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on a policy to reduce unwanted by-catches and eliminate discards in
European fisheries
(2007/2112(INI))

Committee on Fisheries

Rapporteur: Carl Schlyter

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on a policy to reduce unwanted by-catches and eliminate discards in European fisheries (2007/2112(INI))

The European Parliament,

- having regard to the communication from the Commission to the Council and the European Parliament entitled "A policy to reduce unwanted by-catches and eliminate discards in European fisheries" (COM(2007)0136),
 - having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy¹, in particular Article 2 thereof,
 - having regard to the Communication from the Commission to the Council and the European Parliament on a Community Action Plan to reduce discards of fish (COM(2002)0656), and to the European Parliament's resolution thereon of 19 June 2003²,
 - having regard to its resolution of 15 March 2006 on more environmentally friendly fishing methods³,
 - having regard to the Agreement of 1995 for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks⁴,
 - having regard to the proposal for a directive of the European Parliament and of the Council establishing a Framework for Community Action in the field of Marine Environmental Policy (Marine Strategy Directive) (COM(2005)0505), and to the position of the European Parliament thereon of 14 November 2006⁵,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries and the opinion of the Committee on the Environment, Public Health and Food Safety (A6-0495/2007),
- A. whereas discards are a worldwide problem that have been estimated to account for between 7 million and 27 million tonnes per year, equivalent to one quarter of all fish and other species caught, and whereas there is no estimate available for the EU as a whole, though the FAO estimates that discards in the North Sea are 500 000 to 880

¹ OJ L 358, 31.12.2002, p. 59.

² OJ C 69E, 19.3.2004, p. 149.

³ OJ C 291 E, 30.11.2006, p. 319..

⁴ Available at <http://daccessdds.un.org/doc/UNDOC/GEN/N95/274/67/PDF/N9527467.pdf>.

⁵ OJ C 314 E, 21.12.2006, p. 86.

000 tonnes,

- B. whereas such extensive discarding harms the environment, inhibits the recovery of depleted stocks and costs the fishing industry time and energy,
- C. whereas Commissioner Borg has described such quantities of discards as "unethical",
- D. whereas the involvement of all fisheries policy stakeholders, particularly from the fishing industry, is an essential condition for defining measures that can contribute to the sustainable management of marine resources,
- E. whereas discarding is a phenomenon that is not related only to the use of a particular gear type, but is also influenced by the nature of the fishery concerned, as in the case of European fisheries, almost all of which are multispecies in nature, where the risk of discards is higher; whereas some artisanal fisheries may have lower discard rates since they make greater use of the fish caught and use their knowledge of the fishing grounds to avoid unwanted catch,
- F. whereas fisheries with high discard rates could result in public concern over the environmental impact of fishing, causing reduced public confidence in fish on the market and ultimately affecting sales,
- G. whereas discarding is caused by a range of factors, including excessive fishing effort, the current approach to Total Allowable Catches (TACs) and quotas that requires discarding of fish for which there is no quota, a mismatch in many fisheries between gear specifications and minimum landing size, high-grading and other commercial practices; whereas traditionally most innovation in fishing gear and practices has aimed to increase catches of fish rather than to fish in a more selective and less environmentally destructive manner,
- H. whereas of the documents signed at international level and containing specific declarations on the need to reduce discards and by-catches, the EU agreed to the FAO Code of Conduct for Responsible Fishing and the International Plans of Action for Seabirds and Sharks, Chapter 17 of the United Nations Programme 21, the Rome Consensus on World Fisheries, the Kyoto Declaration on the sustainable contribution of fisheries to food security, the New York Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea and United Nations General Assembly resolutions 49/118 of 1994 and 50/25 of 1995, as well as the resolution of the 1995 Interparliamentary Conference, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Convention on Biological Diversity (CBD),
- I. whereas the EU has agreed on a range of commitments within the framework of Regional Fisheries Organisations and the various bilateral and multilateral agreements to which it is party,
 - 1. Welcomes the Commission's new attempt to stimulate discussion about this

serious subject with a view to finally shifting the emphasis of the Common Fisheries Policy (CFP) so that the practice of discarding is ultimately eliminated;

