches in real time. This presents an opportunity to reduce unwanted catches and chokes. (Paragraph 56)
13. We strongly encourage Government and industry to work together to create an effective, comprehensive system for real time notifications that is useful to, and trusted by, fishers. (Paragraph 57)
14. Swapping and leasing quota between vessels, between Producer Organisations and between Member States is already a well-established practice and has the potential to mitigate some of the choke risks posed by the landing obligation. (Paragraph 64)
15. There is no requirement, however, to move quota to where it is needed. It is therefore entirely possible that vessels will be choked and forced to stop fishing when sufficient quota exists, either elsewhere in the UK or elsewhere in the EU, that would have allowed them to continue. Fishers' livelihoods should not be threatened in this way. (Paragraph 65)
16. We urge the Government to work with the devolved administrations to put formal mechanisms in place to avoid vessels choking where there is sufficient quota available elsewhere in the UK, and to make the case to the European Commission for a similar mechanism at EU level. (Paragraph 66)
17. Work to address this known risk could have been undertaken during the four-year phasing-in of the landing obligation. It is disappointing that this opportunity has been wasted. (Paragraph 67)
18. We are concerned that the under ten metre fleet do not have the same ability to mitigate choke risks as larger vessels that are members of Producer Organisations, because of the way quota is allocated and the restrictions on cross-booking and retrospective leasing. We are disappointed that the phased introduction of the landing obligation was not used as an opportunity to resolve this imbalance. We urge the Government to address it as a matter of urgency, to ensure under ten metre fleet vessels have the same quota flexibilities as the rest of the fleet. (Paragraph 71)
19. The more species that are exempt from the landing obligation, the fewer problems it will cause fishers. Where a proposed exemption can be supported by scientific evidence (such as a where a species is found to survive discarding well) this is to be welcomed. We are concerned, however, at the number of exemptions being granted, which may undermine the objectives of the landing obligation. (Paragraph 78)
20. Adhering to catch limits that have been set in line with scientific advice is a key mechanism to maintain healthy fish stocks. We would be deeply concerned if the challenges of implementing the landing obligation resulted in the removal of total allowable catch limits or the routine use of 'interspecies flexibility' to count the catch of one species against the quota of another. (Paragraph 79)

The challenge of landing unwanted catches

21. With fishing vessels unable to discard unwanted fish, a proportion of their storage capacity will in future be taken up with fish of little or no market value. There is an obvious economic impact for fishers from this change. (Paragraph 88)
22. Fish caught below minimum conservation reference size must now be landed. It is currently unknown what volumes will be landed or what markets there might be for these fish, which cannot be sold for human consumption. There are concerns that the port infrastructure and supply chains needed to receive, store and sell or dispose of these fish are not in place. Despite the Minister's confidence that this issue had been resolved, the strong evidence heard in this inquiry suggests that those concerns remain valid. (Paragraph 89)
23. Indeed, the fact that such concerns have not yet given rise to major problems during the phasing-in of the landing obligation may mean only that fishers are continuing to discard undersized fish. If the ban on discards is properly enforced, the volumes landed should rise significantly and additional facilities for storing and potentially disposing of these fish may well be needed. (Paragraph 90)
24. We urge the Government to monitor this situation closely, and to work with the fishing industry and ports to obtain a clear picture of the volumes of undersized fish landed, the markets available and the quantities for which no market is found, which therefore have to be disposed of. (Paragraph 91)

The challenge of communication

25. Weeks before it was due to come into force in full, fishers told us that they and their colleagues did not feel they had sufficient knowledge of how the landing obligation was going to operate. (Paragraph 95)
26. The Government should work with enforcement agencies and industry bodies to ensure effective communication with fishers continues throughout 2019, to give fishers the best possible chance of understanding what they need to do to comply. (Paragraph 96)

