



Select Committee on the European Union

Energy and Environment Sub-Committee

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

Wednesday 5 December 2018

11.20 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. 4

Heard in Public

Questions 32 - 40

Witnesses

[I](#): Helen McLachlan, Programme Manager, WWF-UK; Samuel Stone, Head of Fisheries and Aquaculture, Marine Conservation Society.

Examination of witnesses

Helen McLachlan and Samuel Stone.

- Q32 **The Chairman:** It gives me pleasure to start the fourth evidence session of our inquiry into the EU landing obligation. I remind our witnesses that this is a live recording and webcast, and a public meeting, as is obvious. We will transcribe the dialogue and send you a copy. If there is anything that you feel is not accurate, please come back to us. If you feel that there were areas that we did not sufficiently cover during the session, or there is additional evidence that you want to give, you are very welcome to let us know in writing and send it to Alex, our clerk.

There is no necessity for Members who have spoken to declare their interests—that has already been done—but I declare myself as a board member of the Marine Management Organisation. Could our witnesses introduce themselves briefly?

Helen McLachlan: I am the fisheries programme manager at WWF-UK.

Samuel Stone: I head up the fisheries and aquaculture team at the Marine Conservation Society. In a previous life, I did work for the Australian fishing industry, running gear improvement trials.

- Q33 **The Chairman:** I hope you will have an opportunity to give us your experience of that. I will start with a fundamental question. Why is the implementation of the landing obligation important for the broader marine environment? Maybe it is not important; there may be things that are far more important, and perhaps you could let us know.

Helen McLachlan: It is a number of years since we had to make statements about the need for the landing obligation. Fundamentally, it is about the wastefulness that has been part of fishing to date. It was revealed that we were wasting very large amounts of fish and other non-target resources in our fisheries. We came to the understanding that we needed to be much more selective in what we remove from our oceans, because the impact of fishing is not just directly on the stocks that we target but on the non-target species that come up in some of the less selective gear types. That ranges from benthic species, which form part of very complex habitats on the seabed, through to non-target species that you have quota for, so you end up fishing out large parts of those stocks as well.

The data on the health and well-being of stocks has not been good, although recently the CFP, in European waters, has helped to turn that around. For the general health and well-being of our marine systems, it is really important that we are aware of what we remove and that it is done on the most sustainable basis possible. That means fishing as selectively as possible, with the minimum impact on that system. As you have probably heard, it is under extreme stresses as we move forward, climate change being the biggest of those. Of the things that humans can do, fishing is one of the biggest areas where we can take effective action.

Samuel Stone: There are a few other reasons why an effective discard ban is very important for the marine environment. One of the most striking reasons is that, without a discard ban, we do not have firm catch limits. At the moment and to date, we have quotas, but that is for what a fisherman can land. There is nothing to stop fishermen catching fish outside their quota and throwing them away; in fact, they are forced to throw them away. I think most people would agree that having catch limits is a fundamental part of managing a fishery, and right away we can see a mismatch.

There are other limitations, such as vessel size and engine power, the gear and the weather, and in many cases the skipper does not want to catch fish that he cannot sell. In reality, there is no firm limit at the moment, and a discard ban introduces a firm limit, because it means that you have to have quota for what you catch and you have to land that. It is a really important measure, but it has to be done the right way.

As Helen alluded to, another really important element of an effective discard ban is to develop accountability for what is actually being caught. Instead of knowing exactly what has been landed, we know exactly what has been caught and what has been thrown away. Traditionally, fish that have been discarded have not been well recorded. It has got better over the last 10 to 15 years, but it is still a real issue in many fisheries. Scientists do not know the proportion of discarding in a lot of fisheries. This kind of measure will help to get a handle on that.

More than ever, we hear that responsive and adaptive fisheries management is very important so that it can react to things such as climate change. Underpinning all that, to be responsive and adaptive we need very good data and a very good handle on what has been caught and what has been thrown away.

The Chairman: We have had some written evidence from the NFFO, with a couple of graphs, which I must admit I had never seen before, tracking the amount of discarding over the last 20 years and showing a huge decrease over that time. I suppose a response to that might be that, given the amount of management effort the landing obligation requires, we may already be winning the battle and we should just carry on doing what we are doing at the minute, because it is working pretty well. Is that something you recognise in relation to volumes of discards?

Samuel Stone: I recognise that the number of discards has reduced a lot in many fisheries, which is very welcome. Reducing the discard is just one element of the discard ban; there is still the issue of firm catch limits and accountability. I recