

# LANDING OBLIGATION DOMINATES IIFET CONFERENCE

The International Institute for Fisheries Economics and Trade (IIFET) brought its conference to Aberdeen this year. It might not sound like a big deal, but in fact, it's huge. Every second year, academics, specialists, enforcement authorities, fishermen and others have the opportunity to compare notes and experience over several days of discussion and presentation. This year was Aberdeen, with Seafish chief economist Hazel Curtis and her team in the driving seat. The last conference was in Brisbane, and the next will be in Seattle in 2018

As is generally the case with such gatherings, aside from the planned events, the real contacts and discussion take place in the breaks, in the bar afterwards and between sessions. *Fishing News* was there for the Industry and Policy Day, where the industry itself has the opportunity to meet and present its side of many arguments, and with the EU's landing obligation starting to bite, there was no shortage of material the industry delegates were happy to get across.

Welcoming the delegates, Hazel Curtis briefly mentioned the recent UK referendum, commented that the conference had been organised, and papers prepared, long before the vote had taken place, and asked that Brexit should be left out of discussions.

Nevertheless, Brexit hung in the air throughout the Industry and Policy Day, mentioned occasionally in passing during the sessions, and frequently in the breaks and in the corridors. The significance and the huge uncertainty around the UK's potential exit from the European Union were not something that could be ignored entirely, so the shadow of Brexit squatted at the back of the room, like an elephant that hardly anyone wanted to mention, throughout the day.

But the scheduled full day of discussion devoted to the landing obligation provided more than enough to discuss. Ernesto Penas



Speakers and those attending the IIFET conference in Aberdeen came from around the world.

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Lado of DG Mare stated that the landing obligation is here to stay, and the sheer rapidity of its implementation across all member states in the course of a few years was highlighted by one speaker after another, along with the confusion around the practicalities of the new regime, and the shortfall in solving the potential problems before it became a reality, rather than once it was here. This applies notably to the problem of choke species coupled to fish stocks appearing in areas where they had historically not been present before, such as haddock in the south-west and hake in the North Sea.

## No way back

According to Ernesto Penas Lado, Director for Policy Development and Co-ordination at DG Mare, policymakers were faced with a choice of working out all the answers before embarking on the landing obligation or making it law and then working out the details in

the process.

"We knew there would be challenges, and we knew that we didn't have the answers," he said. "The choice was to provide all the answers before making this compulsory, or to make it compulsory and then work out the answers – not just in Brussels, but in the Member States' capitals – and to use the phase-in period to work out how to do all this."

He explained that this was done in the knowledge that it would not be an easy transition, but also with the knowledge that if the decision had been to opt for the long process of solving problems before implementation, the likelihood would have been that nothing would have happened, and the landing obligation would have disappeared into the distant future.

"The landing obligation is not a complete discard ban," he stressed. "The idea was to invite fishermen to change, as much as possible, their fishing practices,



Seafish chief economist Hazel Curtis.

with the landing obligation there to provide mechanisms to deal with the unavoidable remainder of the discarded fish. The existing current regulations are too rigid, and the objective has been to change regulation from top-down

rules to a completely different set of legislation with scope for regional decisions and measures to be taken."

"We knew there would have to be flexible mechanisms, and we knew that we would have to learn



DG Mare's Ernesto Penas Lado opened the day's proceedings.



by doing it – and we knew that if these things weren't in law, they would never happen," he said, making it plain that the landing obligation is here to stay. The date for achieving MSY in 2020 is rigidly set out, and the landing obligation remains a key part of that objective.

He commented that it is important that the move down the route to decentralised regulation advances rapidly. "The sooner, the better," he said. "This is a revolutionary approach to legislation, and adapting to something new comes with a cost, which isn't necessarily cheap. It means investment, in vessels and gear, as well as new approaches."

### Public support

"It's also necessary to provide public funding under the new EMFF, and there are opportunities there that do not increase capacity," Ernesto Penas Lado said.

