



Select Committee on the European Union

EU Energy and Environment Sub-Committee

Corrected oral evidence: Implementation and enforcement of the EU landing obligation

Wednesday 5 December 2018

10.15 am

Watch the meeting

Members present: Lord Teverson (The Chairman); Lord Cameron of Dillington; Viscount Hanworth; Lord Krebs; The Duke of Montrose; Lord Rooker; Lord Selkirk of Douglas; Baroness Sheehan; The Earl of Stair; Viscount Ullswater; Baroness Wilcox; Lord Young of Norwood Green.

Evidence Session No. 3

Heard in Public

Questions 22 - 31

Witnesses

I: Jim Pettipher, Chief Executive Officer, Coastal Producer Association; Jeremy Percy, Director, New Under Ten Fishermen's Association; Graeme Searle, Fisherman; Graham Doswell, Fisherman.

1.

Examination of witnesses

Jim Pettipher, Jeremy Percy, Graeme Searle and Graham Doswell.

- Q22 **The Chairman:** Good morning everybody. I welcome our witnesses to the third evidence session of our inquiry into the European Union landing obligation that comes into full effect on 1 January.

This is a public session; it is being webcast. We are taking a transcript, which we will distribute afterwards. If there are any faults or inaccuracies in it, you are very welcome to come back to us and we will change it. We have a limited amount of time, about an hour, so if there is any area that you think we have not gone through sufficiently, or any additional evidence you would like to give us, please send it to our clerk, who will take it into consideration in the evidence to the inquiry. For full transparency, I remind members to declare in the first session today any interests. Currently and until the end of January, I am a board member of the Marine Management Organisation.

Perhaps we could start with the witnesses introducing themselves not just to us but to those following on the webcast and in the public area.

Graham Doswell: I am a 10-metre fisherman, third generation, and I work from Eastbourne on the south coast.

Jim Pettipher: I am chief executive of the Coastal Producer Association.

Jeremy Percy: I am director of the New Under Ten Fishermen's Association, which is the representative body for boats less than 10 metres in length operating in the UK fleet.

Graeme Searle: I am the skipper and owner of three small under 10-metre boats, one engaged primarily in netting, one in trawling and netting, and one in angling.

- Q23 **The Chairman:** Thank you very much. Although it is on the other side of the coast from Plymouth, I should declare that I am a trustee of the North Devon Biosphere Foundation, which has a marine aspect.

I want to ask you generally, and one of the things we need to try to do is to separate the questions and not move from one to the other, but just how significant a change in policy and practice is the landing obligation for you or your members? Is it a big step? Is it a cultural change? Does it turn the whole thing upside down, or is it just a breeze to move from December to January?

Graeme Searle: It is going to be an enormous change, first because nobody really knows anything about it. I spoke to several fishermen in Plymouth the other day and no one has any idea. That is one of the primary things, considering it is coming in in just a matter of weeks. Secondly, nobody really knows what is going to happen. At the moment, if we bring in over quota or undersize fish, it is illegal. For us to start bringing it in on 1 January, considering it will still be illegal, is a complete change of policy. You have to get your head round something you have

not been able to do for several years that you now have to start to do by law. I go back to the fact that nobody really knows what is going on.

Graham Doswell: I agree with Graeme. I have spoken to fishermen in the south-east area, at the other end the country. I did not find one who knew about it; some were completely unaware of the landing obligation. They thought it had gone to sleep and been forgotten about. Others knew that it was in the air but really did not know what was going to happen. Some said they would just carry on as usual just having to discard and wait to see what happened.

The Chairman: Lord Rooker is going to pursue the points about information later on, so I do not want to continue that particularly at the moment. From what you know, what do you think will be the biggest challenge or change?

Graham Doswell: Choke species. I did quite a bit of work on the survivability of some of the fish we are allowed to discard; plaice and skate are two of our main species and they are okay, but we have very little cod quota. Cod is going to disappear from the grounds for the time being. They will come back—they always have, but we will be closed and tied up within a week or two.

The Chairman: As quickly as that.

Graham Doswell: Absolutely, yes.

Graeme Searle: I totally agree with Graham. Our netting boat fishes in an amazingly sustainable way, it catches only large fish in their sixth, seventh or eighth breeding cycle. We have no discards on the netting boat at all, but by other people fishing certain species you can be engaged in the choke, and it stops everybody.

The Chairman: Do you think it affects you in a different way from the over-10s and over-12s? You are primarily from the under-10 fleet. Is there a difference? I do not mean in the technical regulations, but in how you can deal with it, or the information you have had.

Graham Doswell: The under-10s are starved of quota. We have nowhere to go. We can lease quota if it is available, but quota-holders know our position and can almost hold the under-10s to ransom and name their price.

Jim Pettipher: The big difference, which is a difference of regulation, is that the under-10s across the country—80% of the fleet—do not hold quota; they fish against a monthly allocation that is handed out to them by the MMO. They are on non-sector licences, which means that they are not members of the PO, not even of Coastal PO. If you are on a non-sector licence, you cannot cross-book.

If you have 100 kilos of cod and you catch 110 kilos, and if you are an over-10 in membership of one of the other POs, you can either cross-book it to another boat within the PO or retrospectively lease, as it is

called, so when you get back to port, you sell your fish through the market. The market notifies the manager of the PO and the PO manager moves some quota within the PO, or leases some quota for another PO to cover your landings. Non-sector boats, which are all of the under-10s and a small number of over-10s—that is the real divide; it is not between the over and under-10s but between non-sector and PO members—cannot do that. A condition of their licence is that, before they go to sea, they must have in place all the quota they might need.

