



BRIEFING PAPER

CBP-05957 , 17 August 2015

Reforming the Common Fisheries Policy (CFP), 2014-20

By David Hirst

Inside:

1. Background to the Common Fisheries Policy (CFP)
2. The Common Fisheries Policy (CFP) reform proposals
3. Comment on the European Commission proposals, 2011
4. Discards and environmentally responsible fishing
5. Implementing CFP reforms
6. Implementing the fish landing obligation



Contents

Summary	3
1. Background to the Common Fisheries Policy (CFP)	4
1.1 Total Allowable Catches (TACs) and quotas	4
1.2 Fishing in coastal waters	4
1.3 Quotas, discards and overfishing	4
2. The Common Fisheries Policy (CFP) reform proposals	6
2.1 2009 Green paper on reform of the CFP	6
2.2 Commission CFP reform proposals	6
3. Comment on the European Commission proposals, 2011	8
3.1 UK Government response	8
3.2 Scottish Government response	8
3.3 National Federation of Fishermen’s Organisations	9
3.4 European Court of Auditors report, 2011	9
4. Discards and environmentally responsible fishing	11
4.1 Discards and the catch quota scheme	11
4.2 EFRA Committee wants long delay before discards ban, 2012	12
4.3 Progress on discards, June 2012	12
5. Implementing CFP reforms	14
5.1 Consultation on European Maritime Fisheries Fund (EMFF)	14
5.2 Consultation on the Pelagic Landing Obligation—Discards ban	15
5.3 Consultation on Marketing Standards and Labelling Requirements	15
5.4 Discard ban trial	16
6. Implementing the fish landing obligation	18
6.1 Ending discards	18
6.2 Pelagic quota species discard ban, 2015	18

Summary

A reformed Common fisheries Policy took effect from 1 January 2014 following on from several years of negotiation. The key reforms to the CFP, include a phased in ban on discarding fish (effective as of 1 January 2015); a legally binding commitment to fishing at sustainable levels; and increasingly decentralised decision making, taking place at regional rather than pan-European level.

Common Fisheries Policy reform (2014-2020)

The Common Fisheries Policy (CFP) is a set of rules for managing European fishing fleets and for conserving fish stocks. Designed to manage a common resource, it gives all European fishing fleets equal access to EU waters and fishing grounds and allows fishermen to compete fairly. Beginning in 2009, negotiations over reform of the CFP have taken place. In December 2013, the European Commission's proposed reforms were adopted, with phased implementation taking place from 1 January 2014 through to 2020. The agreement included:

- A ban on the wasteful practice of discarding perfectly edible fish (effective as of 1 January 2015);
- A legally binding commitment to fishing at sustainable levels (the Maximum Sustainable Yield where possible from 2015 and everywhere by 2020); and
- Decentralised decision making, allowing Member States to agree the measures appropriate to their fisheries.

Implementing reforms

On 31 March 2014, the Fisheries Minister, [George Eustice MP, announced to Parliament a package of public consultations](#) concerning the implementation of reforms to the CFP. The consultations ran from 31 March to 12 May 2014 seeking views on three aspects of the CFP:

- the UK's proposed strategy to implement the [European Maritime and Fisheries Fund](#);
- proposals to [implement the pelagic landing obligation](#) in England; and
- proposed changes to the current [fish labelling domestic legislation](#) in England, and new domestic legislation on marketing standards in England and Wales for fishery and aquaculture products.

Discard ban

On 1 January 2015, a significant change to the way in which fisheries are managed in the EU took effect with the phased introduction of a landing obligation, which prohibits the discarding of fish, (also known as a discard ban), for all pelagic fisheries.

For more information on the phased introduction of a discard ban (landing obligation), for all pelagic fisheries, please see the annex: Ending fish discards: Implementing the fish-landing obligation of the Common Fisheries Policy (CFP).

1. Background to the Common Fisheries Policy (CFP)

1.1 Total Allowable Catches (TACs) and quotas

The system of Total Allowable Catches (TACs) and quotas started in 1983:

- Every year, the European Commission proposes a TAC for each commercial species for each area within the EU 200-mile limit.
- The TACs are agreed by the Council of Ministers—normally with some increases from the original proposals—at the end of the year.
- Each TAC is then divided into national quotas according to the principle of “relative stability”.

Box 1: Is ‘Relative Stability’ unfair for the UK fishing fleet?

