



Department
for Environment
Food & Rural Affairs

Defra

Consultation on the Implementation of the Demersal Landing Obligation in England

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Ministerial Foreword

Discards. A single word that, for me, was symptomatic of everything that was wrong with the way that our fisheries had been managed under the old Common Fisheries Policy (CFP). A policy where fishermen were obliged to repeatedly, day after day, throw away perfectly edible and healthy fish dead whilst the very same stocks were left perilously close to collapse.

Ending this travesty was one of this Government's top priorities and that's why I was incredibly proud of this Government's achievements in 2013. After prolonged and complex negotiations led by my predecessor Richard Benyon, we delivered a radical reform of the CFP which included a legal commitment to fish sustainably, an end to discarding and regionalised decision making.

Turning the negotiating success into reality takes time however we've already made excellent progress with even more stocks than ever before being fished at sustainable levels following the agreements reached at December Fisheries Council and with Member States working closely together to agree detailed regional rules on how to manage the introduction of the pelagic landing obligation.

Ending the practice of discarding in demersal fisheries is however likely to prove to be the most challenging of all these changes. That is why I have decided to launch this consultation now so that we start the important work to make the demersal landing obligation a success early.

I know that many fishermen are worried about so-called 'choke species' that they fear could lead to vessels being tied up before they have been able to catch their quotas. This is why when we negotiated the wide ranging reforms to the CFP the UK secured a phased introduction of the demersal landing obligation (between 2016 and 2019) supported by a broad range of flexibilities to both encourage and support changes in fishing practices and management. These include an exemption where there are high survival rates, the ability to bank and borrow quota from one year to the next, inter-species flexibility on quota and *de minimis* exemptions where improvements in gear selectivity cannot be achieved.

These flexibilities give us the chance to tailor, over time, the introduction of the landing obligation to deal with specific challenges faced by the different fleet segments. This tailoring will drive further improvements to the selectivity of our fishing gears (including more widespread adoption across the whole fleet), adapting fishing practices, scientific assessment of the survivability of certain stocks and improvements in the way in which the whole of the English fleet is managed.

There are a large number of decisions which I need to take later this year to bring these changes about. Some of these decisions will feed into regional discussions with other Member States and some are purely England only matters, to appropriately tailor the introduction of the landing obligation. This consultation, on the demersal landing obligation, sets out in detail a broad range of options that I am currently examining. I would welcome your views on these options as well as other ideas which you believe could help deliver an end to demersal discarding.

I look forward to reading your responses.

George Eustice

Section 1- Introduction

1.1 Common Fisheries Policy reform

Background

The Common Fisheries Policy (CFP) is the European Union's instrument for the management of fisheries and aquaculture. EU Member States and the European Parliament agreed an historic deal to reform the CFP in December 2013. The new CFP basic regulation, which can be accessed here ([Reformed CFP Regulation](#)), entered into force on 1 January 2014.

The new regulation makes fundamental changes to the way that Europe's fisheries are managed, with the aim of managing fish stocks sustainably to ensure a prosperous fishing industry and a healthy marine environment. One of the most significant changes relates to the phased introduction of a landing obligation, which prohibits the discarding of fish (also known as a discard ban)¹.

The negotiations to secure a landing obligation were hard fought. The UK, and allies, were adamant that a robust landing obligation was needed to end the wasteful practice of discarding fish at sea. It was also essential to help drive forward improvements in selectivity and fishing practices so that unwanted catches are reduced to the lowest possible level. This campaign was warmly welcomed by the public, other Member States, the UK Parliament, the EU Parliament as well as other stakeholders including many fishermen and environmental campaigners. In addition to securing the landing obligation we also went to significant lengths to secure additional practical provisions that would support the transition to discard free fisheries and improve the health of Europe's fish stocks for the benefit of all.

Our Ambitions

We want to see a profitable and competitive fishing industry which benefits from healthy fish stocks. The principles behind our approach to implementing the demersal landing obligation are to eliminate the wasteful practice of discarding, and to enable the fishing industry to land and profit from its entire catch.

What this would mean is that fishermen, using the most selective fishing gears and their extensive knowledge of the fisheries in which they operate, should be able to go

¹ Article 15 of the CFP basic regulation.

out to sea, fish responsibly for their target species and as a result of adjustments to quota management rules and the introduction of certain flexibilities land and profit from all the fish that they catch whilst remaining within their catch limits. This approach should enable them to catch their quotas more efficiently and save them from having to fish repetitively, and expensively, discarding valuable fish until they reach previously prescribed and out of date catch composition rules.

The economic benefits of a switch to catch quotas rather than landing quotas could be significant. This is because we could expect to see a proportion of the fish that was previously discarded added to the annual quotas allocated to fishermen.

Introducing the Landing Obligations

The first phase of the landing obligation was the introduction of a discard ban in pelagic fisheries (highly migratory shoaling species such as mackerel, herring and sprat) on the 1 January 2015. A public consultation on this issue was undertaken by Defra in early 2014. The outcome of the consultation and the rules that apply to pelagic fisheries can be found [here](#) and [here](#). The decisions that have been taken in relation to the management of English pelagic fisheries should not necessarily be seen as setting a precedent on the content or decisions that will be taken in relation to the demersal landing obligation.

The second phase of the landing obligation, to which this consultation relates, is the introduction of a discard ban in demersal fisheries (this covers species such as cod, sole, hake and *Nephrops*). The demersal landing obligation will enter into force between 1 January 2016 and 1 January 2019. Following extensive discussions with stakeholders the Government is clear that changes are needed to the way fisheries are managed in England to ensure the demersal landing obligation is workable. In so doing we will build on the successes of earlier, and current, trials aimed at improving selectivity and sustainability of the demersal fishing industry, such as the Catch Quota Scheme and Project 50%.

This new approach will also help provide fishery managers with a more complete picture of fishing mortality (as currently fishermen rarely record the discarding of the fish that they are obliged to discard). This will ensure fish stocks are more sustainably managed and fishing levels can be set more accurately to the optimum level to maintain high yields in the long term.

This consultation explores the individual areas of the demersal landing obligation where we are able to take decisions on how to implement the landing obligation most effectively in England. These elements include (but are not limited to):

- How we wish to introduce the demersal landing obligation between 2016 and 2019 (referred to as phasing hereafter);
- The criteria we use to identify the vessels to which the landing obligation will apply during each phase of the introduction of the discard ban;
- Allocation of any quota uplifts to English fishing vessels and improving quota management arrangements;
- How to employ the quota management rules relating to interspecies quota flexibility and banking and borrowing;
- Securing exemptions which allow species with high survival rates to be returned to the sea and *de minimis* discarding where further selectivity is hard to achieve or landing the fish would be disproportionately expensive.
- Potential changes to English quota management rules to support the transition to catch limits rather than landing limits; and
- Monitoring and enforcement of the various segments of the English fleet.

A selection of detailed options has been included in Section 2, with a summary of these options in Section 3 and the known key costs and benefits summarised in Section 4. There is also an accompanying Impact Assessment. We recognise that there may be additional options identified by stakeholders and welcome any other ideas or evidence relating to how we could introduce the landing obligation in England.

We are seeking views and any available economic, environmental and social evidence from our stakeholders that can be used to demonstrate the benefits and disadvantages of each of those options.

1.2 What is discarding?

Discarding is the act of returning a proportion of a fisherman's catch to the sea. Discarding includes returning catch to the sea after it has been brought on-board a vessel and also the release of catch from fishing gear while the gear is still in the water (slipping).

1.3 What is the landing obligation?

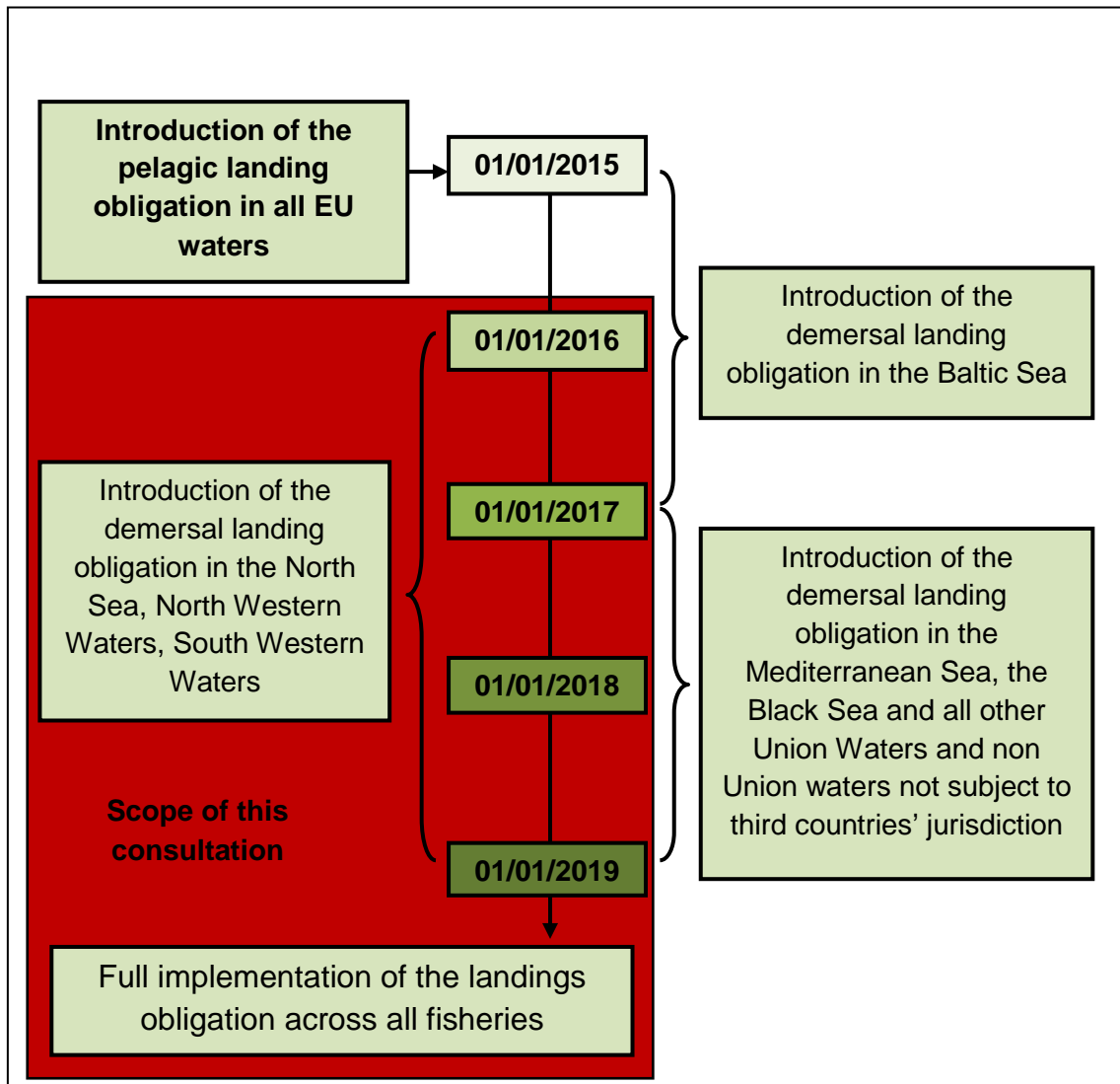
The landing obligation is a ban on the discarding of fish subject to catch limits, so that all catches must be brought ashore, except where they are subject to specific exemptions. This means that quotas control what is caught at sea, rather than what is landed onshore.

