



Our Fish

Fish Overboard: Did the UK Throw Away 7,500 tonnes of North Sea Cod?

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Briefing

A freedom of information request to the UK's fisheries management body (the Marine Management Organisation)¹ has revealed that despite the landing obligation having applied to all catches of North Sea Cod from January 2018, **zero** tonnes of unwanted undersize cod were landed by the UK fleet from 1 January - 15 November, in comparison to at least 7,500 tonnes accounted for in the quota setting.

The landing obligation required all UK fishers to count and land unwanted undersize North Sea cod since January 2018, but data provided to Our Fish by Marine Management Organisation (MMO) suggests that while an enormous 5,200 tonnes of extra quota was given to fishers to cope with the burden of landing extra fish, it appears to have been used to land even more adult fish², mostly in Scotland and England.

¹ Marine Management Organisation 2018, ATI1946 BMS cod landed between 2013 and 2018. Available at: <https://our.fish/wp-content/uploads/2019/03/ATI1946-BMS-cod-landed-between-2013-and-2018-.xlsx>

² See notes at the end with calculations

“Of an estimated 5,200 tonnes of expected undersize cod, absolutely zero had been landed by November 2018. The UK instead landed a total catch of 21,596 tonnes of adult cod. This suggests that, extrapolating the percentage of undersize fish, at least 7,500 tonnes of undersize fish were illegally discarded, and the UK’s total catch of North Sea cod could actually have been over 29,000 tonnes, or around one third above the quota”, said Rebecca Hubbard, Program Director for Our Fish. “This unreported catch would represent an enormous waste of valuable fish, and significantly worsen overfishing of the iconic north sea cod stock. This is extremely concerning; in recent years north sea cod was thought to be recovering, however the outlook is again looking very poor with scientists recommending a huge cut for 2019 fishing limits.”³

The International Council for the Exploration of the Sea (ICES) advised that for cod in the North Sea, Skagerrak and the English Channel, total catches should be no more than 53,058 tonnes in 2018⁴. This included an estimated 17,333 tonnes of unwanted bycatch - equivalent to 32% of all cod landings in those areas. The discard ban requires that this 17,333 tonnes is landed and counted against quota to inform science, and to incentivise not catching it in the first place. The EU Council approved a total catch limit of 43,156 tonnes for 2018 for the North Sea - including a “top-up” of 13,414 tonnes, which was designed to allow the unwanted catch to be landed without it using up all fishing vessel’s existing quota⁵. Of this total for the North Sea, the UK was allocated 16,808 tonnes, including a “top-up” of 5,224 tonnes to account for fish that would have to be landed because of the discard ban.

According to data released under a freedom of information request by the MMO to Our Fish, the UK fleet recorded landings of 21,596 tonnes of cod up until 15th November 2018, but none of those landed were unwanted sizes i.e. all of the fish landed was wanted and saleable^{6,7}. Assuming the UK landed its entire North Sea and Skagerrak Cod quota of 16,808 tonnes, extrapolating the “top-up” would equate to at least 7,500 tonnes of undersize cod - adding up to a total of some 29,000 tonnes caught.

“The UK government appears to be aware that large-scale unreported, illegal fishing for an important stock like cod is taking place within its fishing fleet, yet the Marine Management Organisation (MMO)

³ ICES Advice on fishing opportunities, catch, and effort, Greater North Sea Ecoregion. Cod.27.47d20. Published 29 June 2018. Available at: <https://doi.org/10.17895/ices.pub.4436>

⁴ ICES, 2017, Advice on fishing opportunities, catch, and effort. Greater North Sea Ecoregion cod.27.47d20. Published 30 June 2017. Available at: <http://ices.dk/sites/pub/Publication%20Reports/Advice/2017/2017/cod.27.47d20.pdf>

⁵ COUNCIL REGULATION (EU) 2018/120 of 23 January 2018 fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2017/127. Available at: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32018R0120>

⁶ Marine Management Organisation 2018, ATI1946 BMS cod landed between 2013 and 2018. Available at: <https://our.fish/wp-content/uploads/2019/03/ATI1946-BMS-cod-landed-between-2013-and-2018-.xlsx>

⁷ The UK also swapped in 3,989 tonnes of cod and swapped out 500 tonnes for 2018, so the total cod quota available for landing by the UK fleet should be approximately 20,308 tonnes. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/778351/FINAL_Area_IV_and_VI_during_2018_as_at_12th_February_2019.xls Available at: <https://www.gov.uk/government/statistical-data-sets/quota-use-statistics>

and Marine Scotland seem to be turning a blind eye. It is incomprehensible and indefensible that such rampant non-compliance would be simply ignored”, she continued. “The UK fishing industry reportedly supports remote electronic monitoring as a requirement for EU vessels accessing UK waters after Brexit⁸, however it is clear from this data, that the UK needs to start implementing this technology with its own fleet first.”