2. Welcomes the Commission's proposal as the first attempt to get to the heart of the by-catch problem but stresses the urgency of developing regulations to eliminate this environmentally unsustainable and immoral practice which in extreme cases can account for up to 90% of all fish caught;
3. Further welcomes the new definition of discards to include non-commercial species of fish and other species, with the implication that these other types of discards also need to be reduced;
4. Stresses that an EU policy needs to effectively tackle all the different types of by-catch (including, but not exclusively, invertebrates, corals, marine mammals, birds and turtles) and should promote environmentally friendly catching methods which neither compromise marine biodiversity nor cause unnecessary injury to other living organisms;
5. Notes with concern, however, that very little progress has been made in developing Community Plans of Action for Seabirds and Sharks, despite the Commission's committing to these in 1999, and urges the Commission to complete both plans as soon as possible;
6. Calls on the Commission to take into account the available scientific opinion on albatrosses which, notably in long line fisheries, are currently being killed at a rate that is putting them in danger of extinction;
7. Considers that one effective action to reduce discards is a reduction in overall fishing effort, accompanied by an improvement in selective measures; recognises that reduced fishing pressure would provide significant benefits for the industry by allowing depleted stocks to recover and become more productive as well as saving time and effort in sorting the catch;
8. Considers that by-catches and discards are a serious ecological and economic problem, since on the one hand they are responsible for the imbalance seen in some ecosystems, and on the other hand they have been identified as the main cause of the depletion of stocks, some of which have a high commercial value, such as cod;
9. Considers that reducing discards will help in achieving good environmental status, as required under the Marine Strategy Directive;
10. Considers that programmes to reduce discards must be fully integrated into the Community's overall policy for the sustainable management of fisheries;
11. Considers that the causes of discards vary from fishery to fishery, depending on both the detailed techniques of fishing and the type of fishery concerned, so solutions will be case-specific as well;
12. Although by-catch as a general practice is unjustifiable, recognises that some species are known to have a high survival rate on release and that derogations

from a fishing ban for these as well as endangered and protected species should be authorised provided that adequate scientific justification of their survival potential is given;

13. Stresses that, if the provisions introduced are to be effective, due and proper use must be made of scientific fishing research relating to EU fisheries and account must be taken of the specific features of individual fisheries in connection with location, marine species diversity and long-established fishing practices;
14. Congratulates those in the industry who have recently begun programmes to develop more selective fishing gears and practices aimed at reducing discards and encouraging others to contribute to this process by utilising their undoubted expertise in fishing gear to find even more innovative techniques; deplores the attitude of some submissions to the Commission that view measures to reduce discards as "inconvenient";
15. Welcomes the recent introduction by the Scottish Government, in cooperation with the Scottish fishing industry, of a voluntary system of real time area closures whereby fishing grounds will be closed for a three-week period in the event of skippers identifying a high abundance of undersized cod; believes that schemes such as this, the first of its kind in Europe, have the potential to contribute to the reduction of discards whilst working with the full co-operation of the fishing industry;
16. Agrees with the Commission that the classical approach of the CFP to reducing discards, by agreeing in Council to ever more detailed technical measures to prevent discards of juvenile fish with limited involvement of the fishermen, has its limitations and must be complemented by programmes that provide an incentive for fishermen to reduce discards while taking account of features specific to each fishery, which would result in better acceptance of the measures by fishermen; considers, however, that it is only by technical modifications to fishing gear and practices that reductions in discards will occur;
17. Notes that the option which the Commission considers most effective is a discard ban, although such a ban could present some difficulties with respect to enforcement and may require an increase in financial, logistical and human resources;
18. Considers that highgrading, the practice of discarding good, legal fish for other fish that might find a higher price in the market, should be banned, even though this would be difficult to enforce; considers that installing closed circuit television on some vessels should be tried to facilitate enforcement;
19. Notes the fact that, in order for fishermen and other stakeholders to take responsibility and ownership of any policy to eliminate discards, they must have a major role in monitoring and control, as their cooperation and involvement is key to the successful implementation of enforcement measures; points out that examples of cooperation exist in other jurisdictions and should be examined - for instance, Canada and New Zealand have experimented with CCTV on the perimeter of fishing vessels, with the agreement of fishermen, and this video surveillance measure is reported to be very successful in eliminating discards;