The challenge of enforcement

27. By requiring all catches to be brought to shore, the landing obligation should increase understanding of the volume of different species caught. This will allow regulators to set catch limits that more accurately reflect the current health of fish stocks and so ensure fishers receive the most generous quota possible, while also protecting vulnerable stocks from overfishing. (Paragraph 100)
28. Without effective monitoring, there will be no way of determining if discards are still occurring and consequently whether the catch limits that are set to prevent overfishing are being adhered to. This could be a particular problem now that quotas have been increased, based on an assumption that no discarding will take place: if fishers continue to discard and simultaneously land their increased quota, they will be catching greater volumes than they were before the landing obligation was introduced, potentially leading to overfishing and damage to fish stocks. (Paragraph 104)
29. Individual fishers may want or need to demonstrate compliance with the landing obligation in order to meet retailers' requirements. An insistence

by a significant proportion of retailers, in the UK and across the EU, on demonstrable compliance could be a significant driver of behaviour change. (Paragraph 108)

30. There is a threat to the UK fishing industry as a whole if failure to comply with the landing obligation results in a reputation for illegal fishing. (Paragraph 109)
31. Traditional methods of monitoring compliance with fisheries regulations will not be sufficient to ensure fishers are not discarding at sea. (Paragraph 114)
32. Remote electronic monitoring (REM) is the only practical and effective way to monitor compliance with the landing obligation. (Paragraph 127)
33. Because of the desire to ensure a 'level playing field' with other EU countries, UK Governments will not require the use of REM until other Member States agree to require it of their vessels. It is extremely disappointing that this agreement has not been secured, six years after the landing obligation was agreed, and even though the obligation has now come fully into force. (Paragraph 128)
34. Given the importance of ensuring compliance, and that REM is the only tool that can do this, we encourage Ministers to consider requiring the use of REM on at least those larger vessels responsible for the majority of the UK catch, regardless of the policies of other Member States. (Paragraph 129)
35. The Government could use existing tools, such as the ability to allocate quota or financial support to cover equipment costs, to incentivise the use of REM and we would support this action in the short-term. This does not, however, remove the need for a comprehensive, mandatory roll-out that would enable REM to be used as an effective tool to monitor compliance with the landing obligation. (Paragraph 130)
36. The landing obligation was introduced for important conservation reasons and, like any legislation, its objectives will not be achieved unless the rules are effectively enforced. (Paragraph 135)
37. The dilemma posed by the landing obligation, however, is that effective enforcement could do serious economic damage to the fishing industry. If the Government believes that eliminating discarding is critical to protect the health of UK fish stocks, despite the choke issues that will arise, it may have to accept that not all current fishing businesses will survive. (Paragraph 136)
38. On the eve of the landing obligation fully coming into force, the UK appeared entirely unprepared to monitor or enforce compliance. Having decided not to require remote electronic monitoring, enforcement agencies will be relying on a handful of patrol boats and attempting to make assessments about compliance based on the fish that are landed. This is clearly not an effective compliance tool, and the absence of an effective enforcement strategy indicates a disregard for the landing obligation and its objectives. (Paragraph 141)
39. The Government should reconsider its approach and set out a clear plan for monitoring compliance that will satisfy the industry, the EU, retailers and the general public. (Paragraph 142)

Leaving the European Union

40. It seems likely that the UK Government will retain the principle of the landing obligation when the UK leaves the EU. We welcome this. (Paragraph 151)
41. Leaving the EU will give the UK Government and devolved administrations the power to place requirements on foreign vessels in UK waters. This gives Governments an opportunity to require remote electronic monitoring (REM) on all vessels, UK and non-UK, fishing in UK waters, thus removing any potential disadvantage to UK fishers. We urge Ministers to mandate the use of REM as soon as they are able to set their own rules for vessels operating in UK waters. (Paragraph 152)
42. The Government has signalled its intention to introduce a 'discard prevention charge' in England. While we welcome further measures to incentivise improved selectivity, it is important that quotas and catch limits are not undermined. It would not be acceptable for fishers to be able to catch and land unlimited quantities of fish in return for simply paying a fine. (Paragraph 153)