The catches that are subject to limits are defined in the TACs and Quotas regulations that are agreed each year by European fisheries Ministers.

1.4 Landing obligation timeline

The new CFP basic regulation includes firm dates for the introduction of the landing obligations for all demersal quota stocks. The landing obligations will eventually cover all quota stocks; expected to be implemented in phases (see Figure 1). An earlier consultation covered the introduction of the pelagic landing obligation.

Figure 1: Timeline for the introduction of the EU wide landing obligations.



The full text relating to the phased introduction of the landing obligation in demersal fisheries is found at article 15(1)(c) of the CFP basic regulation.

1.5 The English demersal fishing industry

There were 1,629 English registered vessels operating in 2013 landing nearly 51,000 tonnes of demersal quota fish (Table 1); 492 of those vessels landed over 5 tonnes. The landings were worth over £100m.

Table 1: Number of English vessels, by length group, landing demersal quota species in 2013

Length Group	Live Weight (t)	Value (£)	No. Vessels	No. Vessels landing >5t	Percentage of landings
24m+	31,764	62,736,375	72	69	63
15-23.99m	9,684	19,889,511	64	61	19
12-14.99m	2,837	5,839,588	89	66	6
10.1-11.99m	1,540	3,181,394	91	49	3
0-10m	4,954	11,850,301	313	247	10
Total	50,779	103,497,170	1,629	492	100

Source: MMO analysis of 2013 UK fisheries activity data (IFISH).

In 2013 landings of plaice (32%) and anglerfish (12%) were the most important by weight for the English demersal industry (Tables A1 and A2 of the Annex).

The levels of discarding in the demersal fleet

The scientific evidence on the levels of discarding which is published by the International Council for the Exploration of the Sea (ICES) and the Scientific, Technical and Economic Committee for Fisheries (STECF) has been consolidated by EU Member States and published in the North Sea and North West Waters discard atlases (available [here](#)). This evidence (see Table 2) shows that discard rates in demersal fisheries are highly variable. There are a number of reasons for this.

Firstly, the nature of the demersal fisheries means that in some mixed fisheries it can be difficult to avoid unwanted species as many demersal fish species shoal and swim together.

Secondly the current quota system means that fishermen can catch fish for which they have either exhausted their quota or for which they never had quota. To comply with the current rules they have to discard this fish. A knock-on consequence of this obligation to discard fish is that there is little or no incentive for many fishermen to adopt the most selective fishing gears or to amend their fishing practices and minimise unwanted catches in the first instance.

Thirdly fishermen need to assess whether the fish that they have caught is above the minimum landing size (MLS, now referred to as the Minimum Conservation Reference Size (MCRS)). Where it is not they currently must discard those fish. Where the fish is above the MCRS they are permitted to sell that fish.

In addition market demand for some species can be low. However fish sold to the human food chain invariably brings a better price than fish sold for other uses such as fishmeal and pet-food.

Table 2: Discard rates for selected demersal quota species caught by English vessels

Selected Stocks	Discard Rate
Cod (IV)	25.0%
Haddock (IV)	11.0%
Whiting (IV)	39.3%
Saithe (IV)	9.4%
<i>Nephrops</i> (IV)	0.0%
Plaice (IV)	28.4%
Sole (IV)	20.0%
Hake (IIa & IV)	0.0%
Plaice (VIIa)	68.3%
Cod (VIIbc, e-k)	9.0%
Cod (VII d)	25.0%
Haddock (VIIb-k)	46.3%
Whiting (VIIb-k)	23.0%
Saithe (VII)	0.0%
Hake (VI & VII)	0.0%
<i>Nephrops</i> (VII)	0.0%
Average Discard Rate	19.0%

Source: ICES advice for 2015

1.6 Implementation of the demersal landing obligation in England

The demersal landing obligation in the new CFP basic regulation is a binding obligation. It is directly applicable and enforceable under national legislation². The options presented here, and quantified in the accompanying Impact Assessment, identify how we could manage demersal fisheries in England to meet the EU obligation and control the impact this will have on the fishing industry.

Fisheries management is a devolved issue. As such, the implementation of the demersal landing obligation is being dealt with individually by each UK administration (i.e. England, Scotland, Wales and Northern Ireland). We are nevertheless, due to the close ties between the fisheries administrations, the UK fishing industry, processing organisations and retailers, working closely with one another.

Our overall aim is to ensure that the demersal landing obligation is implemented effectively and proportionately in England. Effective implementation will help meet the Government's priorities by making a contribution towards improving the environment, and growing the rural economy.

The Government is committed to transparency and in the accompanying Impact Assessment we clearly identify the assumed benefits and known costs of the proposed method to implement the demersal landing obligation in England.

1.7 Who is affected by this?

Between 1 January 2016 and 1 January 2019 at the latest **all** English fishing vessels will need to comply with the requirement to land all catches of demersal quota stocks (subject to any agreed exemptions – see Section 2.3). This includes those vessels that target non-quota species as they will need to land by-catches of quota species.

Accordingly decisions are now needed on the timings of when different species and different vessels will be subject to the landing obligation. The EU Member States operating in the North Sea and North Western Waters, with support from the Advisory Councils, are currently examining the options on how to approach the first year of the demersal landing obligation.

² Section 30 Fisheries Act 1981

To ensure the robustness of the regional proposals we are seeking your views through this consultation as to when the landing obligation should enter into force for the different quota species and to whom it should be applied.

Once the phasing has been finalised it is our responsibility as a **Member State to identify the fishing vessels that will be subject to the landing obligation from 1 January 2016** and the rules which will apply to those vessels.

All vessels will continue to have the choice to land or discard catches of any non-quota demersal species subject to any extant rules relating to minimum landing sizes. We are not proposing to extend the provisions to include non-quota species. Any vessel which alternates between pelagic and demersal operations will be covered by the rules relevant to the species which they are actively targeting at that time.

The Marine Management Organisation (MMO) will notify the masters (and vessel owners) of all English fishing vessels that will be impacted by the rules relating to the demersal landing obligation ahead of the obligation entering into force. They will detail the objectives of the demersal landing obligation, how it will be implemented, and the requirements of the industry under the landing obligation.

1.8 Fishing for demersal stocks outside EU waters

The default position as set out in the CFP Basic Regulation is that English administered vessels will be subject to the demersal landing obligation when they are targeting any demersal stocks, subject to quotas, while in EU or international waters (i.e. waters outside national jurisdictions).

Within the waters of a non-EU country covered by a Fisheries Partnership Agreement (FPA) or Sustainable Fisheries Partnership Agreement (SFPA), English administered vessels will be subject to the rules of the appropriate FPA/SFPA³. Vessels will not be subject to the landing obligation in these waters unless the landing obligation is included in the relevant FPA/SPFA.

For English registered vessels operating in International waters where rules have been agreed by the relevant Regional Fisheries Management Organisation (RFMOs) they will need to comply with those rules. The EU Commission will ensure that if there are any conflicting regulations the landing obligation will be amended in line with the international fisheries commitments.

³ Article 28 of the CFP basic regulation

It is expected that the EU will include in its negotiating mandate ambitions for each RFMO and SFPA to include a landing obligation for stocks which are subject to catch limits or minimum landing/conservation reference sizes.

1.9 Which species are covered by the demersal landing obligation?

All quota species, as defined by catch limits in the TAC and Quota Regulation, caught in demersal fisheries must be recorded, landed and counted against quota⁴. It also includes any by-catch of pelagic quota species when caught in demersal operations.

The full list of quota species caught in EU waters can be found in the TAC and Quotas and Deep Sea TAC and Quota Regulations available [here](#).

1.10 Which species are not covered by the demersal landing obligation

There are a number of species which are not covered by the demersal landing obligation. These **non-quota species** can be returned to the sea. Species that fall into the non-quota species category include, but are not limited to, gurnard, red mullet, squid, cuttlefish and John Dory.

Any catches of non-quota species below the minimum conservation reference size cannot be landed. This is a continuation of current EU policy, and represents no change for the fishing industry.

Species for which fishing is prohibited

In addition, there are some species for which fishing is prohibited and, if caught, must be returned to the sea. This is a continuation of the current EU policy which seeks to protect vulnerable species and rebuild them to levels that can be fished sustainably.

To ensure the continued protection of species for which fishing is prohibited they are exempt from the landing obligation and must be returned to the sea if caught. This represents no change for the fishing industry. The species this applies to are updated each year. The list below is for illustrative purposes and has been taken from the prohibited species list contained within the 2015 TAC and Quota Regulation:

⁴ Article 15(1) of the CFP basic regulation

- Starry ray in EU waters of ICES division IIa, IIIa and VIId and ICES subarea IV;
- Narrow sawfish, dwarf sawfish, smalltooth sawfish, largetooth sawfish and green sawfish in all waters;
- basking shark and white shark in all waters;
- common skate in EU waters of ICES division IIa and ICES subareas III, IV, VI, VII, VIII, IX and X;
- tope shark when taken with longlines in Union waters of ICES division IIa and subarea IV and in Union and international waters of ICES subareas I, V, VI, VII, VIII, XII and XIV;
- smooth lanternshark in EU waters of ICES division IIa and subarea IV and in Union and international waters of ICES subareas I, V, VI, VII, VIII, XII and XIV;
- Kitefin shark, birdbeak dogfish, leafscale gulper shark, great lanternshark and Portuguese dogfish in EU waters of ICES division IIa and subarea IV and in Union and international waters of ICES subareas I and XIV;
- porbeagle in all waters;
- reef manta ray in all waters;
- giant manta ray in all waters;
- the following species of Mobula rays in all waters: devil fish, lesser Guinean devil ray, spinetail mobula, smoothtail mobula, longhorned mobula, Munk's devil ray, Chilean devil ray, shortfin devil ray, lesser devil ray;
- thornback ray in EU waters of ICES division IIIa;
- Norwegian skate in EU waters of ICES divisions VIa, VIb, VIIa, VIIb, VIIc, VIId, VIIe, VIIf, VIIg, VIIh and VIIk;
- undulate ray in EU waters of ICES subareas VI, IX and X and white skate in EU waters of ICES subareas VI, VII, VIII, IX and X;
- guitarfishes in EU waters of ICES subareas I, II, III, IV, V, VI, VII, VIII, IX, X and XII;
- angel shark in EU waters.

