



Discarding fish under the Common Fisheries Policy Towards an end to mandated waste

SUMMARY *Fishermen not only catch what they are interested in or authorised to fish. The unwanted part of their catches is discarded back at sea, often dead. This is seen by many as an unacceptable waste of resources.*

The importance of discards varies but in some fisheries, it can be very large. Discarding practices at sea are difficult to monitor. Reducing discards implies avoiding the catching of unwanted fish in the first place.

Under the Common Fisheries Policy (CFP), fishermen are prohibited from keeping fish of commercial stocks caught in contravention to some rules (notably fish which are too small or for which fishermen have no quota). In 2011, the Commission proposed a U-turn on this policy of discard-inducing rules. As part of reforming the CFP, it is envisaged to require fishermen to land all their catches of dozens of commercial stocks.

There is general consensus on the need to address discards, but the practicalities of a wide discard ban triggers debate, notably in view of the diversity of EU fisheries. Requiring the landing of all fish caught also needs consideration of other fisheries measures, notably the use of landed fish, the ways to limit catches, and controls.

The European Parliament and the Council have to decide on how to address the discard problem throughout the reformed CFP.



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Glossary

Fishery: A group of fishing activities defined on common features (typically in terms of fish species, fishing area, method of fishing, types of vessels, people involved and fishing purpose).

Quota: the amount of fish which can be legally caught or landed by a vessel or a group of vessels (usually set by fish stock, i.e. the population of a species in a given area)¹.

By-catch: the part of a catch taken incidentally in addition to the target species towards which fishing activity is directed (also called incidental or accidental catch).

Selectivity: the ability to catch what is intended to be fished (i.e. targeted species and sizes). A selective fishery has a low level of by-catch.

Source: after [FAO](#)

Background

Fishing: uncertainty in the catch

Fishing, the activity directed at the capture of wild aquatic animals, intrinsically has a random dimension. Professional fishermen adapt their techniques and fishing strategies to maximise the catch of what they intend to capture.

However, fishermen not only catch fish, shellfish, or crustaceans (from hereon referred to simply as fish) of the desired species and sizes. Untargeted catches may include some other fish (some possibly of commercial interest), other forms of marine

life such as starfish, jellyfish or coral, or specimens of strictly protected species, for example sea mammals, sea-turtles or seabirds.

Discarding unwanted catches at sea

It makes no sense for fishermen to keep the part of the catch with no or limited business interest. It may also be illegal to keep some by-catches on board. These unwanted catches can, or have to, be thrown back at sea. This practice is known as discarding.

In most cases, discarding takes place after sorting the catches on board. But with some gear (e.g. [purse seines](#)), the full catch can be returned at sea without even being brought onto the deck of the vessel ('slipping').

This briefing deals primarily with the discarding of fish species of commercial interest, particularly in relation to a legal framework. Except where specifically stated, it does not address issues about by-catches of marine species with no commercial interest or of protected species².

Reasons for discarding fish

Fish of commercial stocks [thrown over board](#) on **economic grounds** may include:

- fish with no local market, or no collection and trade circuit in the vessel's usual landing ports,
- fish crushed or damaged, or
- fish subject to other pre-market selection, like 'high-grading': this practice consists of keeping only the most valuable fish sizes (or species) with the aim to maximise returns

e.g. because of low quota or storage limits (e.g. space on board, spoiling risks).

Discards can also be a direct consequence of **regulations** which prohibit the keeping of some fish. Such regulatory-led discards may concern notably:

- by-catches of fish without fishing possibilities (e.g. no quota or exhausted quota), or
- by-catches of fish not complying with some technical rules (e.g. size, closed season, closed area, unauthorised gear) for the species concerned.

Impacts of discards on marine ecosystems

The mortality of discarded organisms can be significant and depends on the fishing practice and the species.

Most fish, particularly round fish, are usually dead or dying when thrown back at sea. Crustaceans or shellfish, and some shark or flatfish species, may have higher chances of being returned still alive, but assessing their actual [long-term survival](#) is very difficult. This has a direct impact on the stocks concerned.

Discarding of fish also influences the marine ecosystem through effects on the food web. Some [scavenger](#) species in particular may benefit from discards, [varying](#) depending on marine habitats. Discards are also an easy food source for some [seabirds](#), influencing their [populations](#) and their [movements](#).