“Our Fish has written to the European Commission⁹, requesting that they take at least 7,500 tonnes off the UK 2019 North Sea Cod quota to account for the unreported undersize cod from 2018. We are also urging the UK to hold aside quota for discards in the 2019 cod quota, and only release it if discards are landed in ports, and all catches are documented through remote electronic monitoring or onboard observers in medium-very high risk discarding fleets,” said Ms Hubbard.

The iconic North Sea cod stock, considered a favourite for UK consumers, was heavily overfished for most of the 80s and 90s, but due to strong intervention, had started to show signs of recovery in the last ten years. However, forecasts of the state of the stock again worsened in 2018, and ICES proposed a radical cut to the TAC of almost 50% from 2018 levels¹⁰. Despite a commitment to end overfishing, the annual fishing limit (TAC) for North Sea Cod in 2019 was set 25% above scientifically advised levels by the EU Agrifish Council¹¹.

The lack of landings of unwanted catches in the UK has also been confirmed by other members of the fish processing industry, who were expecting to receive the unwanted catches to process into other fish byproducts (the Landing Obligation requires that unwanted and undersize catches are only used in industries outside of direct human consumption markets, such as fishmeal, fish oil, pet food, food additives, pharmaceuticals and cosmetics).

Pelagia General Manager Mike Hryckowian, in correspondence with Our Fish, sais there has been a tiny volume sold into the fishmeal sector in Aberdeen (serviced by Fraserburgh and Peterhead) and zero volume into Grimsby (serviced by all English ports).¹²

*I am absolutely certain that if discards were to be landed our factory would receive some if not all of them, because we are one of the few, if not the only, establishment in England capable of dealing with every type of fish discard and in any volume.*¹³

⁸ <https://www.bbc.com/news/uk-scotland-47171429>

⁹ https://our.fish/wp-content/uploads/2019/03/Letter-to-COM-Vella-re-North-Sea-cod-discards_27feb2019.pdf

¹⁰ ICES Advice on fishing opportunities, catch, and effort, Greater North Sea Ecoregion. Cod.27.47d20. Published 29 June 2018. Available at: <https://doi.org/10.17895/ices.pub.4436>

¹¹ New Economics Foundation, 2019, Landing the Blame. Available: <https://neweconomics.org/2019/02/landing-the-blame-overfishing-in-the-north-atlantic-2019>

¹² Pers Comms, Mike Hryckowian, 2018, General Manager, Pelagia, www.pelagia.com.

¹³ Pers Comms, Mike Hryckowian, 2018, General Manager, Pelagia, www.pelagia.com

The low uptake of product into fishmeal production in both Aberdeen and Grimsby fishmeal plants consolidates the landings data provided by the Marine Management Organisation.

The issue of non-compliance with the landing obligation does not only apply to the UK fishing fleet. The European Commission has proposed the introduction of remote electronic monitoring systems, including CCTV, into the EU fleet in order to properly monitor and enforce the landing obligation, through the revision of the Control Regulation¹⁴. The European Parliament Pech Committee is expected to vote on the Commission's proposal on 25 March or early April¹⁵.

ENDS

Documents

- [FOI request from Our Fish to MMO on cod landings](#), 15 November, 2018
- [Receipt for FOI request from MMO](#), November 15, 2018
- [FOI reply from MMO, December 13, 2018](#)
- [File provided by MMO, December 13, 2018: ATI1946 BMS cod landed between 2013 and 2018](#)
- [Our Fish Letter to EU Commissioner Karmenu Vella](#)

Q&A

- **How does this revelation differ from the recent UK [House of Lords report](#)?**

There are some comparable findings between the the Our Fish FOI findings, and the House of Lords [Implementation and enforcement of the EU landing obligation inquiry](#):

- Ports not registering undersize fish landings
- Reports that fisheries continuing to discard
- MMO saying it has deducted 20 tonnes of cod from one operator for illegal discards they recorded via the Fully Documented Fisheries scheme (FDF)

NOTE - The MMO stated in the House of Lords that they only give quota top-up to fleets with FDF, however, as per the below data, this does not align with the landings data we received in the FOI.