Permitted discards

Furthermore, there will be permitted discarding if an exemption from the landing obligation is secured either because of high survivability, difficulties in achieving greater selectivity or disproportionate costs from handling previously discarded fish. These exemptions will be based on robust scientific evidence. Any permitted discarding by vessels subject to the demersal landing obligation must be recorded by fishermen as soon as possible after the event (see Section 2.3).

1.11 Purpose of this consultation

The options set out in the following pages, and in the accompanying Impact Assessment, outline some of the potential approaches by which we could implement

the demersal landing obligation in England. These options have been informed by detailed preparatory discussions held with the demersal fishing industry, and other interested stakeholders. They focus on incentivising fishermen to fish selectively so they can land and benefit from all the fish they catch as well as a simplification of the management rules.

We are seeking your views on these options and any others which you feel are worth considering as we are looking to make this consultation as broad as possible and identify the widest possible range of options at this stage. Your views will provide us with further insight and evidence to support, or disincentivise use, of the options included here and highlight additional opportunities for consideration. This will help to develop an English position that can be used to develop a UK approach across the full range of issues where regional agreement is still expected.

Following the conclusion of the consultation it is our aim to take the necessary decisions on management measures within a time frame that provides those affected with as much time as possible to prepare for, and adapt to, the changes that the phased introduction of the demersal landing obligation will bring. This will also give us sufficient time to work with our partners and the EU Commission to secure regional agreement on a number of key issues.

We would be grateful to have your comments on the options that have been proposed and any other ideas that you may have.

Section 2 – Options

There are a number of areas of fisheries management where we need to take decisions to ensure we can effectively implement the demersal landing obligation.

These include:

- How to phase the introduction of the landing obligation between 2016 and 2019;
- The process and criteria used to identify vessels that are subject to the landing obligation;
- How to allocate any quota uplifts received as a consequence of moving from landing limits to catch limits and improving quota management arrangements;
- Managing the use of new rules on the interannual banking and borrowing of quotas;
- Use of the provisions relating to interspecies flexibility;
- Identifying and securing potential exemptions to the landing obligation;
- Documenting catches;
- Information for the onshore management of catches; and
- Monitoring and enforcing the rules within the demersal fleet.

This section examines each of these areas in greater detail and identifies a number of options for consideration.

2.1 Phased introduction of the demersal landing obligation

The CFP basic regulation provides for the phasing in of the landing obligation for demersal species. Article 15(1)(c) of the CFP basic regulation states:

From 1 January 2016 at the latest for the species which define the fisheries and from 1 January 2019 at the latest for all other species in:

(i) the North Sea

- fisheries for cod, haddock, whiting, saithe;*
- fisheries for Norway lobster*;*
- fisheries for common sole and plaice;*
- fisheries for hake;*
- fisheries for Northern prawn;*

(ii) North Western waters

- fisheries for cod, haddock, whiting, saithe;*
- fisheries for Norway lobster*;*
- fisheries for common sole and plaice;*
- fisheries for hake;*

(iii) South Western waters

- fisheries for Norway lobster*;*
- fisheries for common sole and plaice;*
- fisheries for hake;*

(iv) other fisheries for species subject to catch limits.

**Norway lobster is also known as Nephrops.*

This text therefore provides some limited flexibility to tailor the introduction of the landing obligation and assist the fishing industry and portside infrastructure. This issue has been discussed at the regional level between Member States to identify a common approach across a region so that all fishermen are treated fairly during the implementation. There are at least 3 approaches, and variants thereof, that are currently being examined by the Member States and the Advisory Councils in detail. These are:

1. Introduction of a landing obligation for all the species listed in the defined fisheries in 2016 with all other quota species caught in those fisheries phased in between 2017 and 2019. This approach would mean vessels **targeting**:

- *either cod, haddock, whiting and/or saithe will have to land **all** catches of cod, haddock, whiting **and** saithe in 2016;*
- *Nephrops will have to land **all** catches of Nephrops in 2016;*
- *plaice and/or sole will have to land **all** catches of plaice **and** sole in 2016;*
- *hake will have to land **all** catches of hake in 2016; and*
- *Northern prawn (North Sea only) will have to land **all** catches of northern prawn in 2016.*

There are considerable benefits to this approach: it is relatively straightforward to determine who operates in those fisheries, we can calculate expected uplifts in quota for the targeting vessels, it provides time for fishermen to prepare for the inclusion of other quota and by-catch species, it is easy to understand for all with a more straightforward enforcement regime. This also matches the requirements of the basic regulation and maintains our ambitions to eliminate the wasteful practice of discarding and supporting other UK and EU policy aims such as the achievement of Maximum Sustainable Yield (MSY) and Good Environmental Status (GES) under the Marine Strategy Framework Directive (MSFD).

2. The introduction of the landing obligation for only the target species from the list of defined fisheries in 2016, with the remaining quota species phased in between 2017 and 2019. For example this would mean vessels mainly targeting cod only having to land all catches of cod in 2016, those targeting haddock only haddock, those targeting sole only sole etc. Fisheries targeting hake, *Nephrops* and Northern prawn would also have to land all their catches of these species in 2016 as under option 1.

There are some benefits to this approach, particularly for industry as they only have to deal with their principal target stock in the first years. However, it is more difficult to determine target fisheries, especially in areas like the South West where the fisheries are very mixed. Quota uplifts also become more difficult to calculate and secure as a lower rate of mortality on the stock is fixed, it does provide time for fishermen to prepare for the inclusion of other quota and by-catch species but risks a large number of species being introduced together in the later years of the landing obligation and enforcement becomes more difficult. It also puts pressure on our ability to achieve MSY and GES under MSFD.

3. A pure species based approach has also been proposed by some elements of the fishing industry and environmental NGOs starting with a requirement that all fishermen must land haddock, sole and Northern prawn in the first year of the landing obligation. This approach would mean that all vessels, no matter what their primary target is, will be obliged to land all catches of haddock, sole and Northern prawn in 2016. The other species named in the regulation (whiting, saithe, *Nephrops*, followed

by cod, hake and plaice) would be added to the landings list in the next two years with all other quotas species landed from 2019 onwards.

The benefits to this approach include an increased potential for full quota uplifts for the stocks subject to the landing obligation at the time at which they are introduced, easier enforcement, and a stronger control on mortality supporting the achievement of MSY and GES. However, it does introduce difficult by-catch species early thereby reducing the amount of time available to adapt to the landing obligation i.e. haddock in the *Nephrops* fishery in 2016. It also fails to meet the requirement in Article 15(1)(c) to apply the landing obligation to the species that define the listed fisheries in 2016.

The final decisions on phasing are to be made at the regional level and are expected to be taken in April, following receipt of final advice from the relevant Advisory Councils (North Sea or North Western Waters) and after the conclusion of this consultation. Information you provide will aid us in the development of a UK position to take to those negotiations.

Questions

1. Which approach to the landing obligation is the most proportionate and effective? Please explain why and provide any supporting scientific, economic or environmental evidence.

2. Are there any other approaches to the implementation of the landing obligation which you think will be more proportionate and effective? Please explain your answer and provide any supporting economic or environmental evidence.

2.1.1 When should a vessel be subject to the landing obligation?

Whilst recognising that final decisions remain to be taken on the phasing of the landing obligation there are also choices available as to how we determine when a vessel could be considered to be active in a fishery and subject to the landing obligation (for options 1 and 2 described above). These options include, but are not limited to:

- Historic catches (volume or value) of demersal quota species made by a vessel;
- Gear type employed;
- Geographical location;
- By trip/haul (defined target species); or,
- By landings (post trip).

In considering these options the following matters may all need to be taken into account:

- The seasonality of many fisheries;
- Whether fishermen should be able to change target species during a trip;
- Operating in a mixed fishery where there is no single target species;
- Preventing vessels from 'deliberately jumping' between target species to avoid complying with the rules relating to the landing obligation; and,
- Ensuring that the new rules relating to when the landing obligation applies to a vessel are simple so that both fishermen and regulators are clear on which rules apply and when.

Question

3. Which criteria would you use to determine whether a fishing vessel should be subject to the landing obligation and why? Please provide any supporting scientific, economic or environmental evidence.

Box 1: North Sea Cod Catch Quota Trials – 2013

In 2013 12 English administered fishing vessels took part in discard ban trials for cod in the North Sea.

The vessels were allocated additional quota for North Sea cod (quota uplift) but in return were obligated to land and count all catches of cod against quota. Vessels were fitted with electronic monitoring systems with CCTV to allow the landing obligation to be monitored. The results showed that from a total sampled catch of 1,452 tonnes of cod there was an estimated discard rate of 0.03%. Additionally, self-reported landings of unmarketable North Sea cod (damaged and undersized fish) were only 1.1%.

The results show that there was consistent compliance with the obligation to land all catches of cod with virtually zero discards and very low levels of unmarketable fish caught. These are promising results providing good evidence to build on in the implementation of the discard ban.

2.2 Quota management

Effective management of England's quota allocations is expected to be one of the most important means of helping English vessels to land their full allocation of demersal quota stocks, and fish throughout the year, once the landing obligation has been introduced. There are a number of areas where decisions can be taken to tailor the current quota management system to complement the landing obligation. These decisions include:

1. Quota uplifts: How to allocate any additional quota received as a result of the move from landing limits to catch limits.
2. Quota management rules: Amending elements of the quota management rules to provide flexibility to match catch to quota, especially for under 10m vessels.
3. Quota flexibilities: Updating the quota management rules to include:
 - a) How the banking and borrowing provisions may be employed.
 - b) Use of interspecies flexibility that allows up to 9% of by-catch to be counted against the target species quota.