20. Encourages the Commission, the Member States and other stakeholders to consider the use of incentives for the industry to improve its fishing practices ; believes that there are various possibilities for such incentives, including:
- allowing more days at sea or increasing the allowable fishing time, for vessels using more selective gear,
 - providing preferential access for vessels using selective gear to areas that are closed to those vessels not using selective gear,
 - allowing vessels with more selective gear to fish during times when others are not allowed;
21. Notes that Council Regulation (EC) No 41/2006 of 21 December 2006 fixing for 2007 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required¹ already contains one example of preferential access for selective gear, with extra days at sea available to Nephrops trawlers using a sorting grid, and agrees that such additional incentives should be considered;
22. Is convinced that the industry would respond more favourably and with greater effect to a combination of positive and negative incentives, which should be given an opportunity to produce results; considers, further, that a discard ban should be adopted only after other types of negative incentives have been tried, including timed series of increases in mesh sizes, closed areas and others;
23. Stresses the importance of an effective monitoring system once a ban on discarding fish is introduced; points out that gaps in knowledge concerning the quantity of fish discarded impair the quality of estimates of stock size and fish mortality, and make it harder to evaluate measures seeking to prevent the catching of fish which do not meet size criteria; calls on the Commission to continue to develop new monitoring techniques, and draws attention in this connection to the possibilities opened up by electronic log books;
24. Insists that one of the main reasons for discarding, high-grading, should be made illegal and the devices that enable it, such as onboard sorting grids in pelagic fisheries, should be banned;
25. Agrees that the most sensible way to proceed is by choosing a number of pilot fisheries, based upon the quantity of discards produced or on the conservation status of the species involved; emphasises the importance of the pilot projects being selected in several zones to represent the geographical variety of Community fisheries; believes that each pilot project must also involve a sufficient number of vessels to cover the diversity of the fishery as well as to ensure good information exchange with others in the fishery; suggests that two possible candidate fisheries would be the various beam trawl fisheries as well as those fisheries that catch and discard cod; recommends that while these pilot projects are proceeding, other fisheries should be

¹ OJ L 15, 20.1.2007, p.1.

evaluated for their discard rate;

26. Insists that priority should be given to tackling the worst offenders, namely those fisheries with the highest and most widespread discards, for example beam trawlers, Nephrops trawls and whitefish trawls;

27. Suggests that discard practices that result from the incompatibility of technical rules on minimum landing size (MLS) and mesh sizes be looked at as a matter of priority as these are relatively easy to rectify;

28. Calls on the Commission to take into account the available scientific opinion on the Baltic cod stocks, where a huge percentage of catches are registered as by-catches;

29. Proposes the following series of steps for each fishery concerned:

(i) develop an accurate estimate of the quantities and species composition of fish and other species discarded by each segment of the fishery; these data should be accepted as reliable and objective by fishermen, scientists and all other stakeholders;

(ii) establish an appropriate setting to ensure full consultation, involvement and cooperation of all stakeholders before deciding upon the quantitative targets for discard reduction in a given period (for instance a 50% reduction in two years); participants would include Regional Advisory Councils (RACs), fishermen, scientists, national government, the Commission and environmental NGOs; their role would be to explore all ideas for eliminating discards, including landing by-catch, technical measures, temporary closures, closed areas and others, as well as to propose positive incentives for fishermen experimenting with different techniques;

(iii) at the end of the planned period of implementation, assess the results and evaluate whether the objectives have been achieved; successful methods would be added to CFP provisions; if targets for the reduction of by-catch are not reached appropriate sanctions will be applied, amongst other proportionate measures;

(iv) revise quantitative discard objectives on a regular basis with a view to ultimately eliminating discards;

(v) a discard ban to be adopted for a fishery only if all of the previous steps fail to achieve the desired reduction in discards within five years of beginning these steps for each fishery;

30. Calls on the Commission to pay particular attention to how measures can be "translated" to apply to EU fleets fishing in the waters of third countries and asks that the use of the most selective fishing gears be made a pre-requisite for fishing under fishing partnership agreements (FPAs);