A complex problem

Fish may not survive after being discarded back at sea as they will have been injured, if not directly killed, by fishing and handling. This needs to be taken into account in [fish stock assessment](#). Discards also have an impact on the marine ecosystem in general.

The amount and nature³ of discards are fishery-specific, but these can also [vary widely](#) within the same fishery, or even during the same fishing trip.

Reliable [discard indicators](#) require scientific monitoring and sampling programmes, notably by using observers on board fishing vessels.

These also need to take into account potential biases, including possible changes in fishing behaviour when observers are aboard (e.g. fishermen changing area, trip duration or length of tow).

How to reduce or stop discards

[Knowledge](#) about the main influences on discarding in a given fishery is essential for taking mitigation measures.

Reducing discards could mean **avoiding the catching of unwanted fish** in the first place, notably through more selective methods or changes in fishing patterns.

A reduction of discards of fish of commercial stocks might also be achieved by revising rules which lead to mandatory discarding.

An **obligation to keep and to land all fish caught** could mean a complete end to discards.

Beyond any possible rules, fishing strategies and fishermen's behaviour remain essential to orientate what is actually caught. Different forms of incentives or [pilot projects](#), e.g. on valorisation of unwanted catch or facilitation of cultural changes in fisheries, can assist in addressing the discard problem.

European policy on fish discards

The Common Fisheries Policy (CFP)

Prohibited for the [first time](#) in some EU fisheries in 2009, economic-led 'high-grading' is today illegal for all quota species, under [amendments](#) to fisheries technical measures enacted by the European Parliament and Council in March 2013⁴.

The CFP has however, since long ago, induced regulatory-led discards of fish of commercial stocks, as fishermen are prohibited from keeping and landing fish contravening certain rules.

This essentially concerns fish under a given size limit and fish caught in excess of authorised amounts (e.g. quotas, or catch-composition limits in mixed fisheries⁵).

The prohibition on keeping such catches (though of potential value) may contribute to fishermen adapting their fishing strategies to avoid these catches.

The international context

According to the latest update report ([2005](#)) by the Food and Agriculture Organisation (FAO) of the United Nations, discards amounted to 7.3 million tonnes, around 8% by weight of world fisheries' annual catches in the late 1990s and early 2000s.

The FAO [Code of Conduct for responsible fisheries](#) calls notably on states to take appropriate measures to minimise waste and discards. The FAO also develops specific policy instruments such as the international [Guidelines on by-catch management and discard reduction](#), to guide competent authorities in formulating and implementing measures.

Canada, Iceland, New Zealand and [Norway](#) are among the few countries implementing a [discard ban](#), and they have been used as models when [assessing](#) a possible review of EU policy on discards.

Towards a possible policy change

Following two communications, in [2002](#) and [2007](#), on reducing discards in EU fisheries, the Commission has proposed since 2011 a U-turn on the EU's discard policy.

Considering that discards ([estimated](#) at about 23% of total EU fish catches⁶) are an [unethical](#) waste, the Commission tabled draft measures to put an end to regulatory-led discards in the 2011 [CFP reform package](#).

Within the [future Regulation on the CFP](#)⁷, it is proposed in particular:

- to require mandatory landing of all catches: this would apply for pelagic⁸ species as from 2014, for most valuable demersal species (cod, hake and sole) from 2015, and other 18 demersal (including deep-sea) species and all Mediterranean demersal stocks from 2016;
- to limit, after landing, the use of under-sized fish for fish meal or pet food, and to set (later) marketing standards for fish caught in excess of fishing opportunities (in accordance with provisions on marketing proposed in the future fisheries [Common Market Organisation](#));
- to require Member States (MS) to take

necessary measures to allow monitoring of compliance with the obligation to land all catches.

In parallel, in the proposal for the future [European Maritime and Fisheries Fund](#), the [Commission](#) envisages some incentives to help producers' organisations to implement a discard ban.

Since it tabled the CFP reform proposals, the Commission further proposed discard ban measures in [technical rules for the Skagerrak](#) (an area in which fisheries are managed jointly with Norway). In 2012 the Commission also used [emergency procedures](#) to reduce some regulatory-led discards in fisheries to the west of Scotland.

Banning discards and managing fisheries

Requiring the landing of all catches of fish of commercial stocks implies considering other fisheries management issues, notably:

Use of catches after landing

The possibility to market whatever fish is caught may act as a driver to catch more. On the contrary, unacceptable costs of landing obligations for fishermen (e.g. if penalties were introduced for exceeding catches) may encourage hidden discarding.