"It's important that the industry is not short of public support. If the Member States do not do this, then come to the European Commission. If you're short of funds, the Commission is there to help. We are there to make sure you are not short of public support."

"There's no way back from the landing obligation," he said, commenting that the question of choke species was raised immediately the landing obligation was being formulated, and mechanisms such as the 9% inter-species flexibility that has already been applied in the Baltic for herring and sprat have been put in place, but in mixed fisheries the

problems become more acute.

"Quota swaps have become a problem rather than a solution. The answers we get from the member states and the POs is that quota swaps don't work, so we did some number-crunching and found that while swaps had been increasing, the amounts had decreased, and in 2015 the trend was broken as TACs increased and swaps decreased," he said.

"We have a problem here that needs to be resolved. We had counted on quota swaps as one of the main instruments for

**It means investment, in vessels and gear, as well as new approaches**

dealing with choke species. So how do we enhance the market for quota swaps?" he asked, commenting that there are options for increasing transparency of trading, publishing a database that identifies unused quotas, or facilitating direct trading between POs across borders – of introducing commodities other than fish that could be exchanged for quotas – if the member states would make this possible.

### The Norwegian experience

Norway has had a 30-year experience of outlawed discards since the first cod discard ban was put into place in 1987, and Vidar Landmark, Director General at the Department of Fisheries and Aquaculture said that the first thing to bear in mind is that a discard ban

does not end discards.

"There should not be discards of fish. But this takes time to learn, for there to be an acceptance of this," he said.

"What has not been talked about enough are the advantages of reducing discards. From the point of view of a fisheries manager, this is unwanted fish mortality," he said, adding that fish mortality is the aim, but it has to be the right fish, and non-target species become unwanted mortality.

"There's also an ethical dimension to this – that we shouldn't be wasting food," he said, commenting that Norway also looks at other aspects of this, including running retrieval surveys for

lost fishing gear that can add to the ghost fishing problem.

"The Barents Sea is now at an almost all-time high, and the discard policy has undoubtedly played a part in this, along with the use of grids, closures, and move-along requirements if there are unacceptably high levels of by-catch or undersized fish, and we must not underestimate



**Pim Visser said that Norway has had a discard ban for 30 years and still isn't all the way there, yet EU nations are expected to achieve this in four.**

all these measures," he said.

Norway also employs incentive measures that are designed to encourage fishermen to land fish that is over-quota, but with the profit element removed. The fish is sold, but 80% of the proceeds are confiscated, leaving 20% that covers the costs of landing and handling, ensuring that the fisherman is not out of pocket, but eliminating an incentive to overfish, while also providing an incentive not to discard the fish.

"The policy is that if it comes out of the ocean, it should be utilised, but not at a profit," Vidar Landmark said. "The policy is to provide help and discouragement in catching fish that is over-quota, and not to provide incentives."

He added that there is no shortage of video footage of vessels discarding fish in Norwegian waters.

"A discard ban doesn't get



**Niels Wichmann of the Danish FPO said that with Brexit, it's anyone's guess how all this will be affected.**

rid of discards. People still drive through red lights and exceed speed limits. But the lesson is that we have to help. Norway has 30 years of a discard ban, and we are still not there yet."

"We need to talk more about the gains to be made from reducing discards, and how this can be translated into money," he said. "Everyone stands to gain from reducing discards, with more money earned and less effort. But we have to recognise that one size does not fit all."

He commented that Norway started its discard ban in northern waters where catches are largely cod and haddock, with little by-catch of other species, making the point that more complex fisheries present greater challenges.

"It's important to have quotas that actually fit the fisheries, which underlines the need for flexible quota systems," he said.

### Fishermen and families

"There's all this talk about quotas, but we need to keep this in focus," said Pim Visser of Dutch fishermen's organisation VisNed and the European Association of FPOs (EAPO). "This is about fishermen and their families."

He said that in response to the original discussion on a discard ban, EAPO's proposals were that there should be an optimal distribution of fishing quotas, development of selective gears, and incentives to stimulate technical and management innovation.

