

Annual report on the implementation of the landing obligation (Regulation (EU) 2015/812 amending Regulation (EU) 1380/2013, Article 15.14)

United Kingdom update on the landing obligation

This document provides information from the United Kingdom on the implementation of the landing obligation in 2016. This information has been requested by the European Commission in order to compile its annual report on the implementation of the landing obligation to the European Parliament and the Council.

Since its introduction on 1 January 2015, the implementation of the pelagic landing obligation has been operating well and overall the industry has successfully adapted to it. Meanwhile the introduction of the demersal landing obligation in 2016 has proceeded with no significant negative impacts, which is as expected given the fisheries covered in the first year. We will continue to engage with UK fleets to ensure they continue to adapt to the landing obligation and to its progression in 2017 and beyond. The UK recognises that there will be more challenges in implementation with the introduction of increasingly complex fisheries over the next couple of years. The work we are carrying out on choke species within the regional groups will be important in devising measures to help support the industry to adapt.

Steps taken by Member States and producer organisations to comply with the landing obligation

- 1. Have you initiated, supported, participated in or implemented any measures and/or studies relating to the avoidance of unwanted catches through spatial or temporal changes to fishing behaviour (for example, studies/pilots on real time closures)?**

Please specify the measures taken or studies

Since 2011, the UK Government has run Fully Documented Fisheries (FDF) trials. Vessels were fitted with Remote Electronic Monitoring/CCTV camera systems and operated as if they were under a landing obligation, with the trial participants landing all their catch in exchange for additional quota.

Marine Scotland and England ran North Sea Catch Quota schemes using REM.

The 2016 report is scheduled for publication, while the 2015 report can be found [here](#).

- 2. Which fleet segments/fisheries do these measures and/or studies apply to?**

The trial was applied to TR1 vessels in the North Sea.

3. **What has the uptake of these measures and/or studies been in the fleet segments/fisheries to which they are applicable? Please provide the number and proportion of vessels in the segment/fishery.**

The English North Sea trial had an uptake of seventeen English (out of 63) vessels in 2016.

4. **Have you initiated any changes to your quota management system to implement the landing obligation?**

Please give details

The UK already operates a transferable quota system within the majority of the fleet which allows industry groups to exchange quota and as a result there is no regulatory barrier to fisherman better aligning their quota holding with catches. This flexibility also helps with the avoidance of choke scenarios; for example pelagic operators have had to source additional herring quota to cover landings of unintended by-catch.

Within the non-sector, which is provided with periodic catch limits set by the administrations, consideration has been given to the option of reserving quota to hedge against a choke scenario, avoiding premature fishery closure. This mechanism has not been called on to date as there are limited stocks currently subject to the landing obligation.

Quota limits and closures are managed through licence conditions. Pre-landing obligation the condition related to prohibition of retaining on-board catches in excess of certain limits or from areas subject to closure. These conditions have now been amended to prohibit fishing but without prejudice to the landing obligation requirements.

5. **For stocks management through catch limits, have you conducted a quantitative analysis to identify potential national choke issues?**

Please give details

The UK administrations are currently considering all the stocks and their potential to choke fisheries under the landing obligation.

For the UK English fleet the main choke issues that have been identified are:

Species	Area
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Cod	North Sea
Whiting	North Sea
Haddock	Area VIa
Cod	Area VIIa
Cod	Area VII b-c, e-k
Haddock	Area VII b-c, e-k
Megrim	Area VII
Plaice	Area VII hjk
Whiting	Area VIIa

For the UK Irish Sea fleet the main choke species in order of volume are:

Species	Area
Whiting	Area VIIa
Cod	Area VIIa
Sole	Area VIIa

These species have very low or zero quotas and are currently fished below safe biological limits, presenting a particular problem especially to fleets targeting Nephrops using TR2 gear. Area VIIa haddock and plaice should be manageable through the provision of adequate quota uplifts.

For the UK Scottish fleet they can be broken down into three broad categories:

- Zero TAC stocks – when the TAC is zero then fishing should either not take place or be tightly restricted in order to prevent the catch of a stock which no quota is available to cover.

Species	Area
Cod	West of Scotland
Picked Dogfish (Spurdog)	All EU waters

- Very low TAC stocks – these are stocks where the TAC is so low that it prohibits effective fisheries management as even very small catches may exhaust the available quota.