These issues are explored in greater detail in the following paragraphs.

2.2.1 Quota uplifts

Under the new CFP basic regulation, a fundamental change has been made to the way Total Allowable Catches (TACs) will be agreed at EU level. Previously, scientific advice on the health of fish stocks (stock assessments) built in assumptions about the amount of fish being discarded, meaning that the fishing industry ultimately received a landing limit which was lower than the total catch.

In providing advice on TACs for stocks subject to the landing obligation, the International Council on the Exploration of the Sea (ICES), is now being asked to update advice to reflect the introduction of the landing obligation and the assumption that fish are no longer being discarded (in line with the decisions on phasing).

We are therefore assuming that, where appropriate, the updated scientific advice will make clear the scale of any uplift available from 2016 onwards for those stocks that are, or will be, subject to the landing obligation. As currently, those agreed TACs will be shared amongst Member States in line with the agreed relative stability shares, and under the existing quota management arrangements England would receive a proportion of this potentially higher quota.

While there can be no guarantee that quotas will be uplifted; adequate scientific evidence that there is no discarding in each given fishery, enforcement and quota management will all be essential in justifying, receiving and properly managing any TAC uplift, we have attempted to estimate the benefit of the quota uplift both in terms of tonnage and value.

We have estimated, using published ICES discard data as the primary source, the average discard rate across a broad range of the species for which England holds quota and for which we could expect the landing obligation to be in force from 2016, (see Table 2 on page 10). Estimates suggest that the average discard rate across these species stands at 19%. We have however conservatively estimated that the uplift allocated to the Member States will be no more than half that figure. Even applying that figure (9.5%) to the current demersal quota holdings of English vessels could result in additional landings of approximately 6,000 tonnes.

Whilst the average market price of demersal fish is approximately £2,000 per tonne we have been cautious and assumed that additional landings will be of variable size and quality. These assumptions indicate a range between £200 a tonne (for fish not used for direct human consumption such as fishmeal or pet food) and £1,000 for fish entering the human food chain (50% of the market price). This gives an estimated benefit of between £1.2m - £6.0m. Work is currently underway to refine these figures.

It should be noted that any use of exemptions and flexibilities, which allow 'permitted discarding' or catching in excess of annual quota for a particular stock, will impact upon the level of TAC set and any uplift, as will the way in which the landing obligation is phased in (see Section 2.1).

It is our view that the decisions we take in relation to quota management in England should seek to maximise the socio-economic benefit of the landing obligation to the English economy. There are a number of potential options that can be employed to distribute any additional 'uplift' in quota that is allocated to England to support the implementation of the landing obligation. These are:

- To allocate any uplift on the basis of Fixed Quota Allocations (FQAs) – this is how quota is currently allocated, so the systems are all in place and are fully understood by the industry. Disadvantages are that FQAs are based on historical track records and fishing patterns and practices have changed substantially over the years. This approach also does not take into account that different fleet segments could be affected differently by the landing obligation.
- To allocate any uplift on the basis of current discard rates in individual fleet segments. This is administratively difficult and would see uplifts restricted to those sectors of the fleet for which discard data is available. It could ensure

quota is given to those who need it most but also this could be perceived as rewarding bad behaviour if a particular vessel or sector has not, to date, undertaken any improvements in selectivity.

- To allocate a proportion (e.g. 75%) of the uplift on an FQA basis and use the remainder to add to the pool to support the under 10m fleet. This is administratively simple to do and would see the under 10m fleet benefit but historically they claim to have low discard rates.

Question

4. Which of these options would you use to allocate any additional quota received as a result of an uplift? Please explain why and provide any supporting scientific, economic or environmental evidence.

2.2.2 Quota management rules

In addition to the decisions that will need to be taken on the allocation of any uplift we will need to amend the rules that are currently applicable to the day to day management of quota in England. The English quota management rules can be found [here](#).

There are currently two arrangements used for the management of quota in England. The first arrangement allows a degree of autonomy for vessels that are members of Producer Organisations (POs) and at present we are of the view that no additional changes are required for these vessels other than the introduction of new provisions relating to banking/borrowing and interspecies flexibility.

All remaining vessels fish against a pool of quota managed by the Marine Management Organisation (MMO) and it is our view that these arrangements may need to be amended. This is because there are incompatibilities between the current u10m quota management rules and the provisions relating to the landing obligation.

Options that would change the quota management system for the u10m and non-sector vessels, whose quota is managed by the MMO include:

1. Increasing the time period over which catch limits are allocated, on a stock by stock basis. This will give fishermen more flexibility in planning their fishing activity, to balance any unexpected catches against quota whilst allowing managers to retain control over total fishing activity.
2. Permitting retrospective leasing of quota which would enable fishermen to obtain additional quota to cover any unexpected catches.

In addition to these we are interested in exploring whether there is the opportunity to simplify fishing quotas for u10m vessels as part of this process. During discussions

with stakeholders it has been suggested that instead of receiving quotas for each individual species (for example 6 x 50kg per month of individual whitefish species) the under 10m vessels would instead receive a single combined quota (referred to as a basket) of 300kg of whitefish per month. This approach would simplify fishing practices and management rules significantly. *(The numbers used in this example are purely for illustrative purposes and to demonstrate how a basket approach would work).*

Questions

5. **Do you agree that changes to the quota management rules for u10m vessels are necessary and why?**
6. **Would the introduction of combined quotas be of interest? Please provide any supporting scientific, economic or environmental evidence.**
7. **Are there any other changes that you think should be made to the quota management system to remove incompatibilities with the demersal landing obligation?**

2.2.3 Quota flexibilities

A set of additional quota flexibilities for fisheries managers were included under the landing obligation to help industry match catches to quota. These should also enable industry to maximise their turnover under a landing obligation.

These quota flexibilities exist to help the fishing industry, but their use may impact upon quotas, including the potential uplift, received. After working hard to secure these flexibilities during the CFP negotiations, Defra want to ensure they are used in the most effective way.

Year to year banking and borrowing

For some demersal quota species the Control Regulation currently allows Member States to bank and borrow 5% for most stocks and up to 10% for a limited number of stocks between years. The reformed CFP basic regulation increases that flexibility by allowing Member States to **bank and borrow up to 10% of quota** between consecutive years for those species subject to the landing obligation. Where stocks are not subject to the landing obligation the current stock by stock banking and borrowing provisions will continue to apply.

Borrowing

Whilst our preference is that by-catch issues are resolved using traditional and existing quota swapping arrangements as far as possible we recognise that this is unlikely to resolve all the issues that we face.

As the catch composition in demersal fisheries is highly variable we are proposing to build this flexibility, for stocks subject to the landing obligation, into our quota management regime by authorising the management bodies (English POs and the MMO) to use the 10% year to year flexibility to help match quota to catch from 2016 onwards.

We are also proposing to introduce pre-use checks so that where a Producer Organisation feels that it is necessary to borrow demersal quota from the following year to cover in year by-catch/quota mismatches they will need to notify the MMO of their intent and provide adequate justification in terms of their historic and planned fishing activity.

Borrowing of quota, irrespective of when it occurs, will be applied to the collective quota allocation made to the respective management body at the beginning of the quota year in question.

Where POs use the borrowing provisions they will be required to repay these permitted overfishes from the quotas that are allocated to them in the following year in line with the agreed rules. Overfishes over the permitted 10% will be penalised in line with the rules laid down within the EU control regulation.

Question

8. Do you agree that the use of the borrowing provisions should be allowed? Please explain why and provide any supporting scientific, economic or environmental evidence.

Banking

The provisions relating to banking of quota to the following year will require amendments to the current English quota management rules.

With permission to allow up to 10% of unused quota to be taken forward to the following year we have considered how best those arrangements could be used. At present the quota management system uses an index system to reallocate unused quota. We are proposing two changes:

1. The first change will enable English POs who do not fish their entire quota the right to bank up to 10% of their quota and receive back in the following year the full amount that has been banked.
2. The second change is that in the event at year end any English PO has an uptake of less than 90% we will use the national flexibilities to bank as many of those unused opportunities as possible. Any under fish will then be allocated in full, on a

one off basis, in the following year through the MMO pool. **This is not a realignment of FQAs** but rather a mechanism to encourage maximisation of quota uptake. It will help ensure that the full value of English quota is realised.

Question

9. Do you agree with the changes to the banking arrangements in the quota management rules? Please explain why and provide any supporting scientific, economic or environmental evidence.

In line with current arrangements banking and borrowing must be concluded by the end of the reporting year i.e. management bodies can bank or borrow quota until 31 January in the following year.

Interspecies flexibility

A second flexibility introduced through the reform is that of interspecies flexibility. This means that where a management body (or fisherman) is faced with over quota catches of non-target species which are subject to the demersal landing obligation, or catches of non-target species for which they have no quota, these catches may be deducted from up to 9% of the quota of the target species, if the non-target stock is within safe biological limits.

In the demersal fishery this flexibility could be used to land both by-catches of demersal and pelagic species. This is an important flexibility which could help address some problems with choke species, but it is the view of Defra that this flexibility should only be applied once the initial allocation of quota for the non-target species have been exhausted, and the industry is not able to source additional quota to cover the overfish.

It is also our view that the relevant management bodies will administer the interspecies flexibility in line with the agreed rules and procedures. It will only be applied to the collective quota held by the management body at the time it is applied, and can only be applied between two species i.e. it cannot be applied to the aggregate of quota for all target species held by a management body.

Management bodies which apply the interspecies flexibility will be required to report the species and volume of non-target catch that has been counted against the quota for target species. The MMO will make the necessary changes to logbooks and reporting tools to enable the use of this flexibility to be recorded.

It is important to note that this flexibility is only applicable when the by-catch species has been deemed to be within safe biological limits. The assessment of the sustainability of both demersal and pelagic stocks to ensure they are within safe

biological limits is included in the annual TAC and Quota Regulation. A stock is deemed to be outside safe biological limits⁵ when the population of mature fish (the spawning stock biomass) is below a defined reference point and fishing mortality is above a reference point.