What the House of Lords report doesn't cover (key points in bold):

- **The UK govt was given at least 5,200 tonnes as top-up** for undersize cod to be landed in 2018 (as part of their 16,808t quota); **ZERO of this has been landed** ([exact data provided by MMO from monthly landings](#))

¹⁴Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 768/2005, (EC) No 1967/2006, (EC) No 1005/2008, and Regulation (EU) No 2016/1139 of the European Parliament and of the Council as regards fisheries control COM/2018/368 final.

¹⁵PECH(2019)0219_1. Fisheries Committee, DRAFT AGENDA, Meeting, Tuesday 19 February 2019, 9.00 – 12.30 and 14.30 – 18.30, Brussels

- Even after swaps are taken into account, the UK fleet should only have access to approximately 20,308t cod in 2018, including undersized fish, but it landed 21,596t of cod which included ZERO undersize
- **This equates to overfishing of at least 7,500t by the UK fleet in 2018**
- **Our Fish is asking the EU Commission to deduct at least 7,500t of cod from the UK's quota in 2019**

For North Sea cod, the LO was fully applied from 1 jan 2018, and the landings data for all of 2018 is not released by ICES until after May, in aggregated form in their stock assessments - therefore it can only be accessed by reviewing monthly landings until that time.

This is overfishing as a result of illegal discarding (or high-grading) of undersize north sea cod by the UK fishing fleet, for which it specifically received quote from the EU, and the UK should therefore pay back the equivalent quota for the cod that it has subsequently overfished.

- **How did you find out about this missing 7,500 tonnes of undersized cod?**

Following reports that virtually no discards were being landed in 2018 in UK ports, and commentary from the European Fisheries Control Agency that there was a very high risk of non-compliance with the landing obligation in the North Sea, Our Fish submitted a freedom of information (FOI) request to the UK Marine Management Organisation on 15 November 2018¹⁶ for all of the landings data on cod from the UK fleet, including for under MCRS (minimum conservation reference size), which should now be landed according to the Landing Obligation (LO). According to the TAC approved by the EU Council, which allocated a “top-up” of around 30%, this data should show at least 7,500 tonnes of undersize cod, but it shows zero.

- **How much undersized north sea cod were landed in previous years?**

Although the landing obligation didn't require all North Sea Cod to be landed in previous years, there was some reporting in 2016 (for reasons unknown to Our Fish). Besides this small amount of 1.8 thousand tonnes in 2016 (equivalent to about 10% of that year's landings), nothing else was recorded from 2015 onwards. Since 2018, under the LO, all undersize cod should be recorded and landed.

- **What is the minimum size for north sea cod? How is undersized defined?**

35cm is the minimum conservation reference size for North Sea Cod. This minimum size is set to incentivise small, juvenile fish are not caught and can grow to maturity, ensuring that the fish stock can continue to reproduce sustainably into the future. Fish below minimum conservation reference size (undersize) must now be landed but cannot be sold for human consumption.

- **What exactly is wrong here?**

No undersize North Sea Cod were landed by UK fishers in the UK between January 1 and Nov 15, 2018 - even though the Landing Obligation (LO) requires them to be landed.

¹⁶ Marine Management Organisation 2018, ATI1946 BMS cod landed between 2013 and 2018. Available at: <https://our.fish/wp-content/uploads/2019/03/ATI1946-BMS-cod-landed-between-2013-and-2018-.xlsx>

- **Why would they land undersized cod?**

Undersized cod should be landed and counted against quota as part of the LO. The estimated tonnes of undersize catches are based on scientific observations of previous fishing and discarding patterns. As the UK has landed 21,596 tonnes of North Sea cod in 2018, at least 7,500 tonnes would be undersized.

- **Is this Overfishing?**

The UK's cod fishery has not undergone a rapid and broadscale improvement in selectivity, so most undersize cod was probably still caught and discarded - but not reported. The UK landed 21,596 tonnes of cod according to the MMO data, this means that around 29,000 tonnes of North Sea Cod was probably caught (including at least 7,500 tonnes of undersize). Instead of following the rules aimed at ending overfishing, this is an example of gaming the system to carry out even more overfishing.