On the BBC News website there is a very good article from the 2015 election with an interview with Paul Joy from Hastings. At the start of one month he had a 20-kilo cod allocation. He said that if, the first time he went to sea, he caught 21 kilos of cod, under the landing obligation he would have to land the extra kilo. He would immediately have committed an offence and could not go to sea for the rest of the month in case he caught another cod. That is how choke works for non-sector boats.

The Chairman: That is very useful. Jeremy, do you want to say anything in particular?

Jeremy Percy: It is fundamental nonsense. Despite the fact that the Coastal Producer Organisation, which we have collectively set up and argued the toss for, has been officially recognised for over a year by Europe, the MMO and Defra, and that gives us the ability, as Jim explained, to cross-book and retrospectively lease quota to ensure that our members do not break the law, the MMO continues to deny us that ability, and the discrimination between the over and under-10s is unacceptable.

The Duke of Montrose: Does the ordinary chap in his 10-foot boat have any resistance to joining a PO?

Jim Pettipher: About three or four years ago, a famous survey was done of under-10s. They were asked whether they wanted to join “the POs” that predates Coastal PO; 80% of them said they hated POs and did not want to join. We started working with NUTFA on this in 2013, and I said to small-scale fishermen, “Part of your problem is that you do not have any representation. The only formal representation is by a PO. When the Government say they consult the industry, they mean they consult the POs. You do not have a PO sitting at that table, because a PO is formally recognised by the Government”.

Since then, 280 boats have joined Coastal PO, which means we have more than twice as many under-10s as all the other UK POs combined. We are roughly 12% of the English under-10 metre fleet, and the 12% we have in membership are responsible for a third of all the English under-10 landings. The more active under-10 fishermen recognise the potential benefit of being in the PO; they joined because we said to them, “When you join the PO and the PO is recognised, you will be entitled to a PO licence and you will be able to cross-book and retrospectively lease”. We were recognised in July 2017, but our members have still not been given a PO licence.

Q24 **Viscount Ullswater:** I declare an interest. I am a trustee of a landed estate in Cumbria that has interests in fishing in the Solway Firth.

What has been the impact of the landing obligation on your members to date? Jim has been very explicit about how it is working, but how has its rollout, which I understand has been over the last four years, affected you particularly?

Jeremy Percy: It has had a limited impact on our members, mainly because nobody, up to and including officialdom, understands its implications. Although it has been in process for four years and there have been bits and pieces, it has not impacted on our members to any large extent. The full impact will be seen from 1 January 2019 when there will be a big bang, inasmuch as all quota species will be subject to the landing obligation.

The Chairman: Effectively, there is none so far; it has not even been noticed during the three years it has technically been in force, although obviously not for all species.

Graham Doswell: One species is whiting. People have not landed undersize fish; they just discard them and carry on.

Lord Krebs: To follow up the comment made earlier about the lack of information—both Graeme and Graham mentioned that a lot of fishermen did not know—is that true in other European Member States? Do French and Spanish fishermen in small boats not know what is going on?

Jeremy Percy: In my previous existence, I was executive director of Low Impact Fishers of Europe, which was the equivalent small-scale representative body for European fishers, including the French and the Spanish. In a similar way, people do not have a level of understanding. To a large extent, effectively, it has just been rolling on. Nobody has applied overt pressure in respect of the landing obligation in any specific cases. The issue in 2019 is that it will happen for everybody.

Ostensibly, the pelagic landing obligation has been extant since 2015, but, with very few exceptions, it has not impacted us. In Europe more broadly, the landing obligation has been in force in the Baltic, for example, since 2015. To put it politely, very largely a blind eye has been turned by officialdom to fishing activities. There is still widespread discarding of a number of species in the Baltic by large-scale fleets.

Q25 **Lord Selkirk of Douglas:** To the best of my knowledge I have no interest, but in the past I have fished for mackerel in the Firth of Forth in competition with the gannets.

What do you expect the impact to be when the landing obligation is fully implemented in January next year?

Jeremy Percy: It is going to be massive. One fisherman I spoke to stated: "We have a choice: we go broke because of the choke species", as Graham outlined, "or we become criminals. We are not going to go broke". Disastrous is not too strong a word in explaining that there has

been little or no preparation for it by fishermen, whether small-scale fishermen like us or some of the larger-scale fishermen, or the producer organisations. There is still an almost complete lack of understanding about what you have to do, and of the various rules. I emailed the Marine Management Organisation a week ago asking a number of questions, having read through what it euphemistically refers to as its guidance documents, which are available online. The average age of fishermen in this country is 57, and I am sure that a number of them are not particularly computer literate. For my sins, I spend a lot of time staring at a computer screen, and even for me it is quite a trial to find out what specifically refers to us, and those guys are trying to earn a living at the same time.

I gave a presentation to the European Commission about two years ago in which I explained the potential impact of the landing obligation on the small-scale fleet in Europe. The head of the Commission, in winding up, said, "First, we had no idea that this was going to impact the small-scale fleet so much". In that respect, it is worth noting that in the last 30 years there have been 3,924 scientific papers written about the landing obligation and discard ban. Of those, 3,760 relate to the large-scale mobile-gear trawler fleet, and only 164 relate to the small-scale fleet. It is worth recording that 80% of the small-scale fleet use passive gear rather than mobile gear, so it is quite an imposition in that respect. The guy said we had two choices; we could try to sort out all the problems and then implement the landing obligation, or implement it and then sort them out, but he conveniently ignored the fact that it would be likely either to bankrupt or criminalise a number of fishermen in the process.

There has not been sufficient information provided in a manner that fishermen can easily understand and absorb to ensure they will not become criminals. For instance, Jim said earlier that at the moment if you bring in over quota, you have effectively committed an offence. You are permitted to discard it at the moment. From 1 January, you have to bring it in. One question, which might sound simple, is, "If I am bringing in more than my quota, have I committed an offence?" I spoke to the MMO about that and it said, "No, because we are going to have a charging regime so that fishermen will pay a charge for over-quota fish". I said, "We are in December already and this comes in in less than a month's time. What is that charge going to be? How is it to be levied on fishermen?" The short answer was, "We are not sure yet; we do not know".

At the same time, the MMO is consulting on a new app for fishermen so that they can record and report their landings effectively prior to coming to shore, but it is all, "We are going to consult", "We have not quite prepared ourselves", or, "We are not quite ready". Come 1 January, although the Marine Management Organisation has said it has a risk-based approach to enforcement, history will show very clearly that it is predicated more on picking the low-hanging fruit, which is the small-scale fleet that goes in and out on a regular basis. Those guys are easy meat

for enforcement opportunities, rather than the very large-scale vessels fishing a little further offshore that the MMO does not check.

Lord Rooker: You have got me more worried than I was when we started. I do not have an interest to declare, but I was a MAFF Minister and a Defra Minister. I did not deal with fishing; I was concerned with farming, food safety and other issues. I have never been out on a fishing boat.

I did not bring a tape measure, but I have been looking at the length of this room. Is it about the length of your boats?

Jeremy Percy: Yes.

Q26 **Lord Rooker:** I am full of admiration for those who take a boat of that size into the ocean. When we started this inquiry, I had a look at the MMO website and printed off the landing obligation general requirements dated 13 November. It was updated just about when we started. It gives material about recording and storing catches; and what you can and cannot chuck over. I have already picked up vibrations that nobody has done any preparatory work with your part of the sector.

To what extent are you clear about what the legal requirements are going to be from January? I think I know the answer. I got the impression that some of the particular issues about what you can land, what you have to store and how you keep undersize fish separate or not, are listed on an advice note that has been published a bit late in the day.

Graham Doswell: At best, one or two people have a very vague idea; at worst, people do not have a clue, even our fish buyer, who buys from 40 under 10-metre boats. I spoke to him yesterday. He had spoken to the local MMO and asked for advice. He was told, "You had better look it up online; we don't know". Knowledge of what is actually going on is very sparse.

Jim Pettipher: To give you an idea, Jerry was at another committee yesterday where the director of operations of the MMO said, "Part of the problem is that we have 75 enforcement officers all the way round the English coast, and we need to double it to 150". I thought, "You're telling us this on 4 December". At the MMO, they do not know, so how is it possible for the fishermen to know? That is the fundamental problem.

Graeme Searle: I think everybody will be aware between now and 1 January that you have to bring in excess fish, but when you bring it in, what do you do with it? Where will it be stored? It says in the guidelines that all the fish has to be gutted and kept in exactly the same hygienic conditions as the fish you are legally landing on to the market, and then it can be used as crab bait, pet food or whatever, but you are on your own, or there are just two people on a boat smaller than this room. All of it has to be prepped.

You land it on the quayside and nobody knows what is happening to it. Plymouth Trawler Agents are the second biggest auctioneers in the

country. We are completely unprepared for it. As an individual, when I put fish on the market, it still belongs to me. If I am not going to be paid for it although I have done all the work, how do I get rid of it as crab bait, pet food or whatever? There is no clear guidance. To do that will cost an awful lot of money. There is not enough refrigeration in Plymouth Trawler Agents at the moment. We took that business from under £1 million a year 20 years ago to £17 million a year. We have built and built, but we would have to double the refrigeration capacity, the boxes and the landing staff. There is absolutely nothing in place.

Jim Pettipher: The problem is that there is still no guarantee that anyone would buy it. Before coming here, we contacted people and said, "Do you have any comments, or anything you would like us to say?" One guy in Hartlepool said, "We have one buyer in Hartlepool. What do I do with it if he doesn't want it?" He has no idea.

The Duke of Montrose: What would he pay for it?

Jim Pettipher: If he does not want it at all, what does the guy with the fish do with it?

Jeremy Percy: That illustrates the issue. We have two elements. There are the undersize fish, which normally you would put back, but now you are not able to do that. When you bring that in, it is your responsibility to get rid of it effectively. The MMO says that it will work in partnership with fishermen and the port authorities to make sure that this is a seamless issue. There is no issue at all, because nobody has made any preparation. As you have heard, none of the ports are ready for it. You cannot sell undersize fish for direct human consumption; it can go for bait, cosmetics, food additives et cetera. That is the responsibility of the fishermen. Most of the ports, and certainly most buyers, will have no interest in it at all.

Then you have fish of legal size, which you can bring in. If you are over quota, as far as our understanding goes, you will now be able to sell it on the market for human consumption, but you will be charged an amount of money to ensure that you do not profit from it. That is supposed to provide a disincentive for fishermen to catch more than their quota. Unfortunately, that is not the way fishing works. Very often, you cannot determine how much fish is in your net before you dump it on deck, and now you will not be able to discard it.

We do not know what those charges are going to be or how they will be levied. For instance, if Graeme and Graham have 100 kilos of cod quota in their monthly allocation and they land 150 kilos, through no fault of their own, today they would be prosecuted for it; come 2 January, they will be allowed to sell it on the market but somehow be charged an amount for it. What we do not understand is whether that will come off their own individual next-month allocation of cod quota, should there be one, or whether it will come off the pool quota. Our concern is that the larger-scale and financially well-off boats will just write that into their business plan, so they will still be able to land more fish than they have

quota for, but they will be able to pay the charges. It lacks disincentive for them and discriminates between large and small vessels.

Baroness Sheehan: I want to try to get a sense of the size of the under-10s fishermen as a part of the whole fishing sector.

Jeremy Percy: We are approximately 80% of the fleet by number. About 2,380 vessels have to fish with less than 2% of the national quota. That is one of our concerns. It reminds me of a sledgehammer trying to crack a nut. For reasons I will not go into now, despite the fact that we are three-quarters of the fleet, we have access to less than 2% of the UK quota. That provides a problem straightaway. We do not have flexibility. As Jim explained earlier, we do not have the ability to retrospectively lease and deal with other POs as we would like, and which we would be legally allowed to do if we were given permission. We have 2%, which we will struggle with.

The additional problem is that the MMO guidance says that if you are in an area where you are catching the wrong sort of fish, or fish for which you do not have quota, you should steam away to pastures new. I have skippered boats up to 30 metres in length. You can say, "Okay, boys; let's steam away for 12 hours from those fish and try to find something else". The under-10 guys are enormously limited in their range; they cannot simply steam away to try to find another area.

I am part of the Discard Action Group for Seafish. A trial was undertaken by two large Scottish pair trawlers, which are two boats pulling one net. It was two years ago, so we are talking about things that could have been sorted out. They were given plenty of quota for a six-month trial as if they were running under the landing obligation. The project lasted for five weeks before they ran out of quota. I remember the skipper coming to a meeting to explain. He said, "We spent more time steaming round the ocean trying to avoid catching fish than we did catching fish". That is not a terribly good economic model. He said that, no matter how hard they tried to avoid fish for which they had no quota or that were undersized, now and again they brought them up.

I know from experience that now and again you bung up your net with weed, or small herring go through and it closes the mesh on the trawl. When you haul it up and dump it on the deck, that sinking feeling is horrific, because there is nothing you can do with it. Now you have to bring it in. However hard we try, the system is predicated against us being able to meet the legal requirements without becoming criminals.

Jim Pettipher: The figure for England is 2,300. I worked out some figures for the Clerk; I have just found them in my email to her. The under-10s in the UK are 4,218 out of 5,371 fishing vessels. There are 4,100 non-sector under-10s, including our members, and there are 419 non-sector over-10s. They are 4,583 of the UK's 5,300 vessels, which is 85% of the fleet, so 85% of the fleet is fishing under the licence conditions we are talking about today.

The Chairman: What do you think the Government, the MMO, the SFA and other regulators should do to improve understanding of the requirements? We report to the Government. What should we say needs to be done?

Graeme Searle: To get away slightly from the landing obligation, I regularly attend the south-west quota advisory group meetings. Usually, there are between eight and 10 fishermen, some of whom have been fishing for 30, 40 or 50 years, facing three or four MMO members. Some are fresh to the industry and some have a good understanding of it. It is our task to explain to them the intricacies of the business and what we need to do, and for them to set quotas.

The monthly quota system implemented by the MMO does not work. In the winter, we can catch a lot of pollock and we never catch it for the rest of the year. There are lots of other scenarios for different people. The quota system of the MMO has been mismanaged. At the end of last year, 167 tonnes of pollock were left over. All of the south-west quota meetings are minuted. We have been explaining since 2013 that we need to catch pollock earlier in the year because there is none at the end of the year; it is seasonal. They have taken no notice whatever. We have fixed monthly quotas. The fish do not know the difference between 28 February and 1 March. Last year, we went to a bi-monthly quota, which worked well, and this year we have a tri-monthly quota. The lad who is running it now has been listening and has taken things on board. He has done an excellent job for the last 18 months. What happened before that was blatant mismanagement.

The Chairman: What information about the landing obligation do you need from the regulators? What do they have to do now?

Graeme Searle: We need to try to break down the landing obligation into certain species. Mixed fisheries will catch a lot of a certain species and selective fisheries will not. There is no clear parity in the landing obligation. Netters do not catch discards and anglers do not catch discards; mixed fisheries do. There is no clear indication. Everybody is in the same boat, if you will pardon the pun, as to the landing obligation.

The Chairman: You mentioned a number of things that you do not feel you have—for example what the charges are going to be and what the facilities are. What is a quick list of the things that you need to understand from the Government, Defra, the regulators or whatever?