The principle of ‘relative stability’ ensures catches are divided between Member States according to the relative amounts that they were fishing of that type of fish in that area in the late 1970s.

Some fishermen consider the system of relative stability to be unfair to the UK, because in the 1970s the UK fishing fleet concentrated upon the waters around Iceland. They were expelled from those waters when fishing limits were extended to 200 miles around 1977 but were not allowed to expel fishermen from other EU states from waters around the UK. The case can be argued but the principle of relative stability is unlikely to change because to do so would open up the CFP to claims from other countries for quotas.

1.2 Fishing in coastal waters

Coastal waters do have preferential access by fishermen from the coastal state. Within 6 miles from the coast the waters are preserved for those fishermen. Between 6 and 12 miles, the waters are also shared with fishermen from those countries that have traditionally fished there. There are restrictions within these waters on which species can be fished and which areas can be fished.

The UK fishing fleet has reciprocal historic—grandfather—fishing rights to other EU member states’ waters, including access to fish in the coastal waters of: the Republic of Ireland; Germany; France; and the Netherlands.¹

1.3 Quotas, discards and overfishing

There are two main problems with controlling fishing by means of quotas. First, fishermen have an incentive to catch more fish and sell them illegally. Second, in mixed fisheries, they may be allowed to continue fishing for haddock (for example) when the cod quota is already exhausted. They catch cod and haddock, but have to discard the cod (already dead) to comply with the quota rules.

Each TAC is divided into national quotas according to the principle of “relative stability”. This important principle means that catches are divided between Member States according to the relative amounts that they were fishing of that type of fish in that area in the late 1970s.

¹ Council Regulation (EC) No 2371/2002 [on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy](#) (20 December 2002)

5 Reform of the Common Fisheries Policy, 2014-20

In order to get round those problems, the EU has tried to introduce principles of effort control. Certain types of gear are banned but that does not always have the desired effect. For example, a large-meshed net can be drawn tight, to replicate the effect of a banned small-mesh net. Sometimes fishermen are given financial incentives to retire and withdraw their boats from the fleet. That is popular, but the least efficient fishermen with the oldest boats tend to accept the money and retire. Fishing capacity is not greatly changed. The only reliable way of reducing fishing effort is to insist that the boats remain tied up in the harbour.

Fishing boats are steadily becoming more powerful and efficient, while problems of overfishing remain unsolved. The stock of commercial fish is under severe pressure. Some people argue that European Fisheries risk a repeat of the collapse of the Newfoundland cod stock.

A library note covers this issue, [Overfishing and Fisheries Policy](#), (SN/SC/2979).

2. The Common Fisheries Policy (CFP) reform proposals

2.1 2009 Green paper on reform of the CFP

The 2002 base regulation for the CFP required that a review of the policy be conducted before the end of 2012. So, in 2009, the European Commission launched a wide-ranging public debate on the way EU fisheries were managed. Its [Green paper on reform of the CFP](#) outlined the challenges facing Europe's fisheries.²

The Green paper identified a vision for European fisheries in 2020, in which:

- "Rampant overfishing, with a large impact on coastal economies, has become a thing of the past."
- "Europe's fishing industry has become far more financially robust."
- "The EU Common Fisheries Policy has become streamlined and is now considerably cheaper and simpler to manage. Decision-making allows for specific technical decisions to be taken with closer involvement of fishers."³

However, the green paper recognised that this vision "is a far cry from the current reality of overfishing, fleet overcapacity, heavy subsidises, low economic resilience and decline in the volume of fish caught by European fishermen."⁴

There is overfishing, fleet overcapacity, heavy subsidises, low economic resilience and decline in the volume of fish caught by European fishermen.

2.2 Commission CFP reform proposals

Following a public consultation which lasted until the end of 2010, including input to the consultation and conclusions from several stakeholder events, the European Commission presented its [CFP reform proposals](#) on 13 July 2011.⁵

Then on 2 December 2011, the Commission proposed a new fund for the EU's maritime and fisheries policies for the period 2014-2020: the European maritime and fisheries fund (EMFF).⁶ The reforms aimed to put the CFP on a more sustainable footing.

The full proposals – [Reform of the Common Fisheries Policy](#), (13 July 2011) have been published by the Commission.⁷

² European Commission, "[Green paper on reform of the common fisheries policy \(CFP\)](#)" (22 April 2009).