- **Why did the UK catch 21,596 tonnes of North Sea cod, if it had quota for 11,600 tonnes of allowable sized catch and 5,200 undersized, totalling 16,968?**

The UK fleet has landed the full 16,968 tonnes allocated in the original TAC regulation, however they have also swapped in 3,989 tonnes of cod and swapped out 500 tonnes for 2018, so the total cod quota available for landing by the UK fleet should be approximately 20,308 tonnes¹⁷. The extremely concerning thing is that of the 21,596 tonnes of cod landed, despite at least 7,500 tonnes being allocated for landing undersize cod, zero was landed.

- **Have rules of the landing obligation been broken?**

Yes. The landing obligation is clearly being ignored and rules broken - the true impact of that is unknown because we don't have any onboard monitoring to show total catch, but it is likely to be at least 7,500 tonnes of illegal discards (see calculations in endnotes).

- **Surely if the UK fishing fleet is not landing any undersized cod, this is a good thing? Doesn't it mean that UK fisheries are extremely selective?**

It is impossible for the UK fleet to have completely eliminated unwanted, undersized cod in less than one year. It is also highly unlikely that they have significantly eliminated unwanted catches because there has been a lot of resistance from fishers to adopt all of the selectivity measures available.

- **How would you rank the wrongdoing here? Crime? Infraction?**

This is illegal unreported fishing across a wide part of the UK fishing fleet.

- **What are the punishments for this kind of wrongdoing?**

¹⁷https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/778351/FINAL_Area_IV_and_VI_during_2018_as_at_12th_February_2019.xls Available at: <https://www.gov.uk/government/statistical-data-sets/quota-use-statistics>

The EU Control Regulation rates non-compliance with the landing obligation as a serious offence¹⁸, and therefore individual cases of illegal discarding would normally be dealt with through way of sanctions to the individual fishers. In this case, this is not possible because we have evidence of broadscale non-compliance, but we do not have evidence of individual discarding and misreporting (for this, monitoring at sea is required).

- **Is what you are presenting proof, or evidence, or something less?**

This is evidence that the majority of the UK fleet fishing are not counting or landing North Sea Cod undersize cod, according to the Landing Obligation. It is also evidence that the UK has used “top-up quota” intended for assisting the industry to comply with the Landing Obligation, to simply land more saleable cod, and therefore overfish their quota by one-third. Because there is no recording of the actual discarding of undersize cod, individuals cannot be prosecuted.

- **Who are the wrongdoers?**

According to risk assessments from the EU Fisheries Control Agency (EFCA), the demersal trawlers including otter trawls/seines and beam trawls, have medium-high risk of non-compliance with the landing obligation or misrecording¹⁹ in the North Sea and Skagerrak. It is therefore likely these fishing fleets, and especially those from Scotland and England (see below), who are most responsible.

- **Where in the UK are they operating?**

The Scottish fishing fleet gets 70% of the UK’s North Sea Cod quota (16,856 tonnes in 2018), and English fishers receive the majority of the rest, with a tiny amount going to Northern Ireland and Wales (6,560 tonnes in 2018)²⁰.

- **In what waters does this wrongdoing occur?**

The quota is taken from the North Sea (ICES Subarea 4), Skagerrak (ICES area subdivision 20) and the Eastern English Channel (ICES Division 7d). Based on ICES estimates and the “top-up”, the bulk of the discards would be in the North Sea. See calculations and endnotes.

- **Couldn’t this just be an accounting or reporting error? Couldn’t the 21,596 tonnes landed include the 7,500 tonnes of undersized cod?**

All undersize cod have to be recorded as such, and cannot be sold for human consumption, according to the Landing Obligation. It would be a pretty big error - 7,500 tonnes to 0.