Jim Pettipher: It is the old joke: I wouldn't start from here. But we have to start from here. Coastal PO recently got an agreement from a new senior manager who joined the Marine Management Organisation from the Food Standards Agency that we will have bi-weekly meetings with him and a selection of people from the MMO. It is all of the above for fishermen around the coast, from the guy in Hartlepool to Graham in Eastbourne, Graeme in Plymouth or Chris on the Lizard. We have a member in Shetland. They all need different answers to a massive variety of questions for the different ways they fish. The only real solution is to

use the PO model as it was intended, for co-management. If the MMO has 75 enforcement officers around the coast trying to implement and enforce something as complicated as this, it is not going to work, as is evident from what we have been saying today. We need them to sit down with us and work through the list of everything that needs to be done. Top of my list would be PO licences for the members in the PO.

Graham Doswell: And a fairer share of the quotas. We just do not have enough quota to go round. Until that changes, nothing is going to work in that respect.

Jeremy Percy: It is also about time. It is becoming nonsensical to expect this to be implemented on 1 January. It is fundamentally obvious, even to the most casual observer, that fishermen generally have not been properly informed. At the MMO, they are still talking about consulting on a reporting app for a mobile phone. They have sent round a video to fishermen to say that they have trialled it with selected fishermen, although we do not know who they are. Far more time is needed to implement this fairly to make sure that fishermen understand.

There needs to be a level of flexibility so that we can be reassured that on 2 January there will not be a newly appointed, very enthusiastic fishery officer standing on the beach waiting for guys to come in who are supposed to be meeting legislation they have not been informed about. By March, they may be presented with an app on a phone.

One of our members in Cornwall was provided with a video explanation of the MMO app. I will have to paraphrase his language for you. He said that his phone had buttons but no screen. It is easy enough to operate on land or in a large wheelhouse, but not on an open boat pitching in the sea with rain. The video example provided a very convenient example of being able to record three species from a single set of gear, but that does not reflect his fishing. He fishes over 30 fin fish species and five sorts of shellfish, using a variety of gears with a variety of soak times, all of which you are supposed to record. He said it is just not practical. With all due respect, if these guys are presented with an app, or will be able to download an app on a phone they do not have, to report catches come the early part of next year, it is heading for a disaster.

The Chairman: That app is not to do with the landing obligation, as I understand it.

Jeremy Percy: No, it is to do with reporting your catches, which is an inherent part of the landing obligation. You have to record what you have caught and discarded and what you are bringing in.

Jim Pettipher: Part of the MMO's preparedness for the landing obligation is couched in the Control Regulation, which is about how you implement the Common Fisheries Policy. A revision of that has been published. All under-10-metre boats will have to do what is called prior notification, so they will have to send an electronic signal somehow from something back to shore, telling the MMO what they are going to land before they come

back. The MMO's catch app, which it is touting as helping with the landing obligation, has an eye to what happens down the road. How long do you think it will be before the Control Regulation comes in?

Jeremy Percy: Probably two years.

Jim Pettipher: That is the MMO thinking down that road.

Jeremy Percy: It is for the 3,000 small-scale boats that do not have the ability to weigh fish aboard. If you are outside a certain percentage, you can be prosecuted anyway for misreporting, whereas now the system is that you have 24 hours to provide a sales note, which means you land your fish to the market. It is weighed there and you have the exact weight. Why the MMO needs to gold-plate it is, frankly, beyond us.

Lord Rooker: What reason does the MMO give for not recognising the PO?

Jim Pettipher: We are officially recognised as of July. The main contention is over the PO licence issue. To paraphrase, the MMO is concerned with its capacity to manage the pool of quota, which is called the non-sector pool, for the under-10 fishermen. If our guys were allowed to cross-book and retrospectively lease quota, it believes it will not be able to cope with the management of that pool because it does not have the systems and competencies to do it. However, we have a letter from George Eustice of January 2016 in which he says, "We are really glad Coastal PO is coming along. As soon as the sector", which is us, "has the infrastructure in place, my officials are very keen to work with you to have the sector managing its own quota".

We have put everything in place so that we can manage the quota, exactly as the other POs do. In its defence, the MMO is very resource-short, and it cannot cope with change. A lot of the officials have not been there for long; it struggles to retain staff, so it is finding the change management to deal with between 80% and 85% of the fishing fleet difficult, and we have reached an impasse on licences.

Q27 **Baroness Wilcox:** I have two technical questions. I admit to being a Plymouthian—I have been there for a long time. When my grandmother died, she left me two fishing boats. Some went to the boys and I got two, and I went along to try to find them. I was trained as an accountant. My parents thought it was far better for a female to do that. I found my boats. One of them already had something on it saying it could not be touched because the decks were so bad. I could not go anywhere near it. The other one seemed okay. They asked me, "What fish should we go for?" I said I did not know. Then they said, "I tell you what—you make a choice and we'll take anything else that comes in". That sounded okay as well, so I chose something I liked the taste of. The next thing I knew was that they got everything that looked like a lobster or something rather wonderful, and I was bankrupt in 18 months.

The Chairman: I think we need you to ask the question.

Baroness Wilcox: There is a reason for this. I became successful because a man in a nice suit came down every day. I asked, "What are you doing? You're not buying anything". He said, "I work for a supermarket. We'd like to sell fish but we don't know how to do it". I was an accountant and I did know how to do that, so eventually it all worked out very well.

Having listened to your anger about knowing what you are doing and having to work with people who do not understand what you are doing, all I can say is that I think there will be big changes made by you. I will be delighted to watch you do it.

