

# Our Fish

## EU fisheries management system likely to implode: the unintended impact of not enforcing the ban on fish discards

### Summary

A new paper, *The Unintended Impact Of The European Discard Ban*<sup>1</sup> by Dr Lisa Borges has found that an increase in fishing quotas of up to 50% was applied to account for the implementation of the Landing Obligation (LO) in EU waters in 2020, despite no enforcement of the LO and no decrease in discards. This discrepancy is likely to lead to a widespread unmeasured increase in the number of fish killed each year, which undermines the accuracy of scientific data, the ability of scientists to give reliable advice for fishing limits, and the ability of governments to make appropriate fisheries management decisions, and therefore lead to what the paper's author describes as an "implosion of the EU fisheries management system". This briefing elaborates on what the paper means for the health of the ocean and for EU fisheries management.

### The problem: 1,700,000 tonnes of dead or dying fish wasted

Fisheries in the EU are managed through the Common Fisheries Policy (CFP)<sup>2</sup>. The CFP's main tool for achieving fish conservation objectives in the North-East Atlantic are fishing limits or Total Allowable Catches (TACs) which are then divided into quotas. In 2013, as part of the CFP's reform, a ban on discarding fish at sea was introduced (the Landing Obligation (LO)) to end this wasteful practice and reduce the catching of young fish and unwanted species, which were estimated at 1,700,000 tonnes per year<sup>3</sup>. This enormous damage to, and needless waste of, marine ecosystems was mostly through immature fish being caught and killed before they had time to breed, or low-value or unwanted fish (many of which are vulnerable species) being caught and thrown back dead or dying. The LO requires

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<sup>1</sup> Lisa Borges (2020), The unintended impact of the European discard ban, ICES Journal of Marine Science, IN PRESS, DOI: 10.1093/icesjms/fsaa200

<sup>2</sup> Regulation (EU) No 1380/2013, Common Fisheries Policy, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02013R1380-20190814>

<sup>3</sup> COM (2011). Commission Staff Working Paper Impact Assessment *accompanying the document* Commission proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy [repealing Regulation (EC) N° 2371/2002]

that all caught fish are documented, counted against quotas, and landed, in order to provide a market incentive for avoiding the unwanted catch in the first place. The LO was introduced slowly, from 2015 until 2019 for TAC-regulated species in the Atlantic or those with a minimum size in the Mediterranean.

### A spoonful of sugar helps the medicine go down

There are four exemptions to the Landing Obligation system, which allow for fish to be thrown back into the sea:

- Species for which fishing is prohibited (threatened or protected species must be recorded and immediately released in accordance with guidelines);
- Fish damaged by predators;
- Species that have “high survival” rates after being caught (in reality this includes any fish where research shows that more than 17% of them survive being caught, and has been highly criticised<sup>4</sup>);
- De minimis catches - up to 5% of the total annual catch can be discarded if it’s “very difficult” or “disproportionately” expensive to avoid catching.

Even though these exemptions exist, and in practice are very wide ranging, all fish caught should still be documented under the LO in order to be accounted for in the TACs.

Another key condition for Member States to agree on the LO, was that the TACs would be increased to account for the new landings (of previously discarded fish). In a complicated and non-transparent process, the European Commission receives scientific advice for maximum catches (from ICES), and then estimates exemptions (top-ups and top-downs) and proposes adjusted TACs. As a result, TAC adjustments have contributed to higher fishing limits, based on the argument that this will support the implementation of the landing obligation. However, at the same time, the number of granted exemptions to the European discard ban has increased, with some fisheries even gaining multiple exemptions.

### The medicine that was not taken

Discarding of unwanted fish at sea, a lack of documentation of the fish caught, and a lack of landings of unwanted catches continue to occur throughout EU fisheries, due to insufficient monitoring and control.