Table 3: Stocks identified by ICES as being within safe biological limits in the advice that was produced in 2014 to inform the 2015 fishing year

Stock
Herring in Union and Norwegian waters of IV north of 53° 30'N
Herring in IV, VIId and Union waters of IIa
Herring in VIIa
Herring in VIIg-k
Megrim in Union and international waters of Vb; VI; international waters of XII and XIV
Haddock in IV: Union waters of IIa
Haddock in Union and international waters of Vb and VIa
Whiting in VIIb-k
Norway lobster in VI; Union and international waters of Vb
Plaice in IV; Union waters of IIa; that part of IIIa not covered by the Skagerrak and Kattegat
Mackerel in IIIa and IV; Union waters of IIa, IIIbc and Subdivisions 22-32
Mackerel in VI, VII, VIIIabde; Union and international waters of Vb; international waters of IIa, XII and XIV
Sole in Union waters of IIa and IV
Sole in VIIe
Sprat in Union waters of IIa and IV

Source: ICES advice for 2015

Table 3 outlines those stocks which are of fishing interest to the UK and are currently defined to be within safe biological limits and therefore are the stocks to which the interspecies flexibility could currently be applied when caught as by-catch. Note, however, that ICES develops stock assessments annually and therefore the stocks within safe biological limits will be reviewed and updated in the 2016 advice from ICES. It can be expected that following further changes to the fishing mortality in 2015 additional stocks will reach safe biological limits for 2016 and others will follow ahead of 2019.

Current interspecies flexibility type arrangements in the TAC and Quota Regulation will remain in place for stocks not subject to the landing obligation during the phasing period.

⁵ Article 4 CFP basic regulation.

Interspecies flexibility: Quota exchanges

We have also considered how interspecies flexibility should be applied to avoid incentivising poor fishing practice and behaviours. This is necessary because fish have significantly different prices at market and informal discussions with stakeholders have suggested that a straight tonne for tonne swap may lead to the targeting of vulnerable stocks that have a high commercial value.

There are a number of different methods that can be applied described below, each of which has its own merits and drawbacks:

- One tonne of target species quota is used to land one tonne of by-catch quota species. Simple and easy to use however this has the potential for illegal targeting of high value fish for which quotas are limited;
- An exchange rate mechanism is used that is based on the economic value of the fish caught. This would reduce any incentives that would see fishermen target high value stocks for which they have limited quota. It would also mean that fishermen are rewarded equitably for the fish they catch. An earlier example of a system based on economic value is that of cod equivalence;
- An exchange rate mechanism that has a scaling factor which incentivises the reduction of by-catches. This encourages fishermen to target the fish for which they have quota as any by-catch will not deliver the same value as the target species but enables the fisherman to cover costs;
- Restrictions that prevent the swapping of pelagic fish for demersal fish. This prevents the swapping of high volumes of low value pelagic stocks (for which the quotas can be extremely large) for high value demersal fish (where quotas are substantially smaller). This would avoid placing unnecessary and unwarranted fishing pressure on demersal fish;
- Introduction of a requirement that the use of interspecies flexibility by POs is notified to the fisheries administrations and proven to be justified e.g. other options to access quota have been exhausted.

Questions

10. Do you have a preferred approach to applying interspecies flexibility? If so, please provide justification for that approach.

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

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

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

2.3 Exemptions

There are a number of exemptions to the landing obligation, where fish must be returned to the sea if caught, which are automatically applicable (see Section 1.10). However, there is also the possibility of securing scientifically driven exemptions to the landing obligation through regionalisation⁶. These exemptions exist to help the fishing industry operate under the landings obligation, but their use will impact upon quota, including the potential uplift.

Fishermen will need to record the species and the volume of catch of any permitted discarding (see Box 2) in order to prevent conviction for illegal discarding.

Regionalisation enables EU Member States to form regional groups in order to better manage those fisheries in which they have a shared interest. The scope of what these regional groups can do is defined in the CFP basic regulation⁷. Regions can come together, in consultation with relevant EU stakeholder Advisory Councils (ACs), to produce joint recommendations for achieving the objectives of the CFP. This includes recommendations for Discard Plans for the European Commission to consider and adopt, as well as Multiannual Plans which will be co-decided.

The North West Waters (NWW) and North Sea (NS) regional groups are already working to draft regional Discard Plans in consultation with the North Western waters and North Sea Advisory Councils respectively. Our consultation, and the information we gather, will feed into future decisions of these groups. As part of this process the need for exemptions on the grounds of high survivability or under the *de minimis* provision is being considered.

Box 2: Information that must be recorded during 'permitted discarding'

If you are carrying out 'permitted discarding' or any of the following reasons:

- Prohibited species;
- Species not covered by the demersal landing obligation;
- Species with high survivability; or
- Species covered by the *de minimis* provision,

You will need to record the following information as soon as practical after the time of discarding:

- Species being discarded and
- Volume of catch being discarded.

⁶ Article 15(4) of the CFP basic regulation

⁷ Article 18 of the CFP basic regulation

Minimising Unwanted Catches

Underpinning our approach and in advance of seeking to secure exemptions we will wish to be certain that we have taken every reasonable step to avoid unwanted catches in the first instance. A significant amount of work has already been undertaken to improve the selectivity of fishing gears including considerable investment by Defra (see Box 3). Ensuring that these advances are adopted, as appropriate, across the whole of the fishing fleet will be crucially important to ensure that unwanted catches are minimised to the greatest extent possible.

Additionally Seafish and Cefas are currently working on the development of an atlas that will provide an authoritative source of information on the effectiveness of different fishing gears. That atlas is expected to be made available in early 2015 and will assist fishers in ensuring that they are using the most effective gears for their fishing operation and/or concentrating on delivering further improvements in selectivity. In the interim a list of completed projects and helpful information can be found [here](#).

Box 3: 'ASSIST'

To help English fishermen to adapt to the introduction of the landing obligation, Defra and Cefas launched a £1.5 million five-year project in 2013: "Applied Science to Support the Industry in delivering an end to discards" (the **ASSIST project**). Cefas will conduct scientific studies alongside fishermen to provide evidence to support the English fishing industry to end discarding and to maximise revenues.

Phase I of the project saw Cefas visit the fishing ports of England to meet fishermen and gather their views on the key issues which would arise in the implementation of the CFP reform and specifically the landing obligation. The priority areas identified were: data enhancement, survival studies and fishing gear technology.

The second phase of the project has now started with 4 projects identified for detailed examination in 2014, each of which will run for two years. The detailed projects are:

1. South West otter trawl fisheries trialling selective trawl technologies designed to avoid the capture of unwanted quota species, in particular, plaice.
2. South West otter trawl fisheries enhancing the estimates of catch and discard estimates of the >100mm codend otter trawl fleet, with a focus on vessels operating from Newlyn, Looe and Mevagissey. Also to investigate the potential for spatial and temporal changes in fishing activity to avoid the capture of haddock; and to develop more selective fishing trawls particularly with respect to avoiding haddock catches.
3. North East *Nephrops* trawl fisheries developing gear modifications focused on the

avoidance of whiting and plaice. An economic assessment of the trawl modifications will be made in the context of the predicted effects of the landing obligation.

4. MMO and Cefas are undertaking a technical evaluation of whether the remote electronic monitoring (REM) technology used for enforcement purposes can also be used to collect scientific fisheries data.

Decisions on projects to be undertaken in future years have yet to be taken. The results of this consultation could help to influence future years ASSIST priorities so please share your views on the fisheries and issues that you believe could benefit from detailed examination as part of your response to this consultation.

2.3.1 Species with high survivability

There is the opportunity to secure an exemption to the landing obligation for species that have been scientifically proven to have a high rate of survival after discarding. Any exemption needs to be agreed regionally, and set out in a regional Discard Plan.

Survivability will be assessed on a species by species basis, taking account of gear characteristics, fishing practices and ecosystem influences. In most cases this work will be carried out by Cefas, although we will seek to utilise all available science, and may be validated by the EU Scientific, Technical and Economic Committee for Fisheries (STECF) at a regional level. A review of science has already been undertaken by STECF and is found at [STECF EC Survival Review](#).

At present none of the demersal roundfish species (cod, haddock, whiting, saithe or hake) have been assessed as having a high rate of survival after discarding. There is a significant amount of work that has already been undertaken, or which has been commissioned, that relates to the survival of flatfish and other species (See Box 4). Where appropriate we will seek to secure survivability exemptions based on this knowledge and that of studies that will report in due course.

Defra continues to work with scientists and industry to make proposals regionally on high survivability if it is requested by industry and supported by scientific evidence. If granted, the high survivability exemption will be automatically available to all relevant English vessels, and will be managed at an individual vessel level. All such discards must be fully recorded by the vessel.

Box 4: Survivability: Discard Survival project

Defra and Cefas have been running a yearlong project to understand survivability rates of different species in different gears and areas to help secure scientifically driven exemptions from the landing obligation where appropriate.

This project is made up of 4 separate studies predominately looking at the survivability of plaice across different fisheries around the UK. The prioritisation of plaice was based on calls from industry and past survivability research. Information on sole and skates and rays are also being collected where there are sufficient catches during the trial period.

Case Study	Area	Gear	Species rank			
			1	2	3	4
1	IVc/VIId	Gill/trammel nets	Plaice	Sole	Dab	Rays
2	IV	Otter trawl	Plaice	Sole	Lemon sole	Rays
3	VIIb,c,e-k	Otter trawl	Plaice	Sole	Anglerfish	Rays
4	VIIe (inside 12nm)	Beam trawl	Plaice	Sole	Anglerfish	Rays

The trials look at both immediate and short term survivability, longer term data is also collected via tags where feasible.

The results of the project will be published shortly after its conclusion in March 2015 and will inform the Member State negotiations in agreeing regional discard plans and specific exemptions.

We continue to work closely with other Member States on this matter as they are also conducting survivability studies which may be applicable to UK fisheries and will help strengthen our evidence base.

Please take the opportunity within this consultation to contribute any relevant evidence to help inform this debate and help with decisions that may be taken in relation to future scientific work on survivability.

2.3.2 Catches falling under the *de minimis* exemption

There are provisions within the CFP basic regulation⁸ which enable the use of a *de minimis* exemption. This allows up to 5% of total annual catches of all species subject to the demersal landing obligation to be discarded in the following cases:

⁸ Article 15(5) of the CFP basic regulation

- i. Where scientific evidence indicates that increases in gear selectivity are very difficult to achieve; or
- ii. To avoid disproportionate costs of handling unwanted catches.

