



COMMENTS ON THE CONSULTATION ON THE PELAGIC LANDING OBLIGATION

Introduction

Defra has opened a Consultation on the Pelagic Landing Obligation and comments have been invited.

The NFFO is the representative body for fishermen in England, Wales and Northern Ireland. Our member vessels range from freezer trawlers operating in international waters to small, under 10 metre vessels, beach launched and with limited range. The Federation holds seats on the North Sea, North West Waters, Pelagic and Long Distance regional advisory councils. The NFFO is also a member of Europeche, the European trade federation for the fishing industry.

The Pelagic Landing Obligation will come into force on 1st. January 2015. In many respects it could provide a template for the Landing Obligations that will come into force for Demersal and other fisheries at a later date. It is therefore important that the NFFO considers its implications carefully so that the industry's pelagic interests are fully considered and the industry as a whole is not suddenly faced with the generalisation of measures that relate specifically to the pelagic fisheries.

It is generally believed that the Landing Obligation will be simpler to implement in the pelagic fisheries but – unfortunately – this does not mean that it will be without problems. There remain considerable areas of concern.

General Comments

General comments fall under two headings. The first relates to possible exemptions: the second relates to the characterisation of the pelagic fisheries.

Exemptions

There are two categories for exemptions. The first is survivability – which does not apply. The second is the de minimis exemption which may be claimed on the basis that either improvements in selectivity will be very difficult to achieve, or that the cost of handling the landed discards is disproportionate.

There is a good case to be made that improving selectivity will be very difficult to achieve since the small pelagic fisheries are already considered to be relatively clean fisheries with low levels of discards. There is also a good case to be made that handling previously discarded or small amounts of damaged or below MCRS fish will impose disproportionate costs. The number of fishmeal plants in the UK is limited, approximately five, which are located in the North East of England and Scotland. Supplies need to be transported at 4 degrees centigrade (which means refrigeration).

Unfortunately, the indications are that exemptions, which would effectively recognise that the industry is already operating at a relatively low rate of discards, will not be granted. Politically it would be difficult to accept that the generalised hysteria over discards could be seen to have been, in some instances, misplaced.

Characterisation of the Pelagic Fisheries

The description of the pelagic fisheries in the UK is in parts misleading since it fails to recognise the diversity and volatility which characterise the industry:

- Small pelagic fish have a short life cycle which leads to considerable natural variability in the abundance of species;
- As result, prices demonstrate considerable volatility;

- Both these factors make predicting future requirements – and their economic consequences - under the Landing Obligation difficult;
- The small pelagic fisheries (as opposed to large pelagic fisheries such as tuna) predominate in the UK and have relatively low discard rates;
- For large vessels pelagic fisheries tend to be very seasonal whilst for smaller vessels the catching season will be more extended;
- There are different problems in different fleet segments;
- Large vessels differ considerably from small vessels in the technology they use since they include both freezer vessels (which have sorting machines on board) and Reservoir Salt Water, RSW, vessels which keep their catches on board in sea water and then pump them into the processing plant where they are sorted;
- For larger vessels a major problem is the existence of sorting machines on board – separating out by-catch species individually and storing them separately is likely to present problems and require some adaptation;
- A further difficulty is posed by the practice of slipping when the nets may be hauled but then released without landing on board – either because the fish are juveniles or too small, or because the size of the haul would pose safety issues for smaller vessels:
- The very large pelagic vessels are capable of carrying fishmeal plants on board but there are restrictions over their use although pulping, or processing, could potentially provide a solution to some of the problems on large vessels;
- The figures for 2012 show that by value¹ 67% of English fleet landings were outside England (Ijmuiden 50%, Scheveningen 20%, Las Palmas 5%) but within the EU – so the Landing Obligation still applies and costs will be incurred:
- The value of the English fleet's landings has been restated as £19 million in 2012 (less than 50% of the previous year's landings although the tonnage remains more or less the same) which underlines both the market volatility and the impact of the mackerel dispute;
- lastly, a niggly – surely references should be to coastal rather than rural communities, etc.?

¹ 76% in terms of volume (tonnes)

Specific Comments

Q1. Do you agree that the level of discarding in the English pelagic industry is relatively low, and the impact of the pelagic landing obligation should therefore be minimal? If not, please provide details and any supporting evidence.

Discarding in the pelagic fisheries is relatively low, but the NFFO would caution against using a single, generalised figure. Data on discarding is scarce but it should be borne in mind that the level of discarding of a species will vary according to area, gear, time of year, etc.