Species	Area
Deep sea sharks	All EU waters
Alfonsinos	All EU Waters
Whiting	West of Scotland
Black scabbardfish	North Sea
Roundnose grenadier	North Sea
Red seabream	West of Scotland
Greater forkbeard	North Sea

- Finally there are a number of TACs where it may be possible to introduce a landing obligation without choking fisheries, however, to do so requires changes in the fishing industry, top-up quotas and continued access to quota swaps from other Member States. It is difficult to predict with any certainty whether these measures can be achieved before they are required.

Species	Area
Cod	North sea
Hake	North Sea
Ling	North Sea
Saithe	North Sea
Anglerfish	West of Scotland
Dab	North Sea
Flounder	North Sea
Witch	North sea
Turbot and Brill	North Sea
Pollock	West of Scotland
Skates and Rays	North Sea

6. Have you pursued any exemptions to the landing obligation (either for high survival or de minimis) in the development of regional joint recommendations?

Please give details of each exemption

The UK has sought several exemptions during the development of the regional joint recommendations. For 2017, new high survivability exemptions were submitted for sole caught by TR2 vessels in inshore waters (in both the North Sea and North West Waters), and Nephrops caught with selective Netgrid gears by TR2 vessels (in the North Sea). In 2016, the UK proposed and made use of exemptions for Nephrops caught in pots, traps and creels plus a *de minimis* exemption for undersized nephrops caught in trawls for the North Sea and North Western Waters.

Please see the relevant discard plans for details.

7. What studies or evidence have you collected or produced in order to support such a request.

The supporting evidence is included in the relevant discard plans.

8. What steps have you taken to ensure the amount discarded under granted *de minimis* exemptions does not exceed the permitted volume in the delegated act?

The quantities of fish discarded under *de minimis* exemptions are required to be reported in logbooks. This requirement has been highlighted in published guidance and through direct advice. It can be difficult to establish compliance with this requirement as discards are not routinely observed. So far, the data collected to date looks to be incomplete and not of a high quality.

9. What has been the utilisation of any granted *de minimis* exemptions in the fleet segment/fishery to which the exemption applies? Please provide the total weight and proportion of catch discarded under this exemption for each fleet segment/fishery to which an exemption applies.

The final figures on landings and use of *de minimis* will not be available until later in 2017. Indicative figures suggest that Scottish vessels using TR2 gear discarded a combined 2t of nephrops in the North Sea and North Western Waters under *de minimis*.

10. Have any of your vessels utilised the provision to discard fish which shows damage caused by predators?

Please provide the total weight of catch of each species discarded for each fleet segment/fishery concerned.

We do not have good quality data on this. Unfortunately, reported discard data is considered unreliable. We have a limited amount of information on unmarketable discards from REM trials but the reason for discarding cannot be established from the information collected.

11. For stocks managed by catch limits, did you make use of the provision for inter-annual or inter-species flexibility?

Please identify which flexibility (or flexibilities) was used, and the corresponding reallocation of fishing opportunities for the stocks concerned.

No

12. In the development of joint recommendations, has consultation with Advisory Councils and other relevant stakeholders taken place?

Please outline the process of consultation with Advisory Councils.

Please outline the process of consultation with other stakeholders, if relevant.

Details of the consultations between the relevant Regional Groups and Advisory Councils are included in the relevant Joint Recommendations.

- 13. Following the adoption of the delegated act for a discard plan, have steps been taken to ensure adequate understanding among stakeholders of their obligations under the provisions of the act?**

Please outline the process of ensuring stakeholders understand the obligations that will apply to them.

Each administration of the UK has published guidance online for its industry on the landing obligation and the content of the relevant delegated acts. This guidance has been highlighted to the industry through correspondence, meetings and face to face advice on the quayside and through local officers.

- 14. Are there any other steps not covered by the questions above that you have carried out to effect compliance with the provisions of the landing obligation?**

Please specify the measures taken.

No.