Here are the questions to which we would like answers. To what extent do you expect quota swaps to alleviate the choke risks posed by the landing obligation? You have answered part of that already. To what extent are clear systems in place to allow for quota to be swapped among small-scale fishermen, and between small-scale fishermen and the rest of the fleet in order to mitigate the risks of chokes?

The Chairman: As Baroness Wilcox said, we have covered some of this already, so brief comments would be very useful.

Graeme Searle: I will touch briefly on the second question. Lord Rooker referred to retrospective leasing and landing. We lease quite a bit of fish throughout the year. At the moment, I can ring up or send an email to any PO and ask for an extra 2 tonnes of this or that. There is no problem if they have it. It is almost a contract between us and I pay them. It is usually done the same day. If they send me and the MMO an email, it is done the same day. If it is on a Friday, I have to wait until Monday. For me to do that, I have to bring my fishing nets in on a Thursday. I cannot fish on Friday, Saturday, Sunday or Monday. On Monday, the MMO will say, "Yes, of course you can; we know you have the quota", and then I will fish on Tuesday, but four days have gone. They might be the only four days of good weather in that month. We all know what the winters are like in the south-west. It is ridiculous.

It is as if there was a legally binding contract between me and you, Lord Teverson or the Duke of Montrose. I contact you and ask for 1 tonne of sole, 5 tonnes of pollock or half a tonne of cod, and you say, "Yes, you can have that; we have it". The MMO is well aware that you have it, but it still not counted as a transaction until the MMO rubber-stamps it. If that is on Wednesday and I need it by Friday, it is all well and good, but if it is on Friday, I am in a bit of a pickle for the entire weekend, maybe the entire month.

Jim Pettipher: That is how the current system works for non-sector under-10 fishermen and a few over-10s. As Graeme says, basically you have to lease the fish that you might catch before you go to sea, so that is not retrospective leasing. Retrospective leasing is what the other POs do; you go to sea, you catch more fish than you have quota for, you land it to market, it goes through the market, the market processes it and notifies the PO manager and the PO manager arranges to cover your overfish. We have set up a system whereby we can do that. The MMO

cannot do that; it is not within its purpose, because it is not allowed to trade quota. It is not allowed to do deals involving money; it can only do swaps of quota with POs. We have a system set up where we can do it instantaneously.

To answer the question about how much that is likely to help, there is an issue of proportionality. We are talking about a lot of small boats catching in each case a relatively small amount of fish. The under-10s do not go very far from their home port; they are restricted to what is swimming past on the day. They can catch only what is there on the day they go out. Some days there will be too much pollock, but if the fishermen were managing the pool of quota and dealing with Graeme's pollock issue, they would say, "We can cover that for you, Graeme, because we know when the fish is available". When has the pollock gone?

Graeme Searle: By the middle of March.

Jim Pettipther: The fishing year runs from January to December, so we know that fishermen in the south-west need their pollock early in the year. After that, it has gone. In the current MMO system that Graeme was talking about, the MMO management team deals with quotas by saying you must not overfish it. By the end of the year in December, you must not have overfished because your job will be at risk; there will be disciplinary action. I do not know what it does. What tends to happen is that there is under-allocation for under 10s across all species because the MMO takes such a risk-averse attitude.

I was in the room at a south-west quota meeting when Andy Pillar from Interfish, another PO, was talking. He was explaining to the people from the MMO that, if the fishermen were managing that pool of quota, they would make sure that by the end of the year they had caught up to the limit of the quota and then they would stop. They would not say, "We cannot allocate you the quota in case you catch it and then we run out; we have to try to keep some back for the rest of the year". That leads to a massive underfish year on year. They start with very little quota—2% across the UK—and a massive proportion of it ends up unallocated because of the risk-averse nature of an MMO civil servant sitting with a laptop trying to work out fishing allocations for fishermen over the year across species around the coast.

The Chairman: We are going to run out of time. We have three more formal questions that we need to get through. We need to keep the answers really short, because we need to get through some important stuff and we have another session at 11.15. Do you want to sum up that bit?

Jim Pettipther: If we had PO licences, we could help. We are starting with a very small pool of quota, so we can help only to a limited extent, but we could lease extra quota.

The Chairman: We are going through a number of questions about whether or not it is possible to make this regime work. We need fairly

short answers on whether it is or is not going to work. Graham, do you want to come in briefly?

Graham Doswell: As short as quotas have been, we are desperate for cod quota, yet at the end of the year we have only a 50% uptake because of the overcautious management of the MMO.

Q28 **Viscount Hanworth:** Could some of the risk posed by choke species be mitigated by different techniques or adopting more selective fishing gear? What barriers are there to the adoption of more selective fishing gear? We are presuming that the landing obligation incentivises the adoption of different techniques. Graeme Searle made the distinction between passive and active. Could you explain that in the course of answering the other questions?

Graeme Searle: At the moment, the minimum mesh size for catching species such as pollock is 90 millimetres, but we do not use 90 millimetres. We do not use 100 millimetres, 110 millimetres, 120 millimetres or 130 millimetres; we use 150-millimetre nets so that we catch only fish in the sixth, seventh or eighth year of their breeding cycle, at their largest possible size. We will catch the rest in the next few years; they will come through.