Incidentally, the EU Discard Annex (Lot 4 Impact Assessment Studies related to the CFP) of 2011 provides estimates for some gears in some areas that may not be recent but indicate discard rates that are higher than those used in Defra's Impact Assessment

Q2. Do you agree that any additional quota, made available through an uplift in EU agreed TAC, should be allocated through Fixed Quota Allocation units? If not, please explain why you disagree and suggest alternative methods with any supporting evidence.

The NFFO would agree with such a policy.

Q3. Do you think that you will need to utilise any of the additional flexibilities available under the new CFP basic regulation? If so, please provide details and any supporting evidence.

The NFFO has no specific knowledge but it would point out that the introduction of any new system generates uncertainties and anecdotal evidence suggests that there will be less willingness to trade quota during the initial phase.

Q4. Do you agree that the quota management flexibilities should be managed at management body (PO and MMO) level? If not, please provide details and any supporting evidence.

The NFFO would agree.

Q5. Do you agree that the proposed changes to the proposed quota management systems will help English fishermen operate under the pelagic landing obligation? If not, please provide details or and suggest other changes to quota management that would be beneficial.

The changes relate to the management of the U10 metre pool and should be seen more as a necessary improvement in general quota management rather than specifically tailored to the pelagic Landing Obligation.

Q6. Do you think that you will need to utilise a survivability or de minimis exemption available under the new CFP basic regulation? If so, please provide details and any supporting evidence.

A survivability exemption is not really appropriate for the small pelagic fisheries. The NFFO is of the opinion that there could be grounds for exemptions under both the selectivity and the disproportionate costs of handling criteria but awaits further information on the evidence required.

Q7. Do you agree that the proposed monitoring and enforcement regime, including a mix of Remote Electronic Monitoring systems, at sea observers, land based sampling, and self-reporting is a proportionate and risk based approach to enforce the pelagic landing obligation in England? If not, please provide details and any supporting evidence.

In theory the proposed system may seem proportionate and risk based but it ignores the practicalities in some segments of the pelagic fishing industry. For the U10 metre fleet an observer on board will cause problems and impose the costs of foregone fishing opportunities. Although the e-log and VMS sagas may finally be reaching a conclusion, the

additional reporting requirements impose considerable burdens on the industry: it is to be hoped that the electronic elements function correctly from the outset.

Q8. Do you expect to incur new costs from the new monitoring and enforcement regime? If so, please provide details and any supporting evidence.

There will be costs in terms of foregone opportunities with on board observers, simply because of the space they occupy on small vessels. It is presumed that REM systems and their operation on vessels under 24 metres will also be paid for by EMFF, otherwise there will be additional costs for this category of vessel.

Q9. Do you agree that our proposals are a proportionate response to the requirements on quota species below MCRS? If not, please provide details and any supporting evidence.

The NFFO has expressed reservations as to the characterisation of the level of discards (below MCRS or other) and in particular its generalisation. Whilst in theory the proposals appear reasonable, everything will depend on how they work out in practice. The NFFO is unaware as to what initiatives have already taken place for dealing with fish for non-human consumption – just leaving it to the port authorities does not seem a totally adequate response. There is also the problem of non-commercial fish that are above MCRS although this is likely to be a small proportion for the pelagic fisheries.

Q10. Do you think that there are any issues relating to the implementation of the pelagic landing obligation in England that we have not identified and should be aware of? If so, please provide details and any supporting evidence,

There appears to be an assumption that there is unlimited space on pelagic vessels, and this is definitely not the case for the smaller vessels. The estimates of additional income to be obtained from the retention of fish that would previously have been discarded is nonsense since it ignores the fact that they will be occupying the space that would have been taken by

saleable fish commanding a higher price. Furthermore, the current requirement to stow separately each quota species under MCRS will further reduce revenue earning capacity: even if such fish may eventually be stowed together they will still represent a loss of capacity. There are also safety considerations linked to stowage problems and balancing the vessel.

At the present time – although it is presumed that the issue is being considered – the NFFO has no information about how actual landings are to be dealt with. Is thought being given to the location of designated ports and the additional costs, in terms of steaming time, etc., that will be incurred (particularly by smaller vessels)? So far nothing has been heard of preparations for dealing with the landed discards: the overall level of discards may be low but that does not mean that no facilities will be required.

Q11. Do you have any comments or evidence on the costs and benefits presented in the associated Impact Assessment. This includes, but is not limited to, any costs or benefits associated with:

- Hosting on board observers;
- Familiarisation with the new monitoring and enforcement regime; and
- Accessing non human consumption markets for fish below MCRS.

If so, please provide details and any supporting evidence.

C.f. Supra.

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