- 15. Which fleet segments/fisheries do these studies/pilots apply to?**

N/A

- 16. What has the uptake been of these measures in the fleet segments/fisheries to which they are applicable? Please provide the number and proportion of vessels in the segment/fishery.**

N/A

Steps taken by Member States regarding control of compliance with the landing obligation

- 17. Has information been provided by Member States administrations and control agencies to fisherman?**

In what format has this information taken;

- **Initiatives directed to fisherman to improve compliance**

- **Guidelines on the application of the landing obligation, accurate recording of catches, etc.**
- **Other**

The requirements of the relevant delegated acts has been transposed into published guidance by each UK fisheries administration which has been drawn to the attention of industry by letter and through meetings and face to face advice on the quayside and through local officers.

An example of the guidance published can be found [here](#).

18. Have guidelines been provided by Member States administrations and control agencies for inspectors?

In what format has this information taken:

- **Delivery of guidelines for inspectors on the effective and uniform application of the landing obligation.**
- **Seminars and trainings organised for presenting the guidelines to inspectors at national and regional level.**

Fisheries Officers are kept fully informed of all developments and Enforcement Policy Instructions are drafted and amended as required. Guidance continues to be rolled out to all offices via written communication, Videoconferencing seminars, face to face meetings and Workshops organised both locally and by EFCA.

19. Have new control and monitoring tools been used by Member States?

Please supply information on:

- **Control tools used in the context of landing obligation, i.e. REM, traditional systems (aerial surveillance, inspections at sea), reference fleets, etc.**
- **Steps towards implementation of new tools, including electronic monitoring means dedicated to implementation of landing obligation, haul-by-haul recording, etc.**

The UK Government is adopting a range of data gathering tools.

The Marine Management Organisation (MMO) is continuing the North Sea FDF scheme on a voluntary basis for 2017, allocating quota uplift from the 2017 negotiated TACs as an incentive to participating vessels.

In the UK all tools available to compliance officers are utilised including traditional techniques such as aerial surveillance, inspections at sea, and monitoring in port. These have been supplemented with new tools and techniques such as CCTV and fitting forward look infrared cameras (FLIR) to our surveillance aircraft allowing them to keep a check on activities during the hours of darkness. Marine Scotland now follow up any boarding at sea where last haul analysis has been carried out with a full monitoring of the vessel on landing; this is then analysed against the landings of other vessels fishing in the same area. All pelagic vessels are now required to give their average gramme size and all vessels gramme sizes are compared against vessels from the same fishery, allowing them to be used as reference vessels.

20. Have the Member state administrations and control authorities monitored below Minimum Conservation Reference Size (MCRS) catches at and after landing (traceability)?

Please supply information on:

- **Total number of discards (by fishery, fleet segment) from 2013 to 2016**
- **Initiatives taken to prevent under MCRS catches from reaching the commercial channels (pre-notification of landing of under MCRS catches, etc.)**
- **Measures taken to monitor landings at fish markets/auctions adopted.**

Below MCRS fish entering direct human consumption outlets has not manifested as a risk to date. Officers routinely monitor vessels at sea and in port checks are made on the size of all fish. Fish that have been retained below the minimum size are kept separately and landed to specific areas which have been set up in all auction halls. Fish within these specific areas are subject to specific controls and are normally used for bait by local creel vessels or dispatched to a meal plant where they are turned into meal and oil. Guidance has been provided to industry on the potential markets for below MCRS fish, specifying that food hygiene or Animal By-Products legislation should be adhered to, depending on the markets the fish is being directed to.

21. Has control and monitoring been based on risk assessment?

Please supply information on the risk assessment tools used and the results obtained, including those implemented by the regional Control Expert Groups in cooperation with EFCA.

Risk assessments are currently being used to categorise the highest risk fisheries with a view to implementing appropriate and proportionate control tools. Control activities are risk based although the highest risks are not necessarily linked to the

landing obligation. They have thus far focussed on control and technical risks to compliance not associated with the landing obligation.

22. Has the “last observed haul” approach elaborated by EFCA as a tool for monitoring the implementation of the landing obligation and to derive potential targets for inspection been used?

Please give the details of the fisheries covered and the extent of sampling

The UK has been fully involved with the implementation of the last observed haul approach elaborated by EFCA, for both pelagic and demersal fisheries.

Information on the socioeconomic impact of the landing obligation

23. Using the most appropriate indicators defined below, provide information on the socio-economic impacts on:

- **The catching sector**
- **Upstream businesses**
- **Processors**
- **Consumption and markets**
- **Costs for Member States**

Detailed statistics on 2016 will not be available until later this year and we anticipate that it will be difficult to disentangle the effects of the landing obligation from wider movements in the fishing industry due to the lack of an identified control group fishing outside the landing obligation to which we can compare.