³ European Commission, "[Green paper on reform of the common fisheries policy \(CFP\)](#)" (22 April 2009).

⁴ European Commission, "[Green paper on reform of the common fisheries policy \(CFP\)](#)" (22 April 2009).

⁵ European Commission, "[Reform of the Common Fisheries Policy](#)", (13 July 2011).

⁶ "[Reform of the common fisheries policy](#)", *European Commission website*, viewed 27 May 2015.

⁷ European Commission, "[Reform of the Common Fisheries Policy](#)", (13 July 2011).

Box 2: Key features of the CFP reform proposals

A [Commission press release accompanying the publication of the CFP reform proposals](#) highlighted that “sustainability and long-term solutions” were the key aspects of the proposals:

- All fish stocks will have to be brought to sustainable levels by 2015, which is in line with the commitments the EU has undertaken internationally.
- An ecosystem approach will be adopted for all fisheries, with long-term management plans based on the best available scientific advice.
- The waste of food resources and the economic losses caused by throwing unwanted fish back into the sea, a practice known as “discarding”, will be phased-out. Fishermen will be obliged to land all the fish that they catch.
- The proposals also include clear targets and timeframes to stop overfishing; market-based approaches such as individual tradable catch shares; support measures for small-scale fisheries; improved data collection; and strategies to promote sustainable aquaculture in Europe.
- Consumers will be able to get better information on the quality and sustainability of the products they buy.
- General policy principles and goals will be prescribed from Brussels, while Member States will have to decide and apply the most appropriate conservation measures. In addition to simplifying the process, this will favour solutions tailored to regional and local needs.
- Operators throughout the fishing sector will have to make their own economic decisions to adapt fleet size to fishing possibilities. Fishermen's organizations will play a stronger role in steering market supply and increasing fishermen's profits.
- Financial support will only be granted to environmentally-friendly initiatives contributing to smart and sustainable growth. A strict control mechanism will rule out any perverse funding of illicit activities or overcapacity.
- Within international bodies and in its relations with third countries, the EU will act abroad as it does at home and promote good governance and a sound management of the sea in the rest of the world.⁸

Announcing the reform proposals, [Fisheries Commissioner Maria Damanaki, explained her intentions behind the reform proposals](#) by stating that “the current system was not working sustainably [and] if no reform took place, only 8 stocks out of 136 would be at sustainable levels in 2022.”⁹ She also complained about the centralisation of decisions in the current Common Fisheries Policy, and explained how the reform proposals would decentralise the process by promoting regionalisation.¹⁰

Maria Damanaki: “if no reform took place, only 8 stocks out of 136 would be at sustainable levels in 2022”

⁸ European Commission – Press Release, [“European Commission: a fisheries policy for the future”](#), (13 July 2011)

⁹ Maria Damanaki, Speech/11/520: [“Breaking the circle: introducing a new Common Fisheries Policy”](#), (13 July 2011)

¹⁰ Maria Damanaki, Speech/11/520: [“Breaking the circle: introducing a new Common Fisheries Policy”](#), (13 July 2011)

3. Comment on the European Commission proposals, 2011

3.1 UK Government response

Responding to the CFP reform proposals, [UK Fisheries Minister, Richard Benyon](#), stressed the need for radical reform and the need to end discards:

Today's proposals from the European Commission are a vital first step and we are ready to work with the EU and other Member States to deliver the radical reforms the marine environment and our fishermen need and the public now expects.

Because our fisheries are so varied, I don't believe that a one size fits all approach, from the Mediterranean to the sub-arctic region, will work effectively. There has to be the flexibility to work with the industry to introduce a range of tailored measures to tackle discards that are genuinely effective without simply turning a problem that happens at sea to a problem on land.

This is the start of lengthy negotiations, and we will play a full part in helping to improve them. I am confident that we can make the case for the radical reform that is needed, alongside our allies at home and abroad, to grasp this once in a decade opportunity.¹¹

In October 2011, the [Minister updated this in reply to a PQ](#):

The UK Government are committed to achieving genuine and radical reform of the common fisheries policy (CFP). The European Commission's proposals for reform are a welcome start but we need to work with others—including member states, the European Parliament and the European Commission—to agree the changes necessary to deliver real reform. In particular, UK proposals are aimed at eliminating discards, decentralisation of decision-making, a more economically rational fisheries management system, greater integration of fisheries and environmental management, and also applying the principles of sustainable use both outside EU waters and within.¹²

Furthermore, in the [2011 annual Westminster fisheries debate](#) [Richard Benyon](#) stressed the Government's view that fundamental reform of the CFP is required, in particular in setting out how the regionalisation process will work so that Member States' get more management control out to 200 miles.¹³

UK proposals are aimed at eliminating discards, decentralisation of decision-making, a more economically rational fisheries management system, greater integration of fisheries and environmental management, and also applying the principles of sustainable use both outside EU waters and within.