"Instead, we got a landing obligation; a gamble that has cost hundreds of millions. We can say this was a good idea in theory, but it is a gamble with unproven techniques, an unrealistic time schedule and the politics around all this is full of hindsight wisdom. So where are we now, and where are we heading?" he asked, answering his own question by stating that good legislation needs to be do-able, compliant and

enforceable – and the landing obligation is none of these things.

"Repression is not the answer," he said. "We learned that in the Netherlands in the 1980s."

Pim Visser made the point that there is a wide and growing divide between industry and policymakers on theoretical and ethical issues, stressing that NGOs backed by wealthy US-based organisations have skewed the basis for development, while also contributing to the widening gap between fishermen and government.

He said that the industry's position has been that a total landing obligation is unworkable, requesting a discussion and mentioning the various dilemmas, problems and impossibilities – while the position of the authorities has been that the landing obligation is in place, there is no room for discussion of the principles, and any room for manoeuvre or negotiations takes place once all this has already been implemented.

"We have parallel monologues taking place that are 180° apart, with the two sides speaking completely different languages. The ministry says 'it must be done,' and the fishermen say 'it can't be done.' And this gap is still deepening, while the fishermen's organisations find themselves between a rock and a hard place."

### Rotterdam protest

Pim Visser said that a group of Dutch skippers with an online network are organising a protest set to take place in Rotterdam on 3 September.

"They saw what happened in London, and they want to take a stand on all the problems facing them; Natura 2000 areas, MPAs, windfarms, and now discards. They have had enough," he said, adding that VisNed carried out a study in 2011, as the landing obligation was being discussed, and came to the conclusion that the economic damage to the Dutch fleet would be in the region of €7m annually.

**Vidar Landmark said that Norway has 30 years of discard ban experience, but a discard ban does not end discards.**







**Ernesto Penas Lado** said that there is no way back from the landing obligation.

"The coastal fishing vessels and the langoustine boats are going to be losing money, and while the bigger trawlers can expect to remain profitable, there will still be huge reductions in their profitability, leaving nothing for future investment," Pim Visser said.

"This is at a time when discards are already down, as the fleet has been severely reduced, and plaice stocks are stronger than they have been since ICES started measuring them in 1957," he said, commenting that sole is the primary problem, as this is a fishery that is virtually impossible to pursue without catches of other species, while plaice can be a largely clean fishery if gear mesh sizes are increased to the right point.

Pim Visser said that a pilot project carried out in Holland with five fishing vessels operating under landing obligation conditions demonstrated the failures of the policy, not least that the fleet capacity is too small, with fishing vessels not able to carry the volume of discards safely, and with a significant increase in crew workloads in handling discard species, as well as the estimated average cost of handling discards ashore put at €305 per tonne.

"It means two extra crewmen, so the crew goes from four to six. Who pays for them? If the shares are split six ways instead of four, and you tell your crew that their earnings are being cut, there will be no more crew. There is plenty of work in the maritime sector and we know where they will go," he said, adding that in addition to these problems, there is still the unresolved issue of choke species.

"This has been a political choice driven by societal pressure. The discard ban is here, and the problems we have in 2016 are the tip of the iceberg as in 2019 we will see the real problems," Pim Visser said.

"It's too much, too fast. This has been a 30-year process in Norway, and they are still not there, yet we are expected to achieve this in four years."

### Anybody's guess

"We could have learned a lot more before doing this," said Niels Wichmann of the Danish FPO, which represents 34 associations and 724 vessels that are around two-thirds of the Danish fishing sector, and include all of the demersal fleet.

"There has been a rush into the landing obligation," he said. "There has been real or unreal concern about cod, going

**a group of Dutch skippers with an online network are organising a protest set to take place in Rotterdam on 3 September**

back to the early 2000s, with cod measures and fears that cod were about to disappear and that has been the story ever since. Yet now we are in the process of getting MSC certification for cod," he said, describing the ramped-up fears for cod as a revenue opportunity for NGOs.