Information on the effect of the landing obligation on safety on board fishing vessels

24. Have there been any reported incidents of overloading of vessels causing stability problems?

Please specify the number and nature of such incidents.

Can you quantify these in terms of:

- **Number of deaths or serious injuries**

- **No. of vessels involved as a % of the specific fleet segment**

There have not been any reported incidents in the UK.

25. Have there been any reported incidents of overloading of vessels forcing them to return to port early?

Please specify the number and nature of such incidents

It is possible that the landing obligation could result in fish holds being filled quicker than normal where previously discarded fish is retained as a result of the landing obligation. However, any vessel overloading with catch would be in breach of MCA safety and stability rules, as well as putting lives at risk. We are not aware of any such situations.

26. Have there been any reported incidents or accidents on board vessels that can be attributable to excessive workload?

Please specify the number and nature of such incidents or accidents

The UK is not aware of any reported incidents.

27. Has any national legislation relating to safety on board fishing vessels arising from the landing obligation been amended or introduced?

Please provide details of this legislation.

No.

28. Have you provided or received any funding under Article 32 (health and Safety) of EMFF or Article 3 (eligible operation on safety) and Article 6 (eligible operations on working conditions) of Commission delegated Regulation (EU) 2015/531 to mitigate against potential safety issues caused by the landing obligation?

If yes, please specify the number of projects involved and the nature of the measures taken

If no, have any measures been taken which have not been funded under the EMFF?

Under Article 32 of the EMFF England, Wales and Northern Ireland have not funded any projects but there is provision to fund such projects if an application is made.

Under Article 32 of the EMFF Marine Scotland have committed a total of £357,658.63 (£228,851.08 EMFF, £128,807.55 National) to 22 projects. These projects were for man overboard retrieval equipment, shelter decks, non-slip coverings, upgrading crew quarters, EIRPB's/PLB's. However, article 32 of the

EMFF does not ask if such measures are being requested as a result of the landing obligation, therefore it is not possible to separate out projects which specifically mitigate risks introduced by the landing obligation.

Information on the use and outlets of catches below the minimum conservation reference size of a species subject to the landing obligation

29. What have been the main reported uses and destinations for catches below MCRS?

Can you quantify these catches by species in terms of volumes, price per tonne and associated costs for the different outlets such catches have been sent?

The main reported uses of below MCRS fish are for fish meal and pot bait. Guidance to industry does list a wider potential list of markets, but in reality these are the most readily accessible ones. We will evaluate whether this changes over subsequent years.

30. Have you carried out any studies or pilot projects considering the potential uses for such catches?

Please provide details of such studies or pilot projects.

CEFAS published a report in October 2014 on the English Discard Ban Trial which considered the handling of undersized catch and the markets it could potentially be directed to. The trial involved eight vessels of different sizes, gear types and from different ports along the south coast of England who were involved for up to five months. All fish caught were documented and there was a high level of confidence in the compliance and in the quantities and reported destination of those catches at first sale. Overall, 128 fishing trips were conducted during the trial of which 40 had a scientific observer on-board. During the trial, the total recorded weight of otherwise discarded catches caught by all vessels was 27,171kgs (an average 212 kg per trip).

The report and its recommendations can be found [here](#).

Information on port infrastructure and of vessel's fitting with regard to the landing obligation for each fishery concerned

31. Have you provided funding under Article 38 of the EMFF for modifications on board vessels for the handling of catches on board?

Please specify the number, nature and total amount invested in such projects.

Under Article 38 of the EMFF the UK has provided funding:

Marine Scotland has committed £9,572.50 (£4,786.25 EMFF funding and, £4,786.25 National funding) to two projects for equipment to improve the handling of catches on board.

England has approved 32 projects, predominantly to support the purchase of more selective gear types, with an EMFF value of £234K.

In Northern Ireland no projects have been funded but there is provision to fund such projects if an application is made.

32. Have you provided funding under Article 43 of the EMFF for the investment in the infrastructure of fishing ports, auction halls and shelters for the handling of unwanted catches?

Please specify the number, nature and total amount of invested in such projects.