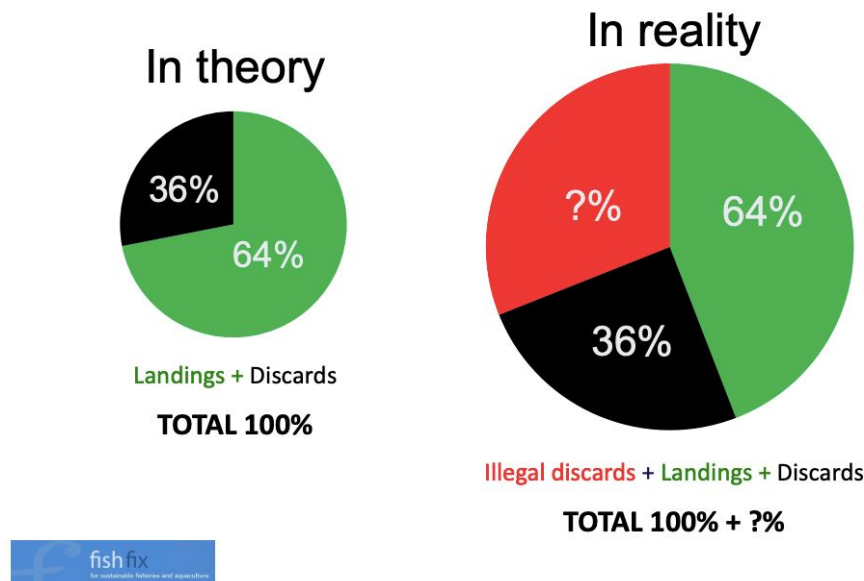
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<sup>4</sup> ClientEarth and Seas At Risk, 23 August 2018, letter to Commission regarding outstanding concerns about exemption requests for the 2019 discard plans, <https://www.documents.clientearth.org/wp-content/uploads/library/2018-08-23-clientearth-and-seas-at-risk-letter-to-commission-regarding-outstanding-concerns-about-exemption-requests-for-the-2019-discard-plans-ext-en.pdf>

Yet despite this, the European Commission continues to propose higher TACs, to account for the expected increase in fish being landed.

### The disease that has overtaken EU fisheries

An analysis of the TACs before and after the LO was introduced shows that there is an average annual increase of 36% in TACs since 2015, and that this increase reached 50% in 2020 overall, above pre-landing obligation levels.



For demersal fish species, which are often caught with less-selective gears and have a high proportion of unwanted fish, these TAC increases reached 60% for 2020 fishing limits.

These results demonstrate the significant impact that the LO has had on the size of EU fishing limits. Since discarding has not declined in EU fisheries at any significant level, the magnitude of these increases may likely have resulted in a substantial widespread increase in fish mortality being exerted on European stocks, and thus likely lead to an “implosion” of the EU TAC system, the Common Fisheries Policy central instrument to manage fisheries in the EU.

The impacts of this continued state of affairs, and an implosion of the TAC system, could lead to:

- Decline of fish populations that are believed to be fished at sustainable levels, due to being fished at much higher, unreported rates;
- Decline in TACs and fishing opportunities for the industry due to declining fish populations;
- Collapse of vulnerable fish populations due to ongoing unreported, legal and illegal fishing pressure;

- Ecosystem repercussions from consistently declining fish populations and/or removal of certain species and/or age groups of fish (eg. food web collapse, predator-prey collapse, lack of carbon-sequestration);
- Undermining of the quality and accuracy of scientific data and the inability of scientists to give reliable, relevant advice for fishing limits or risks of management measures;
- Inability of governments to make appropriate fisheries management decisions, because the data that underpins their decision-making processes is incorrect.

### The vaccine for healthy fisheries

The EU cannot expect to offer only sugar and no medicine when it comes to ensuring sustainable and responsible fisheries management. To ensure that the Landing Obligation delivers on its objective, and avoid an implosion of the fisheries management system more broadly, Our Fish is calling for the following actions to be taken:

- EU lawmakers should mandate the use of Remote Electronic Monitoring on all fishing vessels above 12m length, and on a percentage of vessels under 12m that are assessed as high-risk of non-compliance with the CFP rules (this can be done through the review of the Fisheries Control Regulation, and more immediately through Member State governments);
- The European Commission should propose, and Member State fisheries ministers should set, Total Allowable Catches at the level advised by scientists for 'wanted catch' only;
- European Commission should introduce Environmental and Climate Impact Assessments of fishing activities; and
- European Commission should establish a set of criteria that can be used by Member State governments to redistribute quotas to the fishing fleets that have the greatest environmental and social benefits.

#### **For more information:**

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