For a transitional period of three years, the percentage of catch which can be discarded under the *de minimis* exemption in demersal fisheries can be up to 7% in 2016, and up to 6% in 2017 and 2018.

Discards under the *de minimis* exemption will not be counted against the relevant quotas. However, its use will be taken into account in establishing the TAC in future years. All such discards must be fully recorded by the vessel.

Box 5: North East Coast Net Grid Trials

Trials were carried out in the *Nephrops* fishery off the North East coast of England aiming to reduce by-catches of cod in the fishery. By making adaptations to the trawl, catches of cod were significantly reduced to less than 5% of catch while still retaining previous levels of *Nephrops*. The changes significantly reduced discards (as well as landings of other species of fish) providing good evidence of the feasible practical changes industry can make when operating under the landing obligation.

Box 6: Size Composition and Selectivity of Haddock Trials

In ICES area VIIb-k there has been high discard levels of haddock in recent years and local fishermen were keen to reverse this trend. Participants in this trial used trawl configurations that reduced haddock catches across all size ranges and took other avoidance measures (for example reducing fishing effort at times at night when catches are at the highest levels). The results suggest that trawl modifications can reduce fishing mortality of juvenile and mature haddock whilst maintaining profitable catch of other quota species – that increased selectivity is possible by the industry to adapt to the introduction of the landing obligation.

The NS and NWW Member State regional groups, advised by the relevant Advisory Councils, are currently considering the need for any exemptions on the basis of high survivability or *de minimis*. If cases are identified which meet the criteria for the exemptions, and are scientifically justified, we will work to secure this exemption under regionalisation.

Questions

14. Do you think you will need to utilise a survivability or *de minimis* exemption? If so, please provide details and any supporting evidence.

15. Are there any gaps in our current research programme on survivability and selectivity? Which would you consider to be a priority?

2.4 Catch management

The reformed Common Fisheries policy introduced the concept of Minimum Conservation Reference Sizes (MCRS) which will replace Minimum Landing Sizes (MLS) for stocks subject to the landing obligation.

It is expected that fishermen will seek to avoid unwanted and undersized fish as far as possible through the use of selective gears and changes to fishing patterns. Under the demersal landing obligation any catches of quota species (including target and by-catch species) below the agreed MCRS must be retained on-board, landed and counted against quota. Negotiations are currently ongoing⁹ but it is expected that whilst at sea any fish below the MCRS will have to be stored and recorded separately. Fish below MCRS will not need to be separated by species.

Once onshore, any fish below MCRS cannot be sold for direct human consumption. This requirement is included in the CFP Basic Regulation and is designed to deter the targeting, and creation of markets, for juveniles. Potential non-direct human consumption markets include fish meal, fish oil, bait, pet food, food additives, pharmaceuticals and cosmetics. Catches will be subject to specific regulations depending on the market they enter. As a result of the introduction of the pelagic landing obligation Defra has provided information to registered landing ports on the necessary requirements for each new market (other than human consumption). This included information on the regulations of each market. This information is also applicable to the demersal landing obligation.

As discarding in the English demersal sector can be highly variable the need for additional onshore management in line with the demersal landing obligation is already being explored with a cross industry taskforce. The taskforce consists of representatives from a broad range of organisations including:

- Fish Producer Organisations;
- Port Authorities;
- Fish Markets;
- British Retail Consortium;
- Food & Drink Federation;
- Fishmeal Producers;
- Retailers; and

⁹ Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009 and repealing (EC) No 1434/98 as regards the landing obligation

- Regulators.

The taskforce has already identified the key challenges that are likely to be faced in the handling of undersize fish and fish for which there are currently no markets. These include:

- consistency of supply of below MCRS fish;
- storage space and facilities at ports;
- costs of handling low value fish;
- finding markets for below MCRS fish landed in geographically remote locations;
- availability of markets and ability to handle fish below MCRS; and,
- ownership of product once landed.

The taskforce has begun work on developing the solutions to these challenges including examination of data related to unwanted fish, discard rates, landing levels at ports and available routes to finance solutions and infrastructure improvements such as the EMFF. This work builds on a significant amount of research that has already been carried out to date on potential uses of unwanted fish.

A study (see Box 7) on the utilisation of unwanted fish in bulk uses ([Seafish: Utilising Discards](#)) found there were a number of potential uses, such as fishmeal and fish oil, and that there is significant interest from commercial bulk outlets to utilise unwanted fish not for human consumption. Another study on the use of discards for bait ([Seafish: Discards for Bait](#)) has found that the estimated demand for bait is significantly larger than the potential supply that could come from unwanted fish. Trials confirmed that any whitefish quota species could be effectively used as bait by potters targeting crabs. In addition, Seafish's 'Fishing for the Markets' research programme ([Seafish: Fishing for the Markets](#)) has looked at why certain fish species are currently discarded and has gathered industry insight into how more under-utilised fish species could be brought to market and drive value for fishermen. Producer Organisations will also have a significant role to play in developing Marketing Plans that seek to derive maximum value for all the catches their members make.

Question

16. Do you think the taskforce have identified the key challenges for the handling of unwanted catches and quota species below MCRS? If not, please provide details and any supporting evidence.

Box 7: Utilising Unwanted Fish

In 2012 Seafish undertook a study ([Seafish: Utilising Discards](#)) to examine whether unwanted fish that could not be utilised for human consumption could be practically utilised in other 'bulk' uses. Interviews with commercial outlets determined that opportunities existed for utilising unwanted fish including fishmeal and fish oil, ensiling, composting, anaerobic digestion and freezing (prior to use as bait). Whilst the report recognised that many of these commercial outlets are not located near to the main landing ports there were good transport links in many instances that would enable providers to cover even remote ports. Bulk Use managers also thought their current processing capacity would be sufficient to accommodate the extra material.

Some of the outlets even went so far as to say that they would consider setting up new processing facilities at ports if high levels of material were available. The outlets also thought they would be able to generate a profit through processing unwanted fish, although the financial return for fishermen would be low (likely to be approximately £125 per tonne).

2.5 Monitoring and enforcement

To ensure effective compliance with the demersal landing obligation we anticipate a need to introduce a revised system of monitoring and enforcement from 1 January 2016. A new system is required because of the increased importance of what happens from the point at which fish are captured at sea to the point of landing. The new system of monitoring would need to apply to all English vessels affected by the demersal landing obligation (see Section 1.7). This will be coupled with clear complementary requirements relating to how fishermen document their catches and permitted discards.

It is also a requirement of the CFP that the enforcement regime of Member States is risk-based and proportionate, focusing enforcement on those sections of the fishing fleet which pose the greatest risk to fishing mortality. In preparation control experts from the Member States are meeting regularly to examine this issue, the tools available and to ensure that there is a level playing field for control and enforcement between Member States.

There are a number of options that EU control experts have identified for the purposes of control and enforcement of the landing obligation (set out in section 2.5.2 below).

2.5.1 Documentation: How will fishermen record their catches under the landing obligation?

The supply of logbook data, as mandated by legislation for all vessels over 10 metres in length, will continue to be applicable under a demersal landing obligation.

Defra is not proposing any additional burdens in the volume of data collected in the logbook. Fishermen are already obliged to record all catches that are taken on board and the fish that they discard. We will ensure that the logbook is amended to enable the recording of fish that is above MCRS and to be landed for human consumption and that which is below MCRS (previously discarded). We may however wish to consider whether there are any other options that are available to us to further improve the quality of the data captured in the logbook.

There is no overarching EU statutory obligation for vessels under 10m in length to complete a fishing logbook¹⁰. Fishing activity is managed by the MMO through catch limits (quotas issued over a defined period) and data generated from sales notes

¹⁰ There are national requirements to complete logbooks when leasing quota or fishing in IVc and VIId in the same trip

under the Registered Buyers and Sellers scheme¹¹. Under the demersal landing obligation this will remain unchanged to avoid unnecessary burdens on this section of the demersal fleet. However, skippers of under 10m vessels may wish to voluntarily record permitted discarding (as outlined in Box 2) should they choose to use any exemptions that may be available to them. This will assist in the collection of scientific evidence for stock assessment. Discard data will also be estimated using reference fleet monitoring.

2.5.2 Monitoring and enforcement regime

Member States, who are individually responsible for control in their own waters, will each need to identify which tools they will use to ensure that the enforcement regimes applied to the landings obligation are proportionate and robust. The tools that are currently being examined by control experts for this purpose are listed below coupled with an explanation of how they work.

1. Remote Electronic Monitoring (REM) Systems (CCTV + sensors)

REM systems which incorporate CCTV and sensors are able to record all fishing activities and catch handling by a vessel. These REM systems remain on vessels for an indefinite period of time and can be augmented by occasional observer trips to verify the quality of the REM data.

The use of REM systems can be expensive so the number of systems in use, and fleet segments covered, would need to be carefully considered and based on the risks involved. The capital cost of purchasing and running the REM system for the demersal industry would need to be met by Government, and may be partly funded through European Maritime and Fisheries Fund (EMFF). If this option is adopted the vessels subject to REM monitoring will need to be docked to have the REM systems fitted, and for the swapping of the hard drives which contain the evidence of their fishing trips. Fitting and swapping of hard drives can be managed around vessel fishing patterns, ensuring a minimal cost from loss of fishing time. However, the presence of the skipper and/or vessel owner is required for a proportion of the REM fitting (expected to equate to 1 working day).

Hard drives would be encrypted to ensure data remain protected. Arrangements would need to be made for hard drives to be swapped when vessels are landing into ports outside England. It is estimated that the hard drives need to be swapped at least every 1 – 2 months, depending on the capacity of the hard drive used (either 500GB or 1TB) and the number of cameras in operation. The skippers need to be trained in

¹¹ The registration of Fish Buyers and Sellers and Designation of Fish Auction Regulations 2005

system operation and briefed on a duty of care to ensure adequate data collection. The MMO would be responsible for analysing the collected footage, and will meet the cost associated with this.

The information gathered from REM can also be used as an evidence base to monitor and enforce the demersal landing obligation in other segments of the fleet.

2. Vessel monitoring systems (VMS)

Vessel monitoring systems take a number of different forms including real time geographical positioning systems (GPS), electronic logbooks and safety systems.

GPS systems are used on vessels over 12m in length and provide control authorities with a clear picture of where a vessel is at a given time. This information can be linked to the information in the electronic logbook which records the fish that have been caught and where. This provides an accurate picture of fishing activity which can be supplemented by other checks. Safety systems alert authorities if a vessel is in difficulty and transmits information on location.