31. Notes the variety and importance of mixed fisheries in the EU and concludes that targets for the reduction of discards must reflect this variety, so that not all fisheries are required to achieve the same quantitative reduction in discards at the same time, since their original discard levels may differ;
32. Emphasises that if discard bans are adopted for specific fisheries, then in order to avoid perverse incentives such as creating a market for small fish or fish caught without quotas, such fish may not be marketed under any circumstances; considers that the vessels may be compensated for the costs incurred in bringing to shore what they would have discarded;
33. Notes that the European Fisheries Fund (EFF) has provisions for the funding of pilot projects for more selective fishing, as well as two gear replacements, and urges Member States to make use of them; calls for more administrative flexibility in the use of EFF money so that promising pilot projects can be implemented rapidly;
34. Points out that the TAC regulatory system is one of the major causes of discards and that measures must be adopted to prevent compulsory discards of inevitably caught species of legal size owing to the lack of a quota for those species;
35. Recommends that by-catch quotas be incorporated into TACs and that all landed by-catch be counted against quota allocations; should a fishery exceed its by-catch quota it would risk closure, just as an excess of juveniles is suggested to trigger real-time closures; this quota should then be gradually reduced to provide further incentives to improve gear selectivity;
36. Notes that Member States currently have the right, under Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms¹, to impose stricter technical measures on vessels flying their flag when they fish within EU waters; believes that they should also have flexibility to try new solutions which would be evaluated by the Commission for efficiency and that they should, under certain circumstances, be able to impose more selective technical measures on all vessels fishing within their 12-mile coastal zone;
37. Instructs its President to forward this resolution to the Council, the Commission, the Member States, the Regional Advisory Councils, the Advisory Committee on Fisheries and Aquaculture and the Regional Fisheries Management Organizations to which the EU belongs.

¹ OJ L 125, 27.4.1998, p. 1.

EXPLANATORY STATEMENT

Vast quantities of fish are thrown away, every year, in European fisheries and around the world. The FAO has published two estimates of global discards, one of 27 million tonnes (1988-90) and, more recently, of 7 to 8 million tonnes (1992-2001).¹ Either figure represents an enormous waste that is the subject of the Commission's communication. Discards harm fish stocks, slow or prevent their recovery and cost fishermen time and energy to deal with.

In 2003, the Council invited the Commission to explore ways of reducing discards, following an earlier discussion paper². According to the Commission itself, very little progress has been made since then. This new initiative is thus to be welcomed, even if one has to wonder if anything more will be accomplished this time.

The EU made a commitment in the FAO Code of Conduct to minimize discards (particularly section 8.5), as well as agreeing to implement the 1999 FAO Plans of Action on Seabirds and Sharks (about which very little has been accomplished to date). EU legislation also refers to discards, such as Art. 2 of the Basic Regulation³. As the Commission states, doing nothing to reduce discards is not an option.

The CFP has a counter-productive approach to discards - on the one hand, the TAC rules require the discarding of vast quantities of commercial fish, both juvenile and mature. On the other hand, the only attempts to reduce this waste rely on micro-managing fishing gear and practices, which is almost guaranteed to provoke the industry into finding ways to subvert those regulations. The time for a new approach is here, and fortunately the Commission's paper shows signs of realizing that. A positive change is the expansion of the definition of discards to include both commercial and non-commercial species that are dumped over the side.

Discards result from various causes, the most important of which are:

- fishing pressure that is, in many fisheries, greatly in excess of what is sustainable;
- a mismatch for some species between gear specifications and minimum landing size;
- the TAC system that requires fish caught after the quota is reached to be discarded;
- multi-species fisheries targeting species of different sizes;
- high-grading, or keeping larger, more valuable fish and discarding the rest.

There has also been a general lack of interest on the part of much of the industry in finding ways to not catch under-sized or non-commercial fish. The profound modifications in fishing gear over recent decades has aimed at becoming ever larger and more efficient at catching fish. Comparatively little effort has been invested in improving selectivity to avoid catching fish that the fishermen know they will have to throw away,

¹ Part of this difference could be improvements in gear selectivity, according to the authors of the latter study.

² COM(2002)0656

³ Council Regulation (EC) No 2371/2002 of 20 December 2002

dead. Fortunately, some sectors of the industry now acknowledge that discards are a serious problem, as witnessed by RAC position papers. Others continue to resist, with Europêche insisting that they do not want to be "inconvenienced" by efforts to reduce discards.

The accompanying document to the Communication¹ points out that the main reason discards are so high in the EU is that overall fishing pressure is too high, resulting in depleted stocks with high preponderance of small, juvenile fish. Thus, the single most effective way to reduce discards is to reduce overall fishing pressure, which would have the added benefit of allowing depleted and over-fished stocks to recover. This point is missing from the Communication.

The Communication's paper considers two types of option. The first is **technical and other regulatory measures** including traditional ones such as closed areas and gear restrictions designed to increase selectivity, but supplemented by temporary real-time closures and an obligation to change fishing grounds when discards are high. The second is a **ban on discards**, requiring fishermen to land everything they catch. The paper analyzes the predicted impacts of these two approaches.