The landing of "new" types of fish in some ports (e.g. small size fish) may imply "new" means or circuits for handling, even at low volumes. Fish which are [not destined for human consumption](#) have to be dealt with in line with the EU [animal by-products rules](#).

Controls

Controlling activities at sea is difficult. The use of on-board staff to monitor or control discarding practices is possible for larger vessels. However, 84% of EU fishing vessels are of [small-scale](#) (i.e. under 12 metres long).

Limits on controls at sea may lead to some discarding continue taking place depending on how the roots of discarding are addressed (as [studied in Iceland](#) for example).

Pilot projects have trialled remote monitoring of fishing activities using on-board cameras and closed-circuit television ([CCTV](#)). Implementing such systems requires consideration, in particular, of the reliability of video data (camera coverage, data integrity), individual privacy issues, financial implications for fishing vessels, as well as the burden on administration for control (to examine the footage).

Management of fishing possibilities

The EU system of [Total Allowable Catches and Quotas](#) is based on the amount of fish landed, not on fish actually caught. Today, as long as a given quota is not exhausted, targeted fishing for it can continue. The by-catch of other fish, for which the quota is already reached, is not landed (and not counted against the quota). Under-sized, and discarded, fish are not counted against the quota either.

If all fish are to be landed, fisheries (or vessels) susceptible to catching several quota species may have to stop when the catch for the first of any of the stocks considered reaches its limits (leading to under-utilisation of the other fishing possibilities). Stopping fishing only once the last quota is reached may imply exceeding most fishing possibilities.

As discards differ between fisheries and between MS, a revision of the quota system and the setting of actual [catch quotas](#), to take into account the amounts of previously discarded fish, may have an impact on the proportion of fishing possibilities as historically shared between MS (the so-called 'relative stability'⁹).

Technical measures and selectivity

Improving selectivity allows the reduction of unwanted catches. The set of EU [technical measures](#) to improve fishing selectivity (such as rules on gear design, mesh sizes, restriction of access to some fishing grounds) is rather complex. But some measures (e.g. protection of juvenile fish

through minimum sizes for numerous species) contribute to discards.

However, selective fishing can also lead to [evolutionary change](#) in fish populations. As presented in an EP [workshop](#) in November 2012, some [scientists](#) see a need to change from the old paradigm of 'selective fishing' towards a more 'balanced harvest', more in line with an ecosystem-based approach to fisheries management, principle also promoted in the CFP.

Parliament's and stakeholders' views

European Parliament position

Parliament already [stressed](#) in 2008 the urgency of developing means to eliminate the "unsustainable and immoral practice" of discarding. Following [policy views](#) on the CFP reform in September 2012, the EP adopted its [first reading position](#) on the future CFP Regulation (rapporteur Ulrike Rodust, S&D, Germany) in February 2013. The EP calls for a phased-in discard ban starting in January 2014, based on identified fisheries (rather than stocks), with possible exceptions for some species (e.g. with high catch survival rates). The EP also wants that landed catches of undersized fish may be used for any purpose other than human consumption, and that Member States may make use of a year-to-year margin of flexibility of up to 5% of their permitted landings. The [Commission](#) welcomed the [EP vote on the CFP reform](#).

On 16 April 2013, the EP also voted in favour of the introduction of a specific [discard ban for 35 species in the Skagerrak](#).

Council of Ministers

The Council announced in [June 2012](#) that it would support a gradual approach in the discard ban policy in the CFP reform. In [February 2013](#), the Council made its position on fishery-related timelines for its implementation, which the [Commission](#) sees as less ambitious than its own proposal.

The [Irish Presidency](#) aims to achieve agreement on the CFP reform Regulation by

June 2013. Negotiations on a discard ban between the [Council](#) and the EP will also continue regarding the specific proposal for new rules in the Skagerrak.

Interested parties

A number of NGOs, individually (e.g. [WWF](#) and [Oceana](#)) or [jointly](#), have expressed support for a discard ban, provided that parallel measures to mitigate unwanted catches are taken (notably more selective gear, real-time closures and by-catch quotas). Several NGOs also supported a discard-ban [campaign](#) led by a well-known TV chef.