3.2 Scottish Government response

The Scottish Government was more critical of the reform proposals. Richard Lochhead, Scottish Government's Fisheries minister, maintained that the reforms do not go far enough, although he did point out that "the long-awaited opportunity to fix the current broken and damaging regime is to be welcomed."¹⁴

¹¹ Defra Press Release, [Richard Benyon responds to Common Fisheries Policy reform proposals](#), 13 July 2011

¹² [HC Deb 27 October 2011 cc287-8W](#)

¹³ [HC Deb 15 November 2011 cc742-3](#)

¹⁴ ["Scottish"](#) *Fishnews.eu* (13 July 2011)

The Scottish Government also supports moves for a much clearer emphasis on fisheries conservation and a commitment to tackle discards. Richard Lochhead said:

...we must grasp this once in a generation chance for radical root-and-branch reform of European fisheries policy. [...]

I'm pleased that the meaningful conservation of stocks is set to be at the heart of a reformed CFP, with the ecological and economic madness of the discarding of marketable fish - currently enforced on our fishermen by the CFP - to be addressed. I am concerned, however, that a one-step move to a blanket ban on discards could prove counter-productive. Instead, we should be working with fishermen on practical measures that would stop these discarded fish being caught in the first place.

There is also a huge threat to Scotland lurking within these proposals because, alarmingly, the Commission is advocating an expansion in the international trading of fishing quotas. Selling quota to Europe's highest bidders will erode Scotland's historic rights which in turn could spell doom for our fragile fishing communities. Our fishing rights would end up with faceless overseas-based multinationals, rather than in the hands of future generations of Scots fishermen.

The Commission's proposal for regionalisation is a welcome start but they don't go far enough. In the complex mixed-fishery of the North Sea it makes sense for Scotland and other nations to have more control over their own fisheries, working in partnership with neighbouring maritime nations.¹⁵

3.3 National Federation of Fishermen's Organisations

In July 2011, the [National Federation of Fishermen's Organisations \(NFFO\)](#) and the [Scottish Fishermen's Federation](#) briefed MPs on the CFP reform proposals.¹⁶ The NFFO felt the package of reforms as published did not "represent a viable way forward for European fisheries." There was also concern expressed regarding the "vague and unclear" proposals for regionalisation. The NFFO concluded that

Writing rules in Brussels is one thing; delivering effective fisheries management across many complex and diverse fisheries is another, which is why the argument for a radically decentralised CFP, albeit subject to standards and principles laid down at European level remains the, so far unfulfilled, goal for so many at fisheries level.¹⁷

3.4 European Court of Auditors report, 2011

In 2011, the European Court of Auditors published the findings of their investigation into [how the CFP had contributed to adapting the capacity of fishing fleets to available fishing opportunities](#).¹⁸ The Commission welcomed the report, stating:

¹⁵ Scottish Government Press Release, *EU Fisheries Policy*, 13 July 2011

¹⁶ NFFO Press Release, *MPs Briefed on CFP Reform*, (14 July 2011)

¹⁷ NFFO Press Release, *MPs Briefed on CFP Reform*, (14 July 2011)

¹⁸ European Court of Auditors, ["Have EU measures contributed to adapting the capacity of fishing fleets to available fishing opportunities?"](#) (2011)

The Court concluded that current measures have failed. Overcapacity of the fishing fleet continues to be one of the main reasons for the failure of the Common Fisheries Policy in ensuring sustainable fisheries. A new approach may be needed or existing measures must be better enforced. The Commission shares most of the observations and the recommendations of the Court.¹⁹

Maritime Affairs and Fisheries Commissioner Maria Damanaki said:

The report of the Court of Auditors reinforces my conviction that business as usual is not an option. We need new ideas. In our proposals for a new Common Fisheries Policy we want to break with the past. We are addressing overcapacity through a system of tradeable fishing concessions at national level and with safeguards to avoid concentration of ownership. In the new financial instrument, the European Maritime and Fisheries Fund, we propose to no longer finance scrapping of vessels, but instead spend the money on projects which will make a real difference.²⁰

¹⁹ European Commission Press Release, [Fisheries: Commission welcomes European Court of Auditors report on fishing overcapacity](#), (12 December 2011)

²⁰ European Commission Press Release, [Fisheries: Commission welcomes European Court of Auditors report on fishing overcapacity](#), (12 December 2011)

4. Discards and environmentally responsible fishing

4.1 Discards and the catch quota scheme

The main problem of discards and waste arises from the quotas set in mixed fisheries. For example, in a mixed fishery of cod and haddock, fishermen may exhaust the cod quota, but still be allowed to fish for haddock. However, they catch cod as a by-catch. They are not allowed to land it, so they discard it, already dead.

In the Westminster Hall Debate on Fisheries in December 2010, the Fisheries Minister Richard Benyon came out strongly in favour of a catch quota system.²¹

Unlike traditional quotas, where vessels have a set limit on the fish they can land and are forced to throw excess fish back in the sea dead, catch quotas allow for all fish caught to be landed.

By stopping wasteful discards, this means fewer fish are taken from the sea, yet more can be landed by fishermen. To ensure there are no discards, the fishing practices of participating vessels are fully documented through on-board cameras. The Scottish Government has provided up to £400,000 for the purchase and installation of the monitoring equipment.²²

In 2011, the catch quota trial scheme was expanded, more than doubling the number of vessels involved.

The agreed expansion of Scotland's catch quota scheme for 2011 will more than double the 17 vessels currently involved in the trial to land, rather than be forced to discard, an extra amount equal to 12 per cent of the Total Allowable Catch (TAC) for cod. The Scottish Government has now written to the European Commission, setting out the scheme selection criteria and list of applicants and seeking their agreement to proceed.

In 2009, Scottish vessels were forced by the Common Fisheries Policy to discard almost 28,000 tonnes of fish, around a quarter of the whitefish catch, valued at 33 million pounds.²³

In April 2012, Fisheries [Minister Richard Benyon announced that the catch quota trial had been a great success](#):

Last year's 'Catch Quota' trial was introduced to reduce discards of North Sea cod and for sole in the Western Channel and results show that those participating in the trial have been successful in reducing discards of both stocks to just 0.2%. In 2010, the average discard rates were 38% for North Sea cod trawlers and 28% for Western Channel sole beam trawlers.²⁴

In a mixed fishery of cod and haddock, fishermen may exhaust the cod quota, but still be allowed to fish for haddock. However, they catch cod as a by-catch. They are not allowed to land it, so they discard it, already dead.

²¹ HC Deb 2 December 2010 cc380-382WH

²² "[Scottish Government Expands Catch Quota Scheme](#)", The Fish Site, 17 December 2010

²³ [New catch quota scheme plans progressed](#), fish update.com, 4 January 2011

²⁴ Defra Press Release, [Successful trial dramatically reduces discards](#), (10 April 2012)

4.2 EFRA Committee wants long delay before discards ban, 2012

The EFRA Select Committee reported in February 2012, [EU proposals for reform of the Common Fisheries Policy](#). The summary shows caution over discards:

We strongly support the Commission's desire to minimise discarding rates. We welcome the proposal to move from landing quotas, which legitimise discards, to catch quotas, which provide an incentive for fishermen to fish more selectively. However, we are concerned that by deciding to implement a discard ban swiftly and without full engagement with stakeholders, the Commission risks creating a scheme that will be unworkable, or worse, will merely shift unwanted fish in the sea to unwanted fish on land. Moreover, we are concerned that survival rates after discarding have not been assessed for all the species covered by the proposed ban and so the ban could have perverse environmental impacts. We propose delaying the discard ban until 2020 to give time to do the groundwork for its successful implementation. This is not an excuse to ignore the discard problem—effective and proactive measures must be put in place in the mean time to incentivise more selective fishing.²⁵

We propose delaying the discard ban until 2020 to give time to do the groundwork for its successful implementation. This is not an excuse to ignore the discard problem—effective and proactive measures must be put in place in the mean time to incentivise more selective fishing

The Committee also favoured local decision making:

The centralised micro-management of fisheries by the European institutions has been widely criticised. The essential first step is to improve the CFP's governance through a more ambitious programme of decentralisation. The Commission believes that the EU's exclusive competence over the conservation of marine resources restricts the extent to which powers can be passed back to Member States. However, we have identified a lawful means of qualifying the EU's exclusive competence through amending the CFP Regulation itself, without requiring Treaty change. This could deliver an effective 'locally as possible' approach to fisheries management in line with the ambitions of stakeholders, national governments, and the Commission itself. We recommend that Defra pursue this opportunity further.²⁶

4.3 Progress on discards, June 2012

On 14 June 2012, Fisheries Minister Richard Benyon MP reported on an agreement in Luxembourg, including measures to progressively eliminate discards, provisions setting out a regionalised process and a legal commitment to fish at maximum sustainable yield.

On 12-13 June, I represented the UK at the Agriculture and Fisheries Council in Luxembourg to discuss the reform of the common fisheries policy. [...] I am pleased to report to the House that we secured agreement to key planks of the reform we are seeking. This includes some key demands that I know the House has sought previously, and that remain hugely important to the British public.

²⁵ Environment, Food and Rural Affairs Committee, Twelfth Report of Session 2010–12, [EU proposals for reform of the Common Fisheries Policy](#), (21 February 2012), HC 1563-I

²⁶ Environment, Food and Rural Affairs Committee, Twelfth Report of Session 2010–12, [EU proposals for reform of the Common Fisheries Policy](#), (21 February 2012), HC 1563-I

13 Reform of the Common Fisheries Policy, 2014-20

We successfully made the case for measures to progressively eliminate discards, with deadlines that kick in quickly after the conclusion of the reform. The text provides for a landing obligation in pelagic fisheries from 2014, and a staged implementation in our other fisheries between 2015 and 2018. Although not all member states shared our ambition for urgent action, a commitment to implement a landing obligation, with a provisional timetable, is a major step in the right direction.

We also secured the inclusion of provisions setting out a genuine regionalised process to replace the centralised one-size-fits-all approach. The UK has led work with other member states over the last year to find solutions to that. The provisions allow us to work together regionally—for example with other North sea member states, to agree the measures appropriate to our fisheries. That is a crucial start in moving decision making closer to fisheries.

As for my other top priority, we secured a responsible approach to setting fishing levels. Overfishing has been a central failing of the CFP, and the UK was adamant that the text should include a clear legal commitment, and deadlines for that, to achieve maximum sustainable yield in line with our international commitments. Through the discussions in Council, the UK has played a leading role in developing solutions and building alliances with other member states to shape the text we agreed in the early hours of yesterday.

This is not the end of the process. The Council of Ministers has now given a clear steer but the dossier will be co-decided with the European Parliament, so we will continue to work with others to improve the legal provisions and we will also guard against any weakening of the approach. This is a major step towards real reform on a long and difficult road and I do not expect these negotiations to conclude until well into 2013.²⁷

5. Implementing CFP reforms

Following on from the negotiations between Member States, on 1 January 2014, the reforms to the CFP were agreed.²⁸ The reforms announced include:

- A ban on the wasteful practice of discarding perfectly edible fish;
- A legally binding commitment to fishing at sustainable levels; and
- Decentralised decision making, allowing Member States to agree the measures appropriate to their fisheries.

The reformed CFP will see a ban on discarding in pelagic fisheries (such as mackerel and herring) on 1 January 2015, with a further ban on discards in all other fisheries from 1 January 2016 to 2019.

On 31 March 2014, the Fisheries Minister, [George Eustice MP](#), [announced to Parliament a package of public consultations](#) concerning the implementation of reforms to the CFP.²⁹ The consultations ran from 31 March to 12 May 2014 seeking views on three aspects of the CFP:

- the UK's proposed strategy to implement the [European Maritime and Fisheries Fund](#);
- proposals to [implement the pelagic landing obligation](#) in England; and
- proposed changes to the current [fish labelling domestic legislation](#) in England, and new domestic legislation on marketing standards in England and Wales for fishery and aquaculture products.

5.1 Consultation on European Maritime Fisheries Fund (EMFF)

The EMFF is the fund for the EU's maritime and fisheries policies for 2014-2020. It is one of the five European Structural and Investment (ESI) Funds which complement each other and seek to promote a growth and job based recovery in Europe. [The UK's proposed strategy to implement the European Maritime and Fisheries Fund](#) was set out in its consultation document where it identified the areas of strategic priority.