In the view of the Commission, the traditional approach of technical measures has led to overly complicated rules that are easily circumvented by the industry, so little will be accomplished by continuing down this route. The preferred choice is a combination of a discard ban and the use of certain regulatory measures.

Since reductions in discards will come about by fishermen changing the way they fish, involving modifications of fishing gear (mesh size, escape panels, sorting grids) and innovative fishing practices (temporary area closures, changing fishing ground, seasonal closed areas), the question is how to motivate the fishermen to this end.

The Commission favours a negative incentive, the introduction of a ban on discards, on the assumption that bringing everything back to shore will be so onerous that fishermen would quickly find ways to avoid having to do that.

However, strict enforcement of a discard ban would present serious difficulties that the Commission may be under-estimating:

- a significant increase in surveillance would be necessary to verify implementation;
- additional personnel and other resources would be needed in both the Commission and Member States in a time of overall budget cuts;
- an enormous stream of fish/waste coming to shore would be created, along with the need to dispose of it;
- fishermen would need to be sufficiently compensated for cost of bringing that fish to shore without actually encouraging them (for example by developing a new market).

Little attention is paid to the use of positive incentives, rewarding fishermen who fish "better" by not catching things that are not wanted, rather than by imposing detailed

¹ SEC(2007)0380

technical rules on fishing gear and practices. Different options exist to provide some sort of advantage or privilege to fishermen who use more selective gear or practices, while leaving up to them exactly what methods they use. Possibilities include:

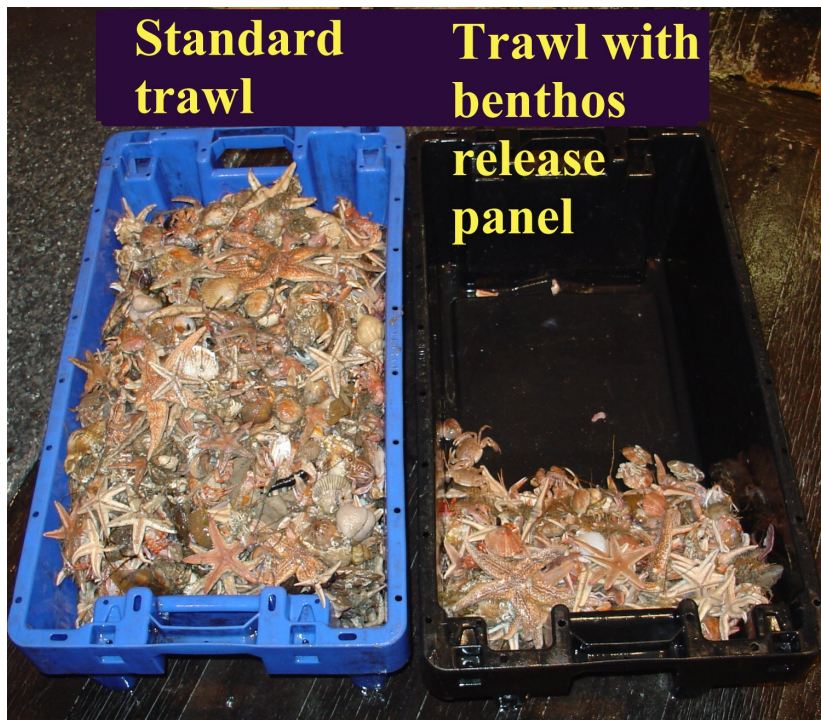
- allowing more days at sea or otherwise increasing allowable fishing time for vessels using more selective gear;
- providing preferential access to areas that are closed to vessels not using selective gear;
- allowing vessels with more selective gear to fish during times when others not allowed.

An early example of the use of positive incentives occurred in the Eastern Pacific purse seine fishery for tuna in the 1990s. Pressure to reduce catches of dolphins was forcing seiners to set their nets on floating objects, resulting in large by-catches of many species other than dolphins. The fishermen realized it was in their interest to reduce dolphin catches, so a scheme was established to allocate vessel-specific quotas for dolphins - after the quota was reached, vessels could no longer fish by setting their nets around dolphins and must switch to other methods. The results were spectacular - fishermen developed their own methods to avoid killing dolphins and dolphin mortality fell from several tens of thousands to less than 1,000 per year.