Under Article 43 the UK has provided funding:

Marine Scotland has committed £5,079,000 (£2,549,750 EMFF funding and, £2,529,250 National funding) to 3 projects for the handling of unwanted catches. These projects were to extend a fish market, and ice making facilities.

England has approved 19 projects, primarily focusing on harbour improvements, with some equipment included in these projects, with EMFF funding of £608K.

In Northern Ireland no projects have been funded but there is provision to fund such projects if an application is made.

33. Have you provided funding under Articles 68 and 69 of the EMFF for investment in marketing measures and the processing of fishery and aquaculture products?

Please specify the number, nature and total amount invested in such projects.

Under Article 68 and Article 69 the UK has provided funding:

Under Article 68 Marine Scotland has committed £298,181 (£163,036 EMFF funding and, £135,145 Scottish Government funding), to three projects which aim to secure accreditation for inshore fisheries & develop exports. Under Article 69 Marine Scotland has committed £1,794,393 (£1,288,052 EMFF funding and, £506,341 Scottish Government funding), to 8 projects which aim to increase processing capacity & utilise salmon by-products.

England has approved two projects under Article 68 and 22 projects under Article 69 with a combined value of EMFF funding of £1.87m.

In Northern Ireland no projects have been funded but there is provision to fund such projects if an application is made.

Information on the difficulties encountered in the implementation of the landing obligation and recommendations to address them

34. Please provide information on the following:

Operational difficulties, such as:

- **Avoidance and/or selectivity insufficient to avoid unwanted catches**

There are continuing issues with avoidance and/or selectivity measures in pelagic fisheries, where herring is taken as an unintended bycatch in horse mackerel fisheries.

Evidence from REM trials suggest that even with optimised selectivity it is difficult to avoid some species such as Celtic Sea haddock where abundance is widespread. This is problematic as quota availability for this species is very low for the UK.

- **Handling, storage and processing of unwanted catches**

At present, we have not seen significant problems with this which is probably due to the limited number of fisheries affected by the landing obligation at present. The main bulk of fisheries impacted by the landing obligation are the North Sea TR1 and general pelagic fisheries.

Freezer vessel operators appear to be able to accommodate their previously discarded catches although there is some confusion about whether marketing facilities should handle this fish if it is intended for non-human consumption.

- **Lack of funding to adapt fishing gears, vessels or port infrastructure**

The UK is not aware of any specific issues in this area. However, in England funding for selective gears is limited to one application per person/company.

Difficulties relating to monitoring, control and enforcement, such as:

- **Lack of understanding or awareness of the rules**

Detailed guidance and advice is available however the rules are complex during the transitional phasing period.

- **Difficulties implementing and monitoring de Minimis or high survivability exemptions**

There are concerns around the reliability of discard data. It is not possible to monitor these levels of discards whilst self-reported discard data remains unreliable and unvalidated. Some indication of discard levels can be gleaned from observer and inspection data. Whilst such data may provide an indication of discard levels it will not be possible to ascertain a precise figure of de minimis use during the course of a year as the percentage of total catches can only be established at the year's end.

- **Implementation problems with regard to control/monitoring processes or infrastructure (e.g. adaptation of ERS systems)**

A new data exchange schema is being introduced in 2017, at which point new/different coding will be put in place for landing obligation related reporting requirements. Until then the UK is having to use temporary solutions to the data requirements.

- **Refusal to carry observers**

N/A.

Difficulties in fully utilising fishing opportunities, such as:

- **Problems re-allocating quota to cover catches previously not landed**

Difficulties have arisen principally in the pelagic fisheries where operators have had to purchase quota to cover unintended catches. Whilst the quota has so far been available the leasing price has made such landings uneconomic – it is not possible to quantify this, however.

- **Problems with the timing or availability of quota swaps**

The UK is unaware at this stage of problems with timing or availability of quota swaps

- **Fisheries being forced to close early due to choke problems**

The VIIe/f herring fishery has been closed for unintended catches and further landing could lead to the closure of the VIId/e spat fishery.

The main challenge facing the Nephrops fleet in the Irish Sea using TR2 gear is the avoidance of small whiting which is abundant across the fishing grounds. Selectivity measures that rely on selection for size to retain Nephrops tend not to be capable of selecting out small whiting.