The [summary of responses](#) to the Government consultation was published in July 2014:

- Eighteen responses to the consultation were received in total from the fishing / aquaculture sectors, and also Local Authorities, Non-Departmental Public Bodies and Non-Government Organisations.
- In answer to question 2: "Do you agree with the strategic priorities proposed for the fund in the UK" Ten responses were received, all supporting the proposed strategic priorities for the fund in the UK.

²⁸ Defra Press Release, ["New Common Fisheries Policy deal ends discards"](#) (10 December 2013).

²⁹ [WMS 31 Mar 2014](#) | CWS90

5.2 Consultation on the Pelagic Landing Obligation—Discards ban

The Pelagic landing obligation, of the reformed Common Fisheries Policy, will mean all fish caught in pelagic fisheries must not be returned to the sea, except when subject to specific exemptions. The ban will come into force on 1 January 2015. Discard bans on other species and fisheries are due to come into effect in subsequent years.

The [Government consultation](#) sought views on its proposed implementation of the pelagic landing obligation in England. It was seeking views on proposed changes to: quota management; access to exemptions; monitoring and enforcement; and catch management.

The [summary of responses](#) to the Government consultation was published in July 2014:

- A total of 21 responses were received from a range of sectors including the fishing industry, environmental NGOs, the processing sector and delivery bodies. This is in addition to views gathered at a series of engagement activities that took place across England during the consultation period.
- The majority of respondents broadly agreed the proposed measures to implement the requirements outlined in the CFP basic regulation 1380/2013 in England. Some respondents took the opportunity to comment on the challenges and opportunities the landing obligation as a whole will bring, providing examples to illustrate specific issues for individual fisheries.
- On area of concern raised concerned the allocation of any uplift in pelagic species quota, carrying and storing fish not for direct human consumption and the use of exemptions.

5.3 Consultation on Marketing Standards and Labelling Requirements

The consultation set out the proposed enforcement framework to provide the Marine Management Organisation (MMO) and Trading Standards Officers (TSOs) in England with the power to ensure compliance with the marketing standards required by the new CMO Regulation and its accompanying implementing legislation. These standards are part of the [Common Organisation of the Markets \(CMO\)](#) policy for managing the EU market in fishery and aquaculture products.

Five [responses to the consultation](#) were received, published in July 2014. They fell generally into 4 themes as follows:

- That the fish labelling legislation guidance needs amending as well as the legislation;
- That the labelling requirements in respect of catch and production areas in Article 38 of 1379/2013 also need to be included in the labelling requirements;
- That the Impact Assessment is not reflective of the real financial impact on the retail sector (the Government subsequently revised its impact assessment to reflect these comments); and

- There were additional comments made in relation to the role of Producer Organisations in implementation of the CMO which were also raised - issues which were outside the scope of the consultation.

Following on from the consultation, the [Fish Labelling \(Amendment\) Regulations 2014](#) were laid before Parliament, taking effect from 13 December 2014. The [Explanatory memo](#) sets out the background and rationale of the regulations further.

5.4 Discard ban trial

With the reformed CFP in force from 2014 and the landing obligation to be implemented in pelagic targeted fisheries in 2015, the [Centre for Environment, Fisheries and Aquaculture Science \(Cefas\) conducted a discard ban trial](#) to provide an opportunity for the fishing industry to demonstrate what a landing obligation would mean for them.³⁰

The trial involved eight vessels of different sizes, gear types and from different ports along the south coast of England 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.

Box 3: Discard ban trial—10 recommendations

The outputs and observations from Discard Ban Trial have generated ten recommendations which would be expected to facilitate the implementation of the Landing Obligation.

