

Thrown Away

How illegal discarding in the Baltic Sea is failing EU fisheries and citizens

Executive summary

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Discard (verb): get rid of (someone or something) as no longer useful or desirable.

Each year, more than 124,000 tonnes of fish are discarded in EU fisheries.

Discard levels vary throughout EU fisheries, ranging from 1% to over 60% of the catch. Considered a major problem particularly in mixed fisheries, discarding threatens endangered species, wastes resources, and increases fishery costs and impacts on food webs.

This blatant waste of natural resources, at a time when there is growing awareness of their finite supply, has sparked public outcry. During the reform of the Common Fisheries Policy between 2010 and 2013, over 870,000 people took action - signing petitions, emailing politicians, using social media and participating in public events, calling for an end to discarding fish in European waters.

Following the reform, the EU's Landing Obligation (LO) was introduced in 2013 to eliminate discards and drive change in fishing practices - avoid catching unwanted and non-valuable fish, incentivise improvements in selectivity, count everything that is caught, and promote ecosystem based management. All catches of all species that have a Total Allowable Catch (TAC) and Mediterranean species that have a minimum landing size, caught in European waters or by European fishing vessels, now have to be landed and counted against quota. The LO is being phased in by species and fisheries - starting with pelagic fisheries and Baltic Sea fisheries in 2015, and intended to be in place in all EU waters by 2019.

In the two and half years since the Landing Obligation was introduced in the Baltic Sea, has anything changed? Is discarding still taking place? Are catch and discards being reported? This report examines publically available evidence regarding compliance with the Landing Obligation in the Baltic Sea.

Implementation of the Landing Obligation

European and national institutions have made some effort to implement the LO in Baltic Sea fisheries. A number of measures have been pursued, including provisions for specific exemptions, flexibility mechanisms in TACs, reducing minimum size, and carrying out pilot studies on gear selectivity. The results, however, have so far been poor:

- The reduction in Minimum Conservation Reference Size for eastern Baltic cod has resulted in a worsening of fishing selectivity, through the incentivising of commercialization of smaller size eastern cod, and had no apparent effect on reducing discard rates.
- Baltic cod has 'survival' exemptions from the LO for certain passive gear types (considered likely to survive after catch and release) but these account for only 3% of total discards.
- Efforts to improve selectivity of demersal trawlers - vessels responsible for 97% of discards of Eastern Baltic cod in 2016 - have been pursued in pilot projects, but application at a commercial level has been slow.
- Many of the flexibilities provided for in the CFP Article 15 have yet to be used, while quota swaps to help deal with changes in landings of different species - which have been encouraged and predicted to increase by the European Commission - have instead decreased since 2014.
- The best way to reduce unwanted catch is to avoid catching these fish in the first place. Three areas in the Baltic Sea have been closed in summer months to protect spawning and juvenile cod. However no move-on rules have been implemented that may help reduce unwanted catch.

- One of the important requirements of the Common Fisheries Policy (CFP), and of the LO in particular, is to record fishing activity more comprehensively, and consequently improve the quality of data used for scientific stock assessments. Reporting and documentation of discards under minimum size, has been minimal to non-existent in the Baltic Sea.

Monitoring and control are key to the successful implementation of a discards ban, however beyond the dissemination of information to fishers about the LO, Member State Governments have decreased monitoring and enforcement effort, rather than increasing them.

- European Court of Auditors concluded that fisheries data collected under the EU Control Regulation was incomplete and unreliable, and combined with the lack of reporting of discards in the Baltic Sea, can only increase the uncertainty in catch reporting since the LO took effect.
- The European Fisheries Control Agency and national control agencies have invested heavily in at-sea inspections with catch profiling (last-haul analysis) to assess the level of compliance with the LO, however, these techniques cannot be used by enforcement authorities

to prosecute individual fishers for illegal discarding.

- LO compliance can only be directly evaluated at sea. Yet instead of increasing in the Baltic Sea after the LO came into effect, at-sea inspections appear to be decreasing from 25% of fishing vessels for 2016 to 9% for the first half of 2017.
- No Member State has attempted to use electronic monitoring to monitor and enforce the LO, despite successful pilot projects and recommendations to do so by researchers and EU enforcement officials.
- Increased refusal rates of at-sea observer programmes are reducing the quality of data available to scientists.

All evidence reviewed suggests that compliance with the LO is almost non-existent in the Baltic Sea. Discarding continues for all species, but particularly regarding unreported illegal cod discards.

In 2018 and 2019, these illegal discard figures are set for another dramatic increase if monitoring and enforcement do not improve, as the first strong year class of western Baltic

90%



Contrary to the Landing Obligation, **90%** of undersize Baltic cod is still being discarded.

**20.3
MILLION**



Over **20.3 million** Baltic Sea cod was discarded illegally in **2015**

**11.5
MILLION**



Over **11.5 million** Baltic Sea cod was discarded illegally in **2016**

cod in over a decade joins the population. This year class could help rebuild and safeguard the future of this heavily overfished stock, or it could be squandered.

To end discarding and implement the Landing Obligation in the Baltic Sea, and in other EU waters such as the North Sea, there is a clear need to increase at-sea monitoring and enforcement, and start prioritising quota for fishing vessels that comply with the law.

Our Fish recommends that responsible authorities at national and EU level:

- a)** Initiate electronic monitoring programmes, starting with demersal mixed trawl fisheries, to improve data collection and compliance rates, and gather evidence of suspected violations;
- b)** Continue to assess LO compliance levels via last-haul analysis and at-sea inspections, while ensuring a level playing field between fisheries and sea areas;

- c)** Record refusal rates of at-sea observers by fishing vessels and any situation that has prevented an observer to document discards;

- d)** Allocate TAC adjustments to national fishing fleets that have high at-sea monitoring coverage or can demonstrate that they are complying with the LO; and

- e)** Reallocate quota at a national level to those vessels that can demonstrate they are operating in compliance with the LO. This would initiate a race to the top, so that fishers who practice transparency and follow the rules are rewarded for best practice.



Conclusion

EU citizens expect their national governments and EU authorities to uphold the laws they have signed up to. The failure of governments to properly implement the discard ban in the Baltic Sea not only jeopardises the sustainability of fish stocks, undermines scientific advice, perpetuates a waste of valuable resources and limits the economic prosperity of the industry, it exposes the EU seafood supply chain to unprecedented levels of illegal behaviour.

The beneficiaries of EU's fish stocks - EU citizens and consumers - are being led to believe by governments that we now have socially, environmentally and economically sustainable fisheries management - when in fact, it's just business as usual.

Ultimately, the governments of EU Member States must establish, as a matter of urgency, effective monitoring and enforcement programs

that will ensure an end to wasteful and illegal discarding, and start reallocating quota to those in the fishing industry who are doing the right thing by complying with the law.

To read the full report and a full list of references visit <http://www.our.fish/throwaway2017>

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