APPENDIX 1: LIST OF MEMBERS AND DECLARATIONS OF INTEREST

Members

Lord Cameron of Dillington
 Viscount Hanworth
 Lord Krebs
 Duke of Montrose
 Lord Rooker
 Lord Selkirk of Douglas
 Baroness Sheehan
 The Earl of Stair
 Lord Teverson (Chairman)
 Viscount Ullswater
 Baroness Wilcox
 Lord Young of Norwood Green

Declarations of interest

Lord Cameron of Dillington
No relevant interests to declare

Viscount Hanworth
No relevant interests to declare

Lord Krebs
Scientific advisor to Marks and Spencer PLC and Tesco PLC

Duke of Montrose
Ownership of some fresh water fishing, including salmon

Lord Rooker
No relevant interests to declare

Lord Selkirk of Douglas
As in the register of interests

Baroness Sheehan
No relevant interests to declare

The Earl of Stair
No relevant interests to declare

Lord Teverson (Chairman)
Board member, Marine Management Organisation (ends 31 January 2019)
Trustee, North Devon Biosphere Foundation

Viscount Ullswater
Trustee of landed estate in Cumbria which has fishing interests in the Solway Firth

Baroness Wilcox
Patron, National Lobster hatchery
Experimental fish breeding
Member, Fishmongers' Company

Lord Young of Norwood Green
No relevant interests to declare

The following members of the European Union Select Committee attended the meeting at which the report was approved:

Lord Boswell of Aynho
Baroness Brown of Cambridge
Lord Cromwell
Lord Jay of Ewelme
The Earl of Kinnoull
Lord Liddle
Baroness Noakes
Lord Polak
Lord Risby
Baroness Suttie
Lord Teverson
Baroness Verma
Lord Whitty

During consideration of the report the following Members declared an interest:

Baroness Brown of Cambridge
Chair of the Adaptation Committee of the Committee on Climate Change

A full list of Members' interests can be found in the Register of Lords' Interests:
<https://www.parliament.uk/mps-lords-and-offices/standards-and-interests/register-of-lords-interests/>

APPENDIX 2: LIST OF WITNESSES

Evidence is published online at <https://www.parliament.uk/hlinquiry-implementation-enforcement-landing-obligation> and available for inspection at the Parliamentary Archives (020 7219 3074).

Evidence received by the Committee is listed below in chronological order of oral evidence session and in alphabetical order. Those witnesses marked with ** gave both oral evidence and written evidence. Those marked with * gave oral evidence and did not submit any written evidence. All other witnesses submitted written evidence only.

Oral evidence in chronological order

*	Hazel Curtis, Seafish	QQ 1–9
*	Dr Tom Catchpole, Cefas	QQ 1–9
**	Barrie Deas, National Federation of Fishermen’s Organisations	QQ 10–21
*	Mike Park OBE, Scottish White Fish Producers Association Limited	QQ 10–21
**	Jim Pettipher, The Coastal Producer Organisation	QQ 22–31
*	Jeremy Percy, New Under Ten Fishermen’s Association	QQ 22–31
*	Graeme Searle, Fisherman	QQ 22–31
*	Graham Doswell, Fisherman	QQ 22–31
**	Helen McLachlan, WWF-UK	QQ 32–40
*	Samuel Stone, Marine Conservation Society	QQ 32–40
**	Michael Coyle, Head of Compliance and Control, Marine Management Organisation	QQ 41–49
**	Julian Roberts, Head of Future Fisheries, Marine Management Organisation	QQ 41–49
*	Allan Gibb, Head of Sea Fisheries Division, Marine Scotland	QQ 41–49
**	George Eustice MP, Minister of State for Agriculture, Fisheries and Food, Defra	QQ 50–63
**	Nigel Gooding, Deputy Director for EU fisheries policy and negotiations, Defra	QQ 50–63