1. Work should be conducted to ensure that, the safety of fishers is not compromised by the landing obligation. In particular, the effect on vessel stability, additional trip hazards on deck and sorting injuries for crew, should be assessed and guidance to vessel operators provided.
2. Work should be done with Producers Organisations and fisheries managers to identify mechanisms that will ensure the highest levels of flexibility in quota usage, both internationally and domestically.
3. Information on catches should be analysed in real-time from vessel operator reporting systems, registered buyers and sellers and from independent scientific observations during the implementation phase of the landing obligation. These data should be cross-checked and analysed in the context of the forecast catch rates and quota availability.
4. Consideration should be given to how discrepancies between skipper reported, independently observed and forecast catch rates be dealt with, if they arise, during the implementation of the landings obligation.
5. A designated role should be arranged, at least at the start of the implementation of the discard ban, to ensure that storage bins for material destined for non-human consumption uses are available at ports and to facilitate the coordination of the transport of the material.
6. Preparations should be made for the likelihood of more small, but legally sized fish will be put on to the human consumption market.
7. The feasibility of collecting species-specific sales data from non-human consumption markets should be explored, and for industries receiving this material to be included within the registered buyers and sellers system.
8. Robust testing of the e-log system should be conducted to ensure that vessel operators have the necessary tools to record their full catch, including catches destined for human consumption, for non-human consumption and those released back to the sea.
9. Work should be undertaken to determine how new self-reporting tools, independent at-sea observations and registered sales data can be integrated to deliver full documentation of catches

³⁰ Catchpole, T., S. Elliott, D. Peach, S. Mangi, [Final Report: The English Discard Ban Trial](#), Cefas report, (2014).

in the non-sector under-ten metre fleet.

10. An evaluation should be undertaken to determine the extent to which the current observer programme can serve to provide a reference fleet to validate self-reported catches and registered sales data.³¹

³¹ Catchpole, T., S. Elliott, D. Peach, S. Mangi, [Final Report: The English Discard Ban Trial](#), Cefas report, (2014).

6. Implementing the fish landing obligation

6.1 Ending discards

The discarding of unwanted fish at sea is one of the most controversial issues of the CFP. For instance, the Commons Environment, Food and Rural Affairs (EFRA) Select Committee found that, in European fisheries about 1.7 million tonnes of fish are discarded annually, corresponding to 23% of total catches. However, in some fisheries, discard rates can be up to 90% of catches.³² Furthermore, in 2010, Hugh Fearnley-Whittingstall launched the high-profile [Fish Fight campaign](#) to end discards.

in European fisheries about 1.7 million tonnes of fish are discarded annually, corresponding to 23% of total catches

The main problem of discards and waste arises from the quotas set in mixed fisheries. For example, in a mixed fishery of cod and haddock, fishermen may exhaust the cod quota, but still be allowed to fish for haddock. However, they catch cod as a by-catch. They are not allowed to land it, so they discard it, already dead.

6.2 Pelagic quota species discard ban, 2015

As of 1 January 2015 all fishermen targeting pelagic quota species must land all the fish they catch.³³ This requires all pelagic species (e.g. mackerel and herring) to be landed rather than returned to the sea. Under the new landing obligation, if a vessel catches in excess of their quota they can trade quota with other fishermen or borrow or lease additional quota. Unwanted catches, e.g. fish below the minimum sizes, can be sold for non-human consumption. In all scenarios, the individual vessel owner is responsible for ensuring they can cover the associated quota amount for each landing of a quota species. If the vessel is a member of a Producer Organisation (PO) then the PO must source the relevant quota amount. If the vessel is a member of the English non-sector or under ten metre pools then they can use the current species [catch limit](#), [quota leasing](#) or a combination of the two.

For more information on the discard ban please see the annex: *Ending fish discards: Implementing the fish-landing obligation of the Common Fisheries Policy (CFP)*.

³² Environment, Food and Rural Affairs Committee, "[EU proposals for reform of the Common Fisheries Policy](#)" (21 February 2012)

³³ Defra, "[Fisheries discard ban starts](#)", *Gov.uk* (2 January 2015).

The House of Commons Library research service provides MPs and their staff with the impartial briefing and evidence base they need to do their work in scrutinising Government, proposing legislation, and supporting constituents.

As well as providing MPs with a confidential service we publish open briefing papers, which are available on the Parliament website.

Every effort is made to ensure that the information contained in these publically available research briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

If you have any comments on our briefings please email papers@parliament.uk. Authors are available to discuss the content of this briefing only with Members and their staff.

If you have any general questions about the work of the House of Commons you can email hcinfo@parliament.uk.

Disclaimer - This information is provided to Members of Parliament in support of their parliamentary duties. It is a general briefing only and should not be relied on as a substitute for specific advice. The House of Commons or the author(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice.

The House of Commons accepts no responsibility for any references or links to, or the content of, information maintained by third parties. This information is provided subject to the [conditions of the Open Parliament Licence](#).