A very contentious point at the moment is that a colleague in the Helford rivers has been doing a lot of surveys on red mullet nets. Red mullet nets were originally between 65 millimetres and 90 millimetres. They stopped us using between 70 millimetres and 90 millimetres, which prevents you catching the bigger fish. If we were allowed to use an 80-millimetre net—Chris has been doing trials on that—the selectivity of fish is amazing. He is catching much larger mackerel and whiting as a by-catch when he is trying to catch the biggest possible red mullet. All the small ones go through. I do not know what the argument is; maybe it is that you might catch juvenile bass. You might catch the odd one or two juvenile bass, but from the trials he has done he has caught none. We do a bit of red mullet netting in the summer. We fish in the middle of the channel where you would never catch bass. I have asked whether I can try to use bigger-size mesh. What is the point of using 65-69 millimetres when you can use something bigger and catch bigger fish?

Jeremy Percy: To answer the question about whether the landing obligation incentivises fishermen to fish more selectively, I think it will if the system is fair, clear and non-discriminatory. As Graeme says, 80% of the small-scale fleet use passive gear, which is a net with a mesh that stays open, and that is the key. We have been trawler skippers. Trawling is a very clever and technical business. I will be slated for saying this, but at the end of the day you are throwing a big mesh bag out the back and dragging it around for a bit to see what you catch. The problem lies in improving selectivity. It is very difficult for us to improve our selectivity when merely changing the mesh of the net, which vitally stays open under pressure, you can select fish of almost any size you like, right down to the most mature and biggest or anything in between. We are

already highly selective, and our argument is that we should be rewarded for that improved selectivity by better access to quota.

Jim Pettipher: That is how the CFP is supposed to work. There is a lot of stuff in it that says the more sustainable you are, as the small-scale guys with their passive gear are, the more quota you should get access to.

The Chairman: Will selective gear immediately give us a silver bullet, or is it part of the solution? Is it a big part of the solution? Will it take years to get there, or are we already into all of that?

Graham Doswell: We are already using selective gear. What we do is labour intensive. Every fish has to be untangled by hand. It is not like when you empty cod into a trawler; you have to sort through the fish. With static gear, it is labour-intensive; you have to take out each fish. We do not want to catch small fish or rubbish that we cannot land, so the nets are devised in such a way that they target and catch the big fish.

Viscount Hanworth: Is it all down to mesh size, or are there other techniques?

Graham Doswell: It is also down to the way the net is hung and how much slack is in it.

Viscount Hanworth: Are there any other ways of identifying the shoals, maybe by sonar or whatever?

Jeremy Percy: Selectivity is not just about the gear you use but when, where and how you use it. Generally speaking, because 80% of our members use passive gear, which is more selective, we will struggle to be more selective in the size of fish, but very often we cannot avoid catching fish. After all, the *raison d'être* of most fishermen is to go to sea and catch fish. We are hamstrung because we cannot move away from the fish; we are limited in the area where we can operate. We operate far more selectively than some other gears, so we would struggle to improve our selectivity by size but not by number.

Graham Doswell: By-catch—discard—of undersize fish is less than 1% or zero. Cefas scientists come with us to look at catch composition and to see what we are catching. We do not get any discards or undersize fish to talk of in our static gear quota.

Jim Pettipher: Fundamentally, overfishing is an industrial fishing problem, not a small-scale, local artisanal fishing problem.

The Duke of Montrose: I declare that I am a member of a freshwater fisheries trust.

How many sizes of net can the average 10-metre boat afford to keep?

Graeme Searle: We use several different types, ranging from small mullet nets and either pollock or cod nets, which are 150 millimetres, or 6 inches, up to turbot nets which are 300 millimetres. One of our big

problems is that if I want to change to a different type of net I will go to my net manufacturer and say I want something a bit different, like 155 millimetres or whatever, but it could be three or four months before that net arrives from Malaysia, or wherever it comes from, and another few months to rig it. When I want to use that net on a certain species I might have no quota left. It is all about fishermen, but the people who provide the nets spend tens of thousands buying certain sizes of net for us. If there is a change in policy, we might say we no longer want a particular net, but the provider has ordered a container full of them.

Q29 Lord Krebs: I should declare an interest. I am an adviser to two food retailers, Marks & Spencer and Tesco.

I want to ask about compliance, particularly what experience, if any, you have of how the landing obligation is being enforced and might be enforced in future.

Graham Doswell: I have seen no enforcement at all yet at sea.

Graeme Searle: No.

Jeremy Percy: There has been something of a void to date. Our concern is that, come January, there will be a big bang.

The Chairman: Is that mainly because at the moment you are not particularly involved in the pelagic fisheries, or is it because nothing has happened anyway?

Jeremy Percy: It is probably mostly the former, plus it has been quite bitty. I do not think anybody has understood it very clearly.

Q30 Lord Cameron of Dillington: I think you have already answered my question, which is about whether the landing obligation is going to lead to more illegal discarding, and I think you said that it almost certainly will. Do you want to add anything?

Jeremy Percy: Because of everything we have said, you will understand that there is immense confusion and nobody is quite sure. The problem is that fishermen will put fish on the deck and think, "Can I bring this in? Is it undersize or within size? Am I going to be charged? What is the system? I have an app that I don't understand because it doesn't fit on my phone". Let me stress that no fisherman likes to stand on the deck of a boat at 3 o'clock in the morning and throw back good fish. Discarding is not just a consumer or public concern; none of us likes to do that, but fishermen will be in a situation where, as I said at the outset, they will either be criminalised or go bankrupt. I cannot speak for fishermen; I would not dare to do so, but, if I stood on the deck of my boat and thought, "This is a bit risky", I would be tempted to throw it back.

