



Coalition for
Fair Fisheries Arrangements



Coalition pour des
Accords de Pêche Équitables

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EU Discard ban and the landing obligation for external fleets – **Sustainability and food safety issues for development countries**

Introduction

Discarding is the practice of returning unwanted catches to the sea, either dead or alive. It takes place for a variety of reasons: either because fish caught are too small, because the fishermen have no quota or have reached their quota, because of catch composition rules, or because of specific market conditions, price and demand fluctuations (*'high grading' practice*¹).

The new EU Common Fisheries Policy introduced a 'discard ban', to be implemented through the introduction of a landing obligation. The landing obligation applies to all fisheries where catches are subjected to quotas, and in waters which are not under the jurisdiction of coastal states.

Under the landing obligation all catches have to be *'kept on board, landed and counted against the quotas'*. Moreover, *'undersized fish cannot be marketed for human consumption purposes'* – but it can be used to supply fish meal plants, for example.

The landing obligation will be introduced gradually, between 2015 and 2019 for all commercial fisheries. The first fisheries where it will be introduced (1st January 2015) are the pelagic fisheries, including tropical tuna fisheries and small pelagic fisheries taking place outside EU waters.

Details of the implementation for external fleets targeting tropical tuna and small pelagics are to be specified in a 'delegated act' currently being prepared by the European Commission (EC). The EC approach for the implementation is to look at rules existing in Regional Fisheries Management Organisations (RFMOs), and look for potential contradictions: where an RFMO rule makes an obligation to discard at sea or prohibits to retain on board certain species, the EU legislation will not apply (and exemptions will have to be introduced in the delegated acts for these cases). In any other cases, the EU landing obligation will apply.

¹ *The practice of discarding less valuable catch to make space for more valuable catch*

We feel that both the process and the scope given by the EC for elaborating this delegated act are inappropriate, and may provoke potentially important problems in terms of sustainability, food safety, and create waste disposal problems in African fisheries, particularly in countries where landing of the by-catches will take place.

Environmental Sustainability concerns

The article 15 of the new CFP, dealing with the discard ban, claims that its ultimate objective is to promote selectivity, reduce unwanted catches and improve fishing practices at sea. To achieve that, the landing obligation has to be accompanied by multi annual plans to improve selectivity, through proper management measures (including closed areas, closed seasons, improvement in fishing gears, etc).

We disagree with the assertion made by the EC² that the landing obligation, in itself, '*will serve as a driver for more selectivity*'.

The risk is that, if no parallel/concomitant actions are taken to improve selectivity for EU fleets active outside EU waters, it will adversely affect eco-systems³.

We demand that,

In its delegated act, the EC should not only aim to harmonize EU landing obligation regulation with all relevant RFMOs regulations, but should also present, for all the external fleets concerned, an action plan about how the EU will ensure measures are put in place, including in RFMOs, to increase selectivity and promote good fishing practices.

Food safety, developing countries markets concerns

Even if percentages of by-catch are relatively small in EU pelagic fisheries (tuna and small pelagics), the volumes of unwanted catches can be very high and the glut landings of these high volumes in developing countries may lead to important problems, including:

Dumping on local markets: the landing of important volumes of by-catches may have a disruptive, dumping effect on local markets, affecting the trading capacity of local fishing sector and ultimately undermining their capacity to supply local and regional markets.

Fueling the production of fishmeal, including from under sized fish: the landing of massive volumes of by-catches by fleets fishing for small pelagic fish may boost the development of new fish meal production units to supply existing and developing industrial aquaculture production, - a development model that is strongly criticized by developing countries artisanal fishing sector.

² See EC website: http://ec.europa.eu/fisheries/cfp/fishing_rules/discards/index_en.htm

³ See article in Nature 'Cascading ecological effects of eliminating fishery discards', May 2014, <http://www.nature.com/ncomms/2014/140513/ncomms4893/full/ncomms4893.html> . The article highlights that, on its own, the landing of discards has negative impacts on the environment. On the contrary, when combined with selectivity measures, it becomes beneficial.

Food safety, public health and waste disposal problems: Problems may also arise regarding food safety if, for example, tuna contaminated by histamine was to be landed. More generally, in cases where by-catches are not kept in chilled or frozen conditions on board (when outside temperatures reach 30/40°), this may lead to food safety hazard. Even if the by-catches to be landed were well preserved on board, glut landings of such highly perishable products will place onerous burden on third countries authorities to handle them appropriately. If there is no local capacity to handle them appropriately, landings of by-catch could pose public health and waste disposal problems.

We demand that

Strategies should be presented by the EC about how the EU will open up a dialogue with developing countries affected by the landings to ensure these landings will not undermine local producers and supply, lead to the creation of new markets for the use of undersized fish (fish meal markets), and that there will be sufficient capacity and infrastructure, on board and on shore, to handle and deal appropriately with these landings of discards.

Participation of stakeholders concerns

The EC consultation of stakeholders about the implementation of the landing obligation for external fleets was launched during the summer 2014, with almost no background information made available. Moreover, as far as we are informed, third countries stakeholders have not been consulted at all. In terms of efficient and transparent enforcement, currently no proposals are presented for distant water fisheries.

We demand that

Impacts assessment should be made regarding the implementation of the landing obligation, looking at environmental, social (including health and safety), and economic impacts of this measure. These impacts assessments should be made available before adopting delegated acts.

Proposals should be presented for an efficient, transparent, and non-discriminatory enforcement.

Consultation should be opened to third countries stakeholders, given the potential repercussions the implementation of the landing obligation will have on them

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