This principle has been applied in EU legislation already. In the *Nephrops* fishery, trawls equipped with a sorting grid are given extra days at sea if they meet catch composition requirements (at least 70% *Nephrops*, <5% cod). Such forms of preferential access for fishermen meeting certain criteria could be done on an EU-wide basis, as the *Nephrops* example, or by a Member State with respect to its allocation of a quota. Neither of these would interfere with the concept of relative stability.

This approach makes full use of the undoubted expertise of the fishing industry in order to resolve one of the industry's own largest problems - the discarding and waste of significant quantities of fish and other species. The photograph¹ shows how dramatically by-catch can be reduced using selective gear.

¹ Dr Andy Revill, CEFAS (Centre for Environment, Fisheries & Aquaculture Science), Lowestoft Laboratory, Parkfield Road, Lowestoft, Suffolk NR33 0HT UK



Certain segments of the fishing industry have already demonstrated their willingness and ability to develop innovative techniques to avoid discards.

- Participants in the French trawl fishery for *Nephrops* in the Bay of Biscay have experimented since 2002 with gear modifications to reduce the capture of small *Nephrops* and certain fish such as small hake. A combination of a sorting grid and square meshes in or ahead of the codend produces very significant reductions but problems remain for *Nephrops* and the work continues. The use of square mesh was made compulsory in the fishery, first by the industry itself (2004), then by the EU (2006).
- Beginning on 1 September 2007, the Scottish industry, in cooperation with the Scottish Executive, initiated a voluntary system of real-time closures in ICES areas IV and VI. If on-board observers detect catches of small cod (specifically, 60 cod per hour of fishing) then further samples are taken and, if confirmed, a closed area of 15 miles square is created for a period of 21 days. Vessels from other Member States are encouraged to follow the scheme¹.
- Since 1 February 2004, Swedish regulations require the use of a sorting grid in *Nephrops* trawls, which have been quite effective in reducing discards of juvenile *Nephrops* and commercial fish. These regulations only apply to Swedish vessels operating in the 3 mile coastal zone in the Kattegat and 4 mile zone in the Skagerrak, not to Norwegian or Danish vessels that benefit from bilateral agreements to fish in the Swedish coastal zone, since the CFP allows Member

¹ Details of the scheme will be published at <http://www.scotland.gov.uk/realtimerclosures>

States very little room for innovative actions in conserving fish stocks, given the "exclusive competence" of the EU in fisheries.

The fishing industry is able to develop methods to reduce discards, without being micro-managed by detailed technical measures, provided that there is sufficient incentive. For instance, one of the reasons that the French *Nephrops* fishery began its investigations was concern over a possible change in mesh size from 70mm to 100mm.

Since both the causes of discards and the measures needed to reduce them vary from fishery to fishery, no single solution will work throughout the Community. Possibly the best approach is a combination of positive incentives to encourage fishermen to develop the appropriate methods, reinforced with the possibility of increasingly severe negative incentives if sufficient results are not forthcoming.

For instance, one or more pilot fisheries could be chosen, with priority for those with the highest discard rate or species that are particularly vulnerable (sharks, seabirds, etc). It should have a well-documented and acknowledged discard rate - it is crucial that the data on the extent of discards be accepted by all concerned, including the industry. For the sake of illustration, suppose the discard rate is over half of what is caught - 30% juvenile fish and 25% unwanted species. Fishermen could be given a period of two years to experiment with techniques to reduce discards, with the target being to reduce each type (juveniles and other species) by half. At the end of that period, proven techniques would be added to the EU legislative base, as was done for the French *Nephrops* fishery. If results are insufficient, then a significant increase in mesh size would be imposed. After another two years, if the situation had not improved, a discard ban would be imposed for that fishery. While these pilot fisheries are being dealt with, the extent of discards in other fisheries should be evaluated.

Cooperation and a forum for discussion and exchange of ideas by all concerned is necessary - most importantly the fishing industry, but also various state players, market associations, NGOs and other stakeholders. This could occur at the level of producer organization, national fishermen's association or RAC, or some level of organization created for the purpose. The industry's motivation is essential, at first by positive incentives and, if that fails, by some form of penalty; it is in the industry's own interest to reduce discards, for the sake of their image and to improve the status of the fish stocks.