3. Control Observers

Another option is to operate an observer programme which places observers on a defined percentage of fishing trips conducted by fishing vessels (in line with the available budgets). Observers are able to closely monitor fishing activities including accurate identification of catches that are brought on board and wider fishing practices.

Observer programmes are however costly to run (a rough estimate is £500 per day per observer). As such the number of voyages that could be subject to observer coverage would likely be significantly less than the number of voyages which could be covered through the use of REM systems.

4. At sea inspection with patrol vessels

The use of patrol vessels is one of the current mechanisms by which fisheries are monitored. At sea inspections are undertaken by the Royal Navy and by patrol vessels from the Inshore Fisheries and Conservation Authorities. Inspectors examine the catches of fish of board the vessel, the fishing gears that are in use and the records kept by the master of the vessel to ensure that they are in compliance with fisheries regulations.

At sea inspections would be expected to continue and be aligned with the requirements of the landing obligation.

5. At sea controls with aircraft

The use of aircraft to monitor fishing operations would offer control authorities additional flexibility to obtain real time coverage of fishing activities. With high

resolution cameras fishing activities can be monitored from distance and large sea areas covered quickly.

6. Catch composition comparison based on a reference fleet

The detailed findings of reference vessels involved in at sea monitoring (in the form of either on-board observers or REM and land based sampling) can be used to validate another vessels' (in the same fleet segment) self-documentation of catches and discards (using logbooks). Where appropriate, and beneficial, at sea observations from a reference fleet may also be used to collect relevant scientific evidence relating to fisheries assessment, gear selectivity and species survivability. If this approach is adopted those vessels chosen to participate in the monitoring reference fleet would be contacted by the MMO. Operators will also receive prior warning if observers are to be placed on-board.

7. Controls at landing

Controls at landing are currently one of the main tools used by enforcement authorities to ensure compliance with fisheries regulations. This includes but is not limited to checks on the catch weights that have been recorded, the size of fish that is landed as well as checks against quota holdings. These provide an effective and low cost means of ensuring that UK landings are compliant with the EU and national fisheries regulations.

Summary

In determining which options to choose for monitoring fishing operations including compliance with the landing obligation it will be necessary to consider the risk that different vessels pose to fishing mortality and the existing control and enforcement budgets.

Against all options there is the potential that vessels subject to particular tools will be rotated or targeted over time to ensure that no single vessel is subject to undue regulatory burdens.

Any information gathered through the use of any of these tools could also be used over time to create a profile of catches covering each part of the demersal industry (tied in with the phased introduction of the landing obligation). This information can then be used to provide a contribution that enables the MMO to evaluate overall compliance by the English fleet with the landing obligation and inform the targeting of future inspections and tools, so that enforcement activity remains risk based.

Producer Organisations

Producer Organisations (POs) will be required to continue to meet their obligations to monitor uptake of quota. The MMO will periodically check their records, drawn from landing declarations and sales notes, with POs to verify accuracy and national uptake. This enables the UK to fulfil our reporting requirements under EU law. Following the introduction of the demersal landing obligation the POs will be required to provide information detailing when they have utilised the new flexibilities and exemptions.

The detailed reporting spreadsheets that enable the recording of the additional information on the utilisation of specific flexibilities and exemptions will be provided by the MMO.

2.5.3 Non-compliance

The proposals outlined here are designed to implement the demersal landing obligation as efficiently as possible, ensuring industry have full access to the flexibilities and exemptions to allow them to fish sustainably and comply with the demersal landing obligation. However, in the event of non-compliance with the demersal landing obligation the MMO may need to penalise offenders using proportionate sanctions. A period of education and liaison with industry would also be expected to support compliance.

Under proposed amendments to the Control Regulation¹² discarding will be defined as a serious infringement from 1 January 2017 and, in addition to being penalised in line with the MMO's enforcement regime,¹³ may result in points being assigned to the licence and master.

Additionally, appropriate penalties will be imposed by the MMO if vessel operators are found to not be abiding by the requirements of the monitoring and enforcement regime. For example, failure to abide by the duty of care necessary for an operational REM system may result in that vessel being required to carry an observer on board for a prescribed period of time at the cost of the vessel operator.

What happens if a vessel is found to be discarding illegally?

Examples of the enforcement options which may be used for illegally discarding catch include:

- Informal discussion and education;
- Official written warning;

¹² Article 90(1)(c) of the Control Regulation (EC 1224/2009)

¹³ http://www.marinemanagement.org.uk/about/documents/compliance_enforcement.pdf

- Financial administrative penalty (FAP);¹⁴
- Prosecution, which may result in a fine of up to £50,000 in Magistrates' Court or an unlimited fine in Crown Court ; and, where appropriate, a fine to the value of the catch, or forfeiture of any fish in respect of which the offence was committed and any net or other fishing gear used in committing the offence;¹⁵
- Points on fishing vessel licences and for masters following a conviction in court.¹⁶

It is the view of Defra that there is no circumstance where an obligation to comply with a sea-fisheries regulation should compromise the safety of a fishing vessel or its crew. If such a situation arises the master must take whatever action he considers necessary but inform the MMO at the first possible opportunity of what regulation he has not complied with and the relevant circumstances. The MMO will deal with these cases as appropriate.

What happens if a vessel is found to be landing catch in excess of quota?

As mentioned earlier the introduction of the new provisions relating to quota uplifts, banking and borrowing provide an opportunity to further refine the way in which quota management is undertaken in England and enable catch and quotas to be better aligned. Therefore there should be no change to the overarching policy for landing catch in excess of permitted totals and overfishing should be penalised.

However our view is that overfishing penalties should only be applied once a PO has exceeded 110% of its original allocation for those species that are subject to the landing obligation. The current arrangements (where penalties are introduced from 105%) which apply to species that are not subject to the landing obligation will remain in place for all other quota stocks.

The MMO will retain responsibility for managing uptake by the under 10m and non-sector vessels, and POs will have responsibility for managing the fishing levels of their vessels. However, if a PO is not able to balance its quota at the end of the year, and ends up with an overfish, penalties (including quota) and compensation arrangements will apply.

If individual vessels not in a PO land catch in excess of available quota, accounting for all available flexibilities and exemptions, they will be penalised in line with the current MMO compliance and enforcement strategy.

¹⁴ The Sea Fishing Penalty Notices (England) Order 2011

¹⁵ S30 Fisheries Act 1981

¹⁶ Article 92(1) of the Control Regulation (EC 1224/2009)

The available penalties include:

- Official written warning;
- Financial administrative penalty (FAP);¹⁷
- Prosecution which could lead to a fine of up to £50,000 in Magistrates' Court or an unlimited fine in Crown Court; and, where appropriate, a fine to the value of the catch, or forfeiture of any fish in respect of which the offence was committed and any net or other fishing gear used in committing the offence;¹⁸ and,
- Points on fishing licences and for masters following a conviction in court.¹⁹

2.5.4 Fishing licences

English fishing vessels are not allowed to fish without a valid licence and the conditions of the licence must be adhered to.

The national measures will be set out in the conditions within the fishing licences.

Defra have consulted on possible amendments to the English licensing scheme (this ended on 26 November 2014) to remove existing requirements which are out of date or place unnecessary burdens on the fishing industry. This consultation also included proposed amendments to those current restrictions which are not compatible with a landing obligation. Those anomalies will be removed or amended by 1 January 2016. For example, conditions which prevent certain species being kept on-board and landed will be removed if they contradict the landing obligation. Fishermen will be responsible for ensuring that they match catches with quota.

Any amendments to fishing vessel licences will be administered by the MMO, who will provide prior warning and information on the changes to all relevant vessel owners.

Questions

17. What form of monitoring and enforcement regime do you think is appropriate for the demersal landing obligation in England? Please provide details and any supporting evidence.

18. Would you expect to incur new costs from changes to a new monitoring and enforcement regime? If so, please provide details on expected costs and any supporting evidence.

¹⁷ The Sea Fishing Penalty Notices (England) Order 2011

¹⁸ S30 Fisheries Act 1981

¹⁹ Article 92(1) of the Control Regulation (EC 1224/2009)

Section 3 - Summary of Options

This section provides an overview of the options that were identified and discussed within sections 2.1- 2.5:

Phasing of the Landing Obligation

There are at least 3 different approaches as to how the landing obligation could be introduced in demersal fisheries. The options identified in this consultation are:

1. Introduction of a landing obligation for all the species listed in the defined fisheries in 2016 (e.g. those targeting cod, haddock, whiting or saithe need to land all these species in year 1) with all other quota species caught in those fisheries phased in between 2017 and 2019.
2. The introduction of the landing obligation for only the target species from the list of defined fisheries in 2016 (e.g. those targeting cod in the cod, haddock, whiting and saithe fishery only need to land cod in year 1), with the remaining quota species phased in between 2017 and 2019.
3. A species based approach that would require all fishermen to land haddock, sole and Northern prawn in the first year of the landing obligation. The other species named in the regulation (whiting, saithe, *Nephrops*, followed by cod, hake and plaice) would be added to the landings list in the next two years with all other quotas species landed from 2019 onwards.

Quota management

A number of options were identified detailing potential refinements to the current quota management system and to complement the landing obligation including:

1. Allocation of quota uplifts, as a result of the move from landing limits to catch limits, could be determined by: the existing FQA structure, current discard rates in individual fleet segments or to allocate a proportion of the uplift on an FQA basis and use the remainder to add to the pool to support the under 10m fleet.
2. Changes to the quota management system for the u10m and non-sector vessels including: increasing the time period over which catch limits are allocated and permitting retrospective leasing of quota to cover any unexpected catches.
3. Updating the quota management rules to include quota flexibilities:
 - a. How banking and borrowing provisions may be employed. POs and Member States have the right to bank/borrow up to 10% of their quota for the following year.
 - b. Interspecies flexibility allows up to 9% of by-catch to be counted against the target species quota, as long as the by-catch species is within safe biological

limits. Conversion options have to ensure unsustainable fishing practice is not incentivised.

Exemptions

1. If a stock is defined in an agreed regional Discard Plan as having a high rate of survival after discarding Defra will permit all relevant English vessels to discard those species in line with the provisions of the Discard Plan.
2. If any *de minimis* exemption is secured, Defra would permit all relevant English vessels to use the exemption.
3. Vessels which carry out permitted discarding under any exemption are required to record the necessary information: species and volume.