- **If this is wrongdoing, why didn’t they cover it up more?**

¹⁸ COUNCIL REGULATION (EC) No 1224/2009, article 90 1(c): “the failure to land any species subject to a quota caught during a fishing operation, unless such landing would be contrary to obligations provided for in the rules of the common fisheries policy in fisheries or fishing zones where such rules apply.” Available at: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32009R1224>

¹⁹EU 2018, Annual report of the EFCA for year 2017. Available at: <https://www.efca.europa.eu/en/content/annual-report-2017>

²⁰https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/778351/FINAL_Area_IV_and_VI_during_2018_as_at_12th_February_2019.xls

The UK government, and the agencies of the Marine Management Organisation and Marine Scotland, are clearly not making a serious effort to monitor and enforce the landing obligation, so fishers don't feel like they need to follow the rules. Instead of embracing 21st century technology, transparency and accountability to consumers and the public, the UK fishing industry and government is clearly still dominated by a cave-dwellers mentality.

- **Who is responsible for enforcement against this kind of behaviour?**
 - **Have they done their job correctly?**

The UK government - particularly the agencies of the Marine Management Organisation and Marine Scotland - should be monitoring and enforcing the landing obligation for north sea cod. The Department of Environment, Food & Rural Affairs (DEFRA) has overall responsibility for fisheries management. With this very clear data, they must be turning a blind eye.

- **If this discrepancy has been recorded, yet not reported, who should it have been reported to, by whom?**

This information, from the UK's Marine Management Organisation (MMO), which was accessed through a freedom of information request, is based on landings data from ports all across the UK²¹. Port Authorities must be aware that there are no substantial landings of discards, and could have reported it to the authorities. However it is hard to believe that the UK government and fisheries management authorities don't know about this, as they should be regularly reviewing this data.

- **If the Landing Obligation is an EU regulation and the UK is leaving the EU anyway, none of this matters, right? It's not really a crime if it will no longer be illegal?**

The UK is still operating under the EU Common Fisheries Policy, and certainly was in 2018, so this is definitely evidence of illegal, unreported activity. Going forward, the UK government has said it is committed to a ban on discards, so presumably, the UK fleet should still be counting and landing all unwanted, undersize cod.

- **Now that this is out in the open, what happens next?**

This depends on how willing the UK government and the EU Commission are to respond to these findings.

What Our Fish wants: The UK government, and indeed all EU member states, need to urgently upscale their at-sea monitoring and control systems to stop this illegal behaviour and ensure that the correct catch data is being reported for management purposes. Remote electronic monitoring systems with CCTV are already used in part of the UK fleet voluntarily, however this needs to be made mandatory, and extended into higher-risk sections of the fleet. The EU Commission should reduce the UK's North Sea Cod quota for 2019 by at least 7,500 tonnes, as payback for overfishing their cod allocation in 2018. The UK should also hold aside quota for discards in the 2019 cod quota, and only release it if discards are

²¹ Marine Management Organisation 2018, ATI1946 BMS cod landed between 2013 and 2018. Available at: <https://our.fish/wp-content/uploads/2019/03/ATI1946-BMS-cod-landed-between-2013-and-2018-.xlsx>

landed in ports, and all catches are documented through remote electronic monitoring (CCTV) or onboard observers in medium-very high risk discarding fleets.

- **Illegality is one thing, but what are the environmental ramifications of this wrongdoing?**

Ongoing discarding without proper reporting and catch accountability can have huge impacts on fish stocks and management. If this 9,000 tonnes of undersize fish were discarded, that's equivalent to the UK overfishing its allocation by almost one third. For a stock like North Sea Cod which has been historically overfished and is struggling to rebuild, it could have devastating impacts and contribute to another crash in the population. It also undermines the reliability of scientific data, the stock assessments, quota allocations and fisheries management that depend on that science, introduces illegality into the seafood supply chain, and destroys consumer trust in the fishing industry.

- **Who should journalists call to find out more, or to find out what action will be taken?**

We suggest they speak to the European Commission, DEFRA, the MMO and Marine Scotland.

NOTES - Calculations (tonnes)

2018 TAC for North Sea + Skaggeak + Channel = $43156+7995+1733 = 52,884$

2018 Top-up for unwanted discards for North Sea + Skaggeak (0 channel) incl in TAC = $13414+3746 = 17,160$

UK portion of TAC = $16,808+160 = 16,968$

UK portion of top-up = 5,224

For North Sea only:

2018 TAC = 43,156

2018 top-up for unwanted discards = 13,414

UK portion of TAC = 16,808

UK portion of top-up = 5,224

UK Landings of above-size cod Jan-Nov 2018 = 21,596

Unaccounted for top-up for undersize cod not landed in the UK = at least 7,500