"The political reaction has been too fast. The Baltic came under the landing obligation in 2015, but 2016 has been much more difficult for the North Sea, the Skagerrak and the Kattegat.



**Mike Park**, chief executive of the **Scottish White Fish Producers' Association**.

It's a political patchwork, which we don't like. But we have to follow our political masters," he said.

Niels Wichmann commented that, so far, little change has been seen to pelagic and industrial fisheries, all of which are fairly clean fisheries, and there is not yet enough experience of North Sea

demersal fisheries under the landing obligation to be able to make a real evaluation.

"What we expect is that in 2017 the landing obligation will begin to bite. It will get worse in 2018, and 2019 will be chaotic. That's the

short version, but that's how we see it," he said.

"Can we soften this? Can we group species? Do we need to have a TAC for every species?" he asked, adding that there are 48 species commercial species fished in the North Sea.

"And how does Brexit affect all this? That's anybody's guess at the moment."

### South-West England choked by haddock

"Once you invite enforcement in, you normally end up worse

off," commented David Stevens, one of the skippers of Newlyn trawler *Crystal Sea*, which has done a great deal of work, at considerable cost, to take part in a Catch Quota Trial scheme that began in 2013 with cameras on board, aiming to operate a fully-documented fishery and to avoid haddock becoming a choke species.

"We quickly found out where the problems were," he said. "There's a huge imbalance in haddock, and we had a massive problem, but we have gone a long way down the road in selectivity."

He said that the collaborative approach with the MMO was highly worthwhile, providing an insight into the arguments and the challenges faced on all sides; management, science and policy. But in practical terms, it didn't take long to run out of haddock quota, even though the *Crystal Sea* has a respectable haddock quota to fish, and has been operating gear and fishing practices to minimise the haddock catch.

"In 2014, there was an enormous abundance of small haddock," he said, explaining that making serious alterations to the gear, with coverless trawls and square mesh panels in the codends that made it possible to avoid a significant amount haddock, as well as stopping fishing during the dark – all resulted in a reduction in catches and the boat's earnings.

He said that in spite of holding a substantial share of the haddock quota, this has not been enough to resolve the choke species situation.

"We're still not able to get through the year," he said. "There are multiple problems here, haddock in the south-west and hake in the North Sea, as these are stocks that were never historically there. Buffer quotas would be one possible solution. Grouping TACs into multi-stock quotas instead of single quotas

would be another."

David Stevens said that there are considerations that need to be looked at, such as real-time data acquisition on species that have erratic recruitment, and policy objectives need to be examined.

"We need to work on real-time data and move away from precautionary approaches – and we need to challenge management and ask the right questions. Converting science into theory, such as in estimating MSY, requires accurate, real-time data to work from and we're finding that the forecasts are a long way from reality."

He commented that this, in turn, calls for transparency, as the industry is not in a position to push for greater flexibility without transparency.

"We have had cameras on board since 2013, and as a scientific tool they are very effective. Almost anything an observer can do, can also be done through a camera."

### Enough blame – it's policy

"You have to wonder why a lot of the problems were not solved before this was introduced, but there's only a certain speed that this can work at, and it's difficult to move on and catch less when you're losing money," Mike Park observed.

David Stevens added that the work that he and his brother Alec have pioneered on the *Crystal Sea* has resulted in a significant economic loss for them, which resulted in a lot of soul-searching.

"We had to wonder if we really wanted to be doing this," he said.

"But fishermen have been blamed for discards for a long time now. It's reached the point that we've had enough of taking the blame. We've done a huge amount and made big sacrifices, and now it's policy. The alternative is to see the fleet tied up, which is not the objective. So it's time to move on. This is now about policy." ■



**Hazel Curtis of Seafish, DG Mare's Ernesto Penas Lado, and Erik Lindebo of the Environmental Defence Foundation, during a break.**