Catch management

1. Whilst at sea, catches below MCRS will need to be stored and recorded separately.
2. Once onshore, catches will be subject to specific regulations applicable for the market they are entering.

Monitoring and enforcement

1. Continuation of the completion of paper logbooks for all vessels between 10-12m in length and the completion of e-logs for all vessels over 12m in length.
2. Continuation of the completion of sales notes for all vessels under 10m in length²⁰.
3. Enforcement action will be taken against vessels found to be in breach of the requirements of the landing obligation.
4. Development of a monitoring and enforcement regime based on risk to fishing mortality utilising a range of tools within existing enforcement budgets.

Question

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

²⁰ It is the buyers/sellers responsibility to complete these sales notes

Section 4 – The Impact Assessment

A consultation stage Impact Assessment has been prepared, and can be found at www.gov.uk/defra. The Impact Assessment sets out the range of evidence sources we have used to develop and assess the impact of the proposals outlined in this consultation. Our analysis has shown that the scale of discarding in English demersal fisheries is low, and therefore the impact of the demersal landing obligation will be minimal. The key outcomes of the Impact Assessment have been included in Box 8.

Box 8: Key Outcomes of the Demersal Landing Obligation Impact Assessment		
What	Detail	Impact
Costs to government	Government will amend the current regime to reflect the demands of the new regime by reprioritising and redirecting existing resources	Minimal
Costs to industry	Costs to industry result from having to have skippers/owners on board when REM is fitted to their vessels. A worst case scenario assumes 136 vessels affected	Maximum £0.098 million Net Present Cost (NPC)
Benefits to industry	Benefits derive from: <ul style="list-style-type: none"> • A more appropriate management regime • A regionalisation process resulting in decisions being made that are more appropriate to the regional fishery • Quota flexibilities improving business management • A monitoring and enforcement regime sufficient to allow access to quota uplift 	Estimated to be £1.2 - £6.0 million from potential quota uplift

Costs

Government

Government, and its arm's length bodies, will incur relatively small costs as a result of the proposed changes to the monitoring and enforcement regime. Up to 90% of these capital costs could be co-financed through the European Maritime and Fisheries Fund (EMFF) or the Data Collection Framework (DCF), and the remainder will be absorbed within available budgets by redirecting or reprioritising current resources:

- Capital costs of REM systems - £17,000 per vessel (£2.3 million for 136 vessels);
- Analysis of REM data and at sea observations would need to be paid from the existing monitoring and enforcement budgets.

Industry

Vessels involved in the REM monitoring will incur a cost of £390 per vessel in years 1 and 6 of the landing obligation (due to the 5 year life time of the REM system).

Benefits

Under the demersal landing obligation there may be an uplift in Total Allowable Catch at EU level because industry are no longer discarding. This would allow the demersal industry to land and sell more fish, resulting in a potential benefit in the range £1.2m - £6m million per annum.

Question

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

- **hosting an observer on board;**
- **familiarisation with any new monitoring and enforcement regime; and**
- **accessing non-human consumption markets for fish below MCRS.**

If so, please provide details and any supporting evidence.

Section 5 – Summary of questions

1. Which approach to the landing obligation is the most proportionate and effective? Please explain why and provide any supporting scientific, economic or environmental evidence.
2. Are there any other approaches to the implementation of the landing obligation which you think will be more proportionate and effective? Please explain your answer and provide any supporting economic or environmental evidence.
3. Which criteria would you use to determine whether a fishing vessel should be subject to the landing obligation and why? Please provide any supporting scientific, economic or environmental evidence.
4. Which of these options would you use to allocate any additional quota received as a result of an uplift? Please explain why and provide any supporting scientific, economic or environmental evidence.
5. Do you agree that changes to the quota management rules for u10m vessels are necessary and why?
6. Would the introduction of combined quotas be of interest? Please provide any supporting scientific, economic or environmental evidence.
7. Are there any other changes that you think should be made to the quota management system to remove incompatibilities with the demersal landing obligation?
8. Do you agree that the use of the borrowing provisions should be allowed? Please explain why and provide any supporting scientific, economic or environmental evidence.
9. Do you agree with the changes to the banking arrangements in the quota management rules? Please explain why and provide any supporting scientific, economic or environmental evidence.
10. Do you have a preferred approach to applying interspecies flexibility? If so, please provide justification for that approach.
11. Do you think you will need to utilise any of the additional quota flexibilities available under the new CFP basic regulation? If so, please provide details and any supporting evidence.

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

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

14. Do you think you will need to utilise a survivability or *de minimis* exemption? If so, please provide details and any supporting evidence.

15. Are there any gaps in our current research programme on survivability and selectivity? Which would you consider to be a priority?

16. Do you think the taskforce have identified the key challenges for the handling of unwanted catches and quota species below MCRS? If not, please provide details and any supporting evidence.

17. What form of monitoring and enforcement regime do you think is appropriate for the demersal landing obligation in England? Please provide details and any supporting evidence.

18. Would you expect to incur new costs from changes to a new monitoring and enforcement regime? If so, please provide details on expected costs and any supporting evidence.

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

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

- hosting an observer on board;
- familiarisation with any new monitoring and enforcement regime; and
- accessing non-human consumption markets for fish below MCRS.

If so, please provide details and any supporting evidence.

Section 6 – Basic information

Who will be interested in responding?

- Demersal Fishermen;
- Any organisation representing fishermen;
- Fish Producer Organisations;
- Environmental Groups;
- Fish Processors;
- Port Authorities; and
- Fish Markets.

Having your say

We welcome your views and comments on the proposals. We would prefer you to respond to the consultation questions using the online survey on our consultation website www.gov.uk/defra.

Alternatively, if you are unable to respond online, you can respond:

- via email to: cfp.consultation@defra.gsi.gov.uk; or
- in writing to: CFP Reform Implementation Team, Sea Fisheries Conservation, Defra, Area 8A, 9 Millbank, c/o 17 Smith Square, London, SW1P 3JR.

If you wish to obtain a hard copy of this consultation please contact us via the postal or email addresses above.

Responses should be received by **31 March 2015**.

What will happen to your responses?

Copies of responses will be made available to the public on request. If you do not want your response – including your name, contact details and any other personal information – to be publicly available, please say so clearly in writing when you send your response to the consultation. Please note, if your computer automatically includes a confidentiality disclaimer, that won't count as a confidentiality request.

Please explain why you need to keep details confidential. We will take your reasons into account if someone asks for this information under freedom of information legislation. But, because of the law, we cannot promise that we will always be able to keep those details confidential.

We will summarise all responses and place this summary on our website at:
www.gov.uk/defra.

This summary will include a list of names of organisations that responded but not people's personal names, addresses or other contact details.

Consultation principles

This consultation is in line with the Consultation Principles which can be found at:
<http://www.cabinetoffice.gov.uk/resource-library/consultation-principles-guidance>.

If you have any comments or complaints about the consultation process, please address them to Defra Consultation Co-ordinator, 629 Milbank, 17 Smith Square, London SW1P 3JR or email consultation.coordinator@defra.gsi.gov.uk.

Confidentiality issues and freedom of information

- Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).
- If you want information that you provide to be treated as confidential, please be aware that, under FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things with obligations of confidence.
- In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.
- The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

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This document/publication is also available on our website at: www.gov.uk/defra.

Any enquiries regarding this document/publication should be sent to us at:

Email: cfp.consultation@defra.gsi.gov.uk.

Post: CFP Reform Implementation Team, Sea Fisheries Conservation, Defra, Area 8A, 9 Millbank, c/o 17 Smith Square, London, SW1P 3JR.

Annex: Additional information

Table A1: English Fishing Activity in the North Sea (Area IV)

Landings of demersal (and <i>Nephrops</i>) quota species, by vessel size, where yearly landing of species >5 tonnes						
	Live weight (tonnes)					Grand Total
	0-10m	10.1-11.99m	12-14.99m	15-23.99m	24m+	
Plaice	60	5	45	865	13,569	14,543
Saithe	0	0	0	381	2,778	3,159
Haddock	73	11	133	1,425	779	2,420
Cod	271	30	35	951	839	2,126
<i>Nephrops</i>	534	92	331	440	1	1,398
Whiting	411	59	125	522	254	1,371
Hake	1	0	1	59	923	984
Sole	289	13	35	19	451	806
Anglerfish	14	2	10	74	513	613
Dab	4	1	2	13	460	480
Lemon Sole	35	3	19	72	310	438
Thornback Ray	256	36	41	36	30	398
Turbot	13	2	4	24	234	277
Ling	3	0	1	47	214	265
Pollack	3	0	0	36	57	97
Brill	7	1	1	4	82	95
Witch	1	0	1	21	28	51
Spotted Ray	0	0	0	7	29	36
Blond Ray	8	1	1	3	24	36
Megrim	0	0	0	16	17	33
Flounder	5	1	2	1	11	20
Skate	7	1	5	2	0	15
Other species	0	0	0	2	7	9
Grand Total	1,995	256	791	5,020	21,608	29,669

Table A2: English Fishing Activity in the North West waters (Areas VI, VII and VIII)

	Live weight (tonnes)					Grand Total
	0-10m	10.1-11.99m	12-14.99m	15-23.99m	24m+	
Anglerfish	258	138	148	1,027	3,907	5,477
Megrim	19	39	37	219	2,468	2,782
Hake	3	42	6	707	1,621	2,378
Plaice	540	136	310	473	325	1,784
Pollack	535	163	268	712	48	1,726
Sole	549	45	119	383	276	1,372
Whiting	147	175	228	92	452	1,094
Haddock	80	218	163	356	124	941
Ling	64	45	54	185	413	760
Cod	158	56	52	191	143	600
Thornback Ray	238	60	181	37	40	557
Blond Ray	176	63	148	38	26	449
<i>Nephrops</i>	82	44	191	23	18	358
Saithe	6	8	51	153	37	255
Cuckoo Ray	23	15	9	41	142	229
Small eyed Ray	47	16	59	9	13	144
Spotted Ray	25	12	20	17	11	84
Shagreen Ray	4	1	0	2	75	82
Greater Forkbeard	0	0	0	0	18	18
Skates	6	9	1	0	0	16
Other species	2	0	0	0	1	4
Grand Total	2,960	1,284	2,046	4,664	10,156	21,110