Q31 Baroness Sheehan: Leaving aside the issues that might arise with compliance, what do you think needs to be done to ensure compliance with the landing obligation?

Jeremy Percy: Other people will have their views, but I believe there needs to be much more careful implementation of it; enforcement needs to be very light touch, because it is clear from the evidence we have given that fishermen do not understand the requirements at sea, on landing or ashore. The idea that we will have some sort of big-bang introduction with perhaps overenthusiastic enforcement is a very serious concern.

What should happen is that we carry on, people start slowly to meet the requirements and there is a fairly clear conversation between enforcement and fishermen so that, rather than saying to fishermen, "Oh, that's not right", there is more gradual recognition of the requirements. There are some issues that will be almost insurmountable. For instance, the scientific advice for the south-west of England next year is a zero cod catch. Effectively, you can catch no cod. If you ask fishermen about the implications, they will say they do not know. There will be a Union by-catch allowance, which in many respects is beyond my comprehension. We are to share some sort of by-catch allowance, which is a fudge, between us and other European vessels fishing on the same grounds and trust each other not to overfish. It has to be far more sensitively and carefully implemented by both parties.

Baroness Sheehan: Do you think R.E.M - remote electronic monitoring - will help with compliance?

Jeremy Percy: We are talking about nearly 3,000 small boats that fish on some element of quota species. The question is how far you go with remote electronic monitoring. For instance, even the largest of the UK's pelagic vessels do not have cameras aboard. Graham fishes out of Eastbourne with an under 10-metre boat. He is faced with some of the largest trawlers in the world fishing just outside him in the channel, which is a very narrow piece of water. His boat is 32 feet long; those boats are up to 470 feet long and they are fishing without any cameras aboard.

It is fundamental nonsense. If REM is to be implemented, it has to be done sensitively to avoid gold-plating enforcement. We are going to have inshore vessel monitoring so they will know where we are and, to an extent, what we are doing. That is probably sufficient. Tying it in with the reporting systems will at least provide government and others with more information about our efforts. One of our failings as an under 10-metre fleet is that we have never been asked to report and record where we go, and what is important to us. If they do not have the data, it is very difficult to treat us fairly.

Lord Krebs: We have heard from you a lot of worries and criticisms about implementation of the landing obligation on 1 January, but I want to step back. Do you agree that some form of landing obligation and discard ban is important as part of the process of making fishing more sustainable? Do you accept the principle but have criticisms about its practicality, or do you reject the principle?

Jeremy Percy: From my perspective, we recognise that we should be encouraged and supported to reduce our discard rate as much as humanly possible, for reasons I gave earlier. In some areas, it is very difficult to do that, and, if it leads to overt enforcement sanction, it is grossly unfair, especially to our guys.

Graham Doswell: The low-impact fishers that do not have a discard problem sizewise should be rewarded with more quota.

Graeme Searle: All fishermen, no matter what their job is—netting, or icing, pelagic trawling or demersal trawling—fish to the best of their capability. We obviously want to catch as much fish as possible, but we also want to have fish available next year and the year after. Sometimes it is put across that we are just out there to pillage the seas; we are not. We are in the best position to know what is on the ground, see what is available and fish in a sustainable manner.

At the moment, in the south-west, we are dumping tonnes and tonnes of large bass of perfect size caught in demersal trawls. We have not targeted the species, but we are allowed to land 1% of the daily catch. Small boats that are struggling financially are dumping £10,000 worth of fish in a day. They only want to earn £4,000 or £5,000 a week, but they are forced to dump that fish. For years, we have stopped the targeting of bass by large pelagic pair trawlers; we have stopped drift-netting for bass in the Eastern Channel. There were measures targeted at bass fishing. Since that has happened there has been a huge upturn in bass stocks. For years and years before, we were allowed to catch bass and benefit from it; now it is just being dumped. It is all over the social media that 10-metre boats are catching 2 tonnes of bass in one short tow.

Jeremy Percy: The reasons for discarding are mainly that you do not have quota, you are catching undersize fish or it is of no economic value. In relation to the small-scale fleet, it is about lack of quota. You catch biologically sustainable landings of fish that you are not allowed to land and you have to discard. It is not the fault of fishermen that we are in this position. We are in this position because the system pushes us into it. Vessels using passive gear do not have a size issue on discards; it is purely the quota system.

Lord Selkirk of Douglas: I noticed a huge fish in Graeme Searle's photograph. Are there procedures for dealing with huge fish that are totally unexpected? Are they dealt with differently or the same as everything else?

Graeme Searle: It is what we target. In winter, we tend to target pollock but we get a few massive cod in the nets and a few ling, nothing else. We target just those three species. By selective fishing in the areas we put our nets, we can almost guarantee exactly what we will catch, not quantities but a selection of individual species.

The Chairman: I need to bring the session to an end. Gentlemen, thank you very much indeed for having gone through this with us. It has been a

most useful session. It is particularly useful for us to hear from the front line. Thank you very much indeed. You are very welcome to remain for the second session, if you wish.