Suggestions for positive incentives have been mentioned above, but doubtless others exist. A total discard ban is not the only possible negative incentive either. Another idea could be for a TAC to be divided into a target quota and a by-catch quota. Fishing vessels that caught the species as a by-catch would be fishing against the by-catch quota and, once that quota was reached, they could be required to stop fishing or else "acquire" quota from some other sector. A system such as this has been set up in Iceland, apparently with some success. This could be done either within the EU TAC as a whole, or else by a Member State when allocating access for its vessels. Given that the current TAC system is the result of delicate political compromise, as well as being one of the leading causes of discards, any changes to the TAC system must be very carefully thought through in order to avoid making the discard situation even worse.

Some of these proposals concerning a discard ban have implications for the debate on rights-based management, such as transfer of quota.

All of this will require money. The EFF has provisions for pilot projects to develop and test more selective fishing gear (Art. 41), as well as paying for two gear replacements (Art. 25). Allocation of EFF money to this end is a Member State prerogative. The Fund could be amended to allow more flexible use of it, for new techniques of information exchange to facilitate some of the new measures such as real-time closures or other initiatives. Industry sources of funding should be explored, such as a levy based upon the size of catches or dedicating a fixed, small percentage of the TAC to be used to fund research and observer programmes for monitoring. Alternatively, if a discard ban is imposed, proceeds from their sale could be used as a source of funds.

Some of the ideas mentioned above will require rather more trust and cooperation among the various players than is sometimes evident. For instance, a system for closures in real time would require the establishment of an institutional framework able to take a decision very quickly, based upon previously agreed criteria, and have it respected by all. At present, a Member State does not have the legal right to impose technical measures on other vessels fishing in its coastal waters. Perhaps it should. Alternatively, a mechanism for Member States to act jointly within the context of the CFP could be envisaged, whereby they could agree to a specific measure without the necessity to have it accepted by the Council as a whole.

The EU fleet fishes in all major oceans of the world, including in some fisheries known to produce high levels of discards, such as shrimp trawling or tuna seining when fishing on floating objects. Measures taken to reduce discards in EU waters should be applied to EU-flagged vessels wherever they operate.

In conclusion, the Commission's communication is to be heartily welcomed, even while condemning the almost total lack of progress by the Commission, the Member States and the industry since the previous communication five years ago. The Commission intends to act quickly, with certain aspects to be included in a new technical measures regulation in 2008. Hopefully the political climate is such that the Member States and the industry will react positively and use their imagination and commitment to reduce discards. That is a long overdue necessity.

11.10.2007

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on Fisheries

on a policy to reduce unwanted by-catches and eliminate discards in European fisheries
(2007/2112(INI))

Draftsman: Chris Davies

SUGGESTIONS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Fisheries, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Welcomes the Commission's proposal as the first attempt to get to the heart of the by-catch problem but stresses the urgency of developing regulations to eliminate this environmentally unsustainable and immoral practice which in extreme cases can account for up to 90% of all fish caught;
2. Stresses that an EU policy needs to effectively tackle all the different types of by-catch (including, but not exclusively, invertebrates, corals, marine mammals, birds and turtles) and should promote environmentally friendly catching methods which neither compromise marine biodiversity nor cause unnecessary injury to other living organisms;
3. Considers that, because fisheries vary greatly in nature, it is of the greatest importance to tailor fisheries legislation so as to significantly reduce the quantity of fish discarded in each specific fishery; considers, however, that the by-catch quotas should never exceed 25% and proposes that a fishing ban should automatically come into effect if one species of fish exceeds that by-catch quota;
4. Although by-catch as a general practice is unjustifiable, recognises that some species are known to have a high survival rate on release and that derogations to a fishing ban for these as well as endangered and protected species should be authorised providing that adequate scientific justification of their survival potential is given;