The EU fishing sector is engaged in a number of [projects](#) to reduce discards. However, fishing representatives took a more opposed stance to a generalised discard ban in their [interventions](#) during a [hearing](#) on discards organised in 2011. The European Association of Fish Producers Organisations (EAPO), the European Association of National Organisations of Fishery Enterprises (Europêche) and the European Organisation of EU cooperatives in Fisheries (Cogeca) gave a [common view](#)¹⁰ on the Commission proposal. They also [jointly](#) concur, recognising that discards are an "unacceptable waste of natural resources that must be addressed", but they highlight that the "simplistic and populist approach of a total ban on discards will not work" and that discard measures have to be put in an "operational and managerial context of fisheries".

Fish processors, retailers and traders, under the [Alliance for a sustainable reform of the CFP](#), consider that priority should be on avoiding unwanted catches, before looking at what to do with them after they are caught, and that discards and by-catch should be tackled on a fishery basis.

Possible discard bans in some fisheries have also been considered by public or multi-stakeholder bodies such as the Seafish [Discard Action Group](#), or the discard working group of the [Baltic Sea Regional](#)

[Advisory Council](#), the [output](#) of which provides an illustration of possible differences in stakeholders' positions.

While NGOs (e.g. [WWF](#), [OCEAN 2012](#)) strongly welcomed the EP's first reading position, some [press](#) reports indicate that the fishing sector sees the EP position on the discard ban as inapplicable. In a [letter](#) of 30 April 2013, the Executive Committee of the [Mediterranean Regional Advisory Council](#) (with the exception of two of its members) suggests that the Mediterranean be exempted from the landing obligation.

[Discards in the World's Marine Fisheries - An Update](#) / FAO technical report 470, 2005.

[Impact Assessment of Discard Reducing Policies](#) / European Commission, 2011.

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Further reading

[Key questions on discards](#) / Seafish, 2009.



<http://www.library.ep.ec>

<http://libraryeuroparl.wordpress.com>

Endnotes

- ¹ [Total Allowable Catches \(TACs\) and Quotas](#) are one of the main tools used to manage fishing in the CFP. Annual TACs are set for dozens of individual stocks of commercial species. Each TAC is shared among Member States (MS) within national quotas. MS are responsible for the further allocation of their national quotas among their fishermen, often via [producers' organisations](#).
- ² Strict protection of some species is usually established under EU [environmental legislation](#), but specific measures have also been established under the CFP to address the problem of accidental catches of [cetaceans](#) or [seabirds](#) in fishing.
- ³ In many cases, general levels of fish discards are expressed in weight, or percentage of total catch weight. However, the level and importance of discards may also be considered in terms of numbers of fish caught, species and types of discarded fish (smallest fish, or large but out-of-quota fish).
- ⁴ See insertion of a new "TITLE III a - Article 19a: Prohibition of high-grading".
- ⁵ Mixed fisheries are fisheries in which numerous species are caught simultaneously (because they are present in the same zone and the fishing gear and practices lead to high levels of by-catch). Catch composition rules, established within EU [technical measures](#), limit the by-catches of given fish species which vessels can keep on board. These rules aim at protecting some stocks and incentivise fishermen to be more selective in their fishing strategies (e.g. by changing fishing area when the proportion of some species in the catch of is too high compared to what they are authorised to keep as by-catches).
- ⁶ [Data collection](#) in a number of EU fisheries allows scientific reviews and some [categorisation](#). [Beam trawls](#) usually lead to highest discard rates, about 60% (in weight) on average. Such discards may even represent more than 90% of the catch, notably the Adriatic and the North Seas. Mixed fisheries using other types of [bottom trawls](#) have also high, but more variable, discarding rates. Mediterranean [long-lines](#) and [hydraulic dredges](#) have similarly high discard rates (over 40%). Lowest discard rates are reported for more targeted fisheries, with [pelagic trawl](#) or [seine](#) fisheries (e.g. discards of less than 15% in North Sea herring or mackerel fisheries).
- ⁷ See in particular Article 15 of the proposed Regulation.
- ⁸ Pelagic species are those which mainly live near the surface, or in the water column. They are contrasted to demersal species, which live on or close to the bottom of the sea.
- ⁹ '[Relative stability](#)' is one of the oldest principles in the CFP and it builds on agreement between MS for keeping relatively fixed shares of TACs from one year to another (shares based mainly on historical landings of the stock concerned).
- ¹⁰ [Alternative proposal discards approach by EU Industry](#) (18 September 2012) [EAPO publications](#).