

Guidance for dealing with choke scenarios under the landings obligation

Purpose of this guidance document

Choke scenarios may occur in mixed fisheries where a fishing vessel has insufficient quota for, and cannot completely avoid, unwanted catches that must be landed under the Landing Obligation from January 2019.

This guidance document is primarily intended to provide an overview of the practical approaches and tools that are available to the fishing industry, Producer Organisations (POs) and the MMO to avoid or mitigate choke scenarios. It does not intend to present an exhaustive list of mitigation measures but rather presents a toolbox for avoiding and mitigating choke scenarios, which has been developed from discussions with industry groups since 2016.

In addition to the toolbox set out below, Government will continue to monitor choke risks and support the fishing industry, POs and the MMO as they work to identify and implement solutions that can be applied at a domestic level. Officials in Defra and in the Devolved Administrations have actively contributed to the discard plans finalised by the Regional Groups in summer 2018, which have recently been adopted as Delegated Acts by the European Commission.

The exemptions and technical measures contained within the Acts go some way to reducing choke risks facing UK vessels, however the Government are fully aware of concerns about other choke risks that need to be addressed.

Where new measures are needed, for example where existing flexibilities under the CFP are insufficient, Government is continuing to work closely with other Member States, the Commission and the Advisory Councils on practical solutions that can be agreed at this year's December Council. Further guidance on the outputs of this process will be issued in early 2019.

Key principles that support the choke avoidance and mitigation toolbox

In line with the existing co-management of fishing opportunities between the MMO and producer organisations (POs), POs and individual fishermen will be expected to pro-actively manage quota use to avoid choke wherever possible. Similarly where the MMO manages the non-sector pools, the MMO will seek to balance catch limits between species to enable compliance with the landing obligation.

Where required, choke avoidance and mitigation can be incorporated into existing forums for dialogue such as quarterly meetings with the UK association of Fish POs (UKAFPO) and regional meetings.

The MMO will act to assist POs and individual fishermen only after they have exhausted choke avoidance options available to them.

Choke avoidance and mitigation toolbox

The toolbox presented below has been developed from discussions with industry groups since 2016. Judgement will be required in individual scenarios to determine which options are most applicable to the particular stock/s. The options are broadly ordered with the most reliable and desirable at the top:

1. Avoidance of unwanted catch – reduces unwanted catches at the point of capture by spatial, temporal, gear or other fishing activity adaptations. Information on improved gear designs can be found on the gearing up website <https://gearingup.eu/>. The MMO is committed to working with industry groups and Cefas on selectivity trials.
2. High survivability or *de minimis* exemptions – authorised discarding of fish where the stock and fishing method are approved as resulting in a high likelihood of survival when returned to the sea or difficulty of handling respectively.. It should be noted that some of these exemptions will be reviewed annually so it is important to be aware of the latest guidance. The uptake of *de minimis* quota usage will be monitored at the UK level to ensure the usage remains within the allowance.
3. Domestic quota swaps – mutually beneficial transfers of UK quotas between POs/ fisheries administration pools are carried out regularly and continuation of this will help alleviate high uptake and choke. The MMO will continue to work with the non-sector and POs through the quota advisory groups and consultation. Concerns about choke received from individual pool fishermen should be discussed with the MMO to determine if the MMO can source more quotas to increase monthly catch limits for the relevant stock/s. MMO publishes weekly quota uptake data, which may be used to identify swaps <https://www.gov.uk/government/statistical-data-sets/quota-use-statistics> .
4. Inter-area flexibility – for a limited number of stocks such as Western to North Sea hake and some skate and ray stocks, quotas can be transferred between ICES areas or landings from one area can be transferred to another for recording purposes. This can be used by the MMO (for pools) or POs to alleviate choke for applicable stocks. Inter-area flexibilities are contained in the annual TAC and quota regulations https://ec.europa.eu/fisheries/cfp/fishing_rules/tacs_en
5. International quota swaps – mutually beneficial transfers of quotas between EU member states. Most POs have good contacts to arrange international swaps and so only need help from the MMO to arrange swaps in rare circumstances. MMO provides latest uptake figures for other EU member states from the European fishing landings database FIDES to help POs identify potential trading partners.
6. MMO quota managers will consider the implications of international quota swaps in light of choke threats. Voluntary agreements between fish POs and fisheries administrations have the potential to limit the UK outward trading and

maximise the inward trading of choke risk stocks. If voluntary agreements are ineffective, the MMO is likely to intervene to prevent choke risk stocks from being traded out of the UK working with other UK fisheries administrations. Working with UK fisheries administrations and fish POs whenever practical, stocks subject to trading restrictions will be kept under review on a quarterly basis each year to ensure they are only in place where genuine choke risk exists.

7. Banking and borrowing – Up to 10% of the UK allocation for eligible stocks can be banked (unused quota in one year is carried forward to the next) or borrowed (an authorised overfish of the current years quota which is subtracted from the allocation in the following year). All stocks subject to the landings obligation are eligible for banking and borrowing. Individual PO or fisheries administration pool banking has limited scope to assist in choke mitigation. However, borrowing could be used to provide limited relief from choke. Assuming international quota swapping is permitted in future years, UK level quota banking can be maximised at the end of each year by mutually beneficial swaps with EU member states. This results in additional quotas to be allocated in the following year. Where UK and member state quota uptake permits, the MMO will co-ordinate these swaps, with input from UK devolved administrations and POs.
8. Inter-species flexibility – the flexible recording of non-target stock landings against the target stock quota. The MMO is working with Defra and Cefas to determine how this mechanism can be introduced whilst ensuring sustainable exploitation.
9. Direct MMO intervention to redistribute quotas from one PO/inshore pool to another at the start of or during the year is permitted in the English quota management rules. This could be used to move quotas that appear to be unutilised to groups experiencing choke if other options to ensure those groups facing choke have failed.
10. Closure of an ICES sea area by licence variation to specific gear types and vessels may be required where a choke has been reached by a PO or pool and all other options to keep the fishery open have been exhausted.