Alphabetical list of all witnesses

*	Dr Tom Catchpole, Cefas (QQ 1–9)	
	George Charalambides, Bryce D. Stewart, Chris Williams and Griffin Carpenter	IEL0011
**	The Coastal Producer Organisation (QQ 22–31)	IEL0008 IEL0006
	Communities Inshore Fisheries Alliance	IEL0009
	Grant Course	IEL0004

*	Hazel Curtis, Seafish (QQ 1–9)	
**	Defra (QQ 50–63)	IEL0021
*	Graham Doswell, Fisherman (QQ 22–31)	
*	Allan Gibb, Head of Sea Fisheries Division, Marine Scotland (QQ 41–49)	
	H2020 DiscardLess	IEL0014
	Dr Magnus Johnson	IEL0019
	Dr Richard Law	IEL0012
**	Marine Management Organisation (QQ 41–49)	IEL0020
**	National Federation of Fishermen’s Organisation (QQ 10–21)	IEL0003
	Norwegian Ministry of Trade, Industry and Fisheries	IEL0017
*	Mike Park OBE, Scottish White Fish Producers Association Limited (QQ 10–21)	
*	Jeremy Percy, New Under Ten Fishermen’s Association (QQ 22–31)	
*	Graeme Searle, Fisherman (QQ 22–31)	
	South East Fishermen’s Protection Association	IEL0007 IEL0005
	Star-Fish	IEL0015
	Skipper David Stevens	IEL0001
*	Samuel Stone, Marine Conservation Society (QQ 32–40)	
	Tesco	IEL0016
	UK Seafood Industry Alliance	IEL0013
	The Wildlife Trusts	IEL0002
**	WWF-UK (QQ 32–40)	IEL0018

APPENDIX 3: GLOSSARY

Common Fisheries Policy (CFP)	The EU's policies for managing European fishing fleets and conserving fish stocks
Defra	The Department for Environment, Food and Rural Affairs (a UK Government department)
European Maritime and Fisheries Fund (EMFF)	EU funding to support fishers, coastal communities and sustainable aquaculture. Each EU country is allocated a share of the fund based on the size of its fishing industry; individuals and organisations can then apply to the relevant Member State for funding
EU Council	A collective body comprising the leaders of the EU Member States
Fishing gear	Equipment used for fishing
High-grading	Discarding low-value catches of a particular species in order to preserve quota for higher-value fish
International Council for the Exploration of the Sea (ICES)	An intergovernmental organisation that aims to increase scientific knowledge of the marine environment and offer advice to governments and others on the sustainable use of marine resources
Marine Management Organisation (MMO)	Executive, non-departmental body responsible for the regulation of marine activities in the seas around England and Wales
Marine Scotland	Directorate within the Scottish Government responsible for protecting Scotland's coastal waters
Minimum conservation reference sizes	The definition of an undersized catch, which cannot be sold for human consumption
National Federation of Fishermen's Organisations (NFFO)	An organisation that aims to represent fishermen's groups, individual fishermen and producer organisations in England, Wales and Northern Ireland
Passive gear	Fishing equipment or techniques that wait for the fish to come to the net/ trap (rather than active gears, which are dragged through the water)
Pelagic fisheries	Those near the ocean surface
Producer Organisations	Membership organisations, made up of fishers, that market the products of their members and manage their fishing quotas
Scientific, Technical and Economic Committee for Fisheries	A European Commission committee, made up of scientific experts, that advises the Commission on fisheries policy

Selectivity	The ability to target specific types of fish
Total allowable catch (TAC)	The catch limit set for a particular fishery. These are agreed annually by an EU Council of fisheries ministers
Under ten metre fishing fleet	Fisheries policy and legislation often divides the industry into vessels under ten metres in length and those over ten metres, with different rules applying to the two groups. The 'under tens' make up around 80 per cent of the UK fleet but land only 6 per cent of the catch (by weight)