5. Stresses the importance of an effective monitoring system once a ban on discarding fish is introduced. Gaps in knowledge concerning the quantity of fish discarded impair the quality of estimates of stock size and fish mortality, and make it harder to evaluate measures seeking to prevent the catching of fish which do not meet size criteria. Calls on the Commission to continue to develop new monitoring techniques, and draws attention in this connection to the possibilities opened up by electronic log books;
6. Calls on the Commission to take into account the available scientific opinion on the Baltic cod stocks, where a huge percentage of catches are registered as by-catches;
7. Calls on the Commission to adopt its long overdue proposed strategy on sharks;
8. Calls on the Commission to take into account the available scientific opinion on albatrosses which, notably in long line fisheries, are currently being killed at a rate that is putting them in danger of extinction;
9. Insists that priority should be given to tackling the worst offenders, those fisheries with the highest and most widespread discards, for example beam trawlers, Nephrops trawls and whitefish trawls;
10. Suggests that discard practices that result from the incompatibility of technical rules on minimum landing size (MLS) and mesh sizes be looked at with priority as these are relatively easy to rectify;
11. Recommends that by-catch quotas be incorporated into Total Allowable Catches (TACs) and that all landed by-catch be counted against quota allocations; should a fishery exceed its by-catch quota it would risk closure, just as an excess of juveniles is suggested to trigger real-time closures; this quota should then be gradually reduced to provide further incentives to improve gear selectivity;
12. Highlights that, aside from a gradual ban, positive incentives need to be created to encourage uptake of available Best Available Technology in terms of selectivity, gear shifts, (real-) time closure and changing fishing grounds;
13. Stresses that, if the provisions introduced are to be effective, due and proper use must be made of scientific fishing research relating to EU fisheries and account must be taken of the specific features of individual fisheries in connection with location, marine species diversity and long-established fishing practices;
14. Advises that non-selective gears should be actively discouraged through taxes and fees, while destructive gears, such as those used in a number of bottom trawl fisheries, should be banned;
15. Draws particular attention in this connection to the use of the beam trawl, which can in some cases account for over 60% of the by-catch, and consequently calls for an immediate ban on beam-trawl fishing;
16. Insists that one of the main reasons for discarding, high-grading, should be made

illegal and the devices that enable it, such as onboard sorting grids in pelagic fisheries, should be banned;

17. Calls on the Commission to pay particular attention to how measures can be "translated" to apply to EU fleets fishing in the waters of third countries and asks that the use of the most selective fishing gears be made a pre-requisite for fishing under fishing partnership agreements (FPAs);
18. Calls on the Commission, in accordance with Parliament's resolution of 10 July 2007 on industrial fisheries and the production of fishmeal and fish oil (2004/2262(INI))¹, to carry out studies and/or pilot projects to investigate the possibilities for the industrial fishing sector to use discards without this under any circumstances leading to an over-exploitation of resources.

¹ *Texts Adopted*, TA(2007)0327.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	3.10.2007
Result of final vote	+: 36 -: 0 0: 1
Members present for the final vote	Adamos Adamou, Johannes Blokland, John Bowis, Frieda Brepoels, Hiltrud Breyer, Dorette Corbey, Chris Davies, Avril Doyle, Anne Ferreira, Matthias Groote, Satu Hassi, Jens Holm, Eija-Riitta Korhola, Urszula Krupa, Marios Matsakis, Linda McAvan, Roberto Musacchio, Riitta Myller, Péter Olajos, Miroslav Ouzký, Vladko Todorov Panayotov, Vittorio Prodi, Frédérique Ries, Guido Sacconi, Karin Scheele, Richard Seeber, Bogusław Sonik, María Sornosa Martínez, Antonios Trakatellis, Anja Weisgerber, Glenis Willmott
Substitute(s) present for the final vote	Giovanni Berlinguer, Philip Bushill-Matthews, Bairbre de Brún, Duarte Freitas, Genowefa Grabowska, Karsten Friedrich Hoppenstedt
Substitute(s) under Rule 178(2) present for the final vote	

PROCEDURE

Date adopted	22.11.2007
Result of final vote	+ : 23 - : 1 0 : 3
Members present for the final vote	Jim Allister, Stavros Arnautakis, Elspeth Attwooll, Iles Braghetto, Niels Busk, Paulo Casaca, Zdzisław Kazimierz Chmielewski, Avril Doyle, Carmen Fraga Estévez, Duarte Freitas, Ioannis Gklavakis, Alfred Gomolka, Pedro Guerreiro, Heinz Kindermann, Rosa Miguélez Ramos, Philippe Morillon, James Nicholson, Willi Piecyk, Struan Stevenson, Catherine Stihler, Margie Sudre, Daniel Varela Suanzes-Carpegna, Cornelis Visser
Substitute(s) present for the final vote	Ole Christensen, Josu Ortuondo Larrea, Carl Schlyter
Substitute(s) under Rule 178(2) present for the final vote	Friedrich-Wilhelm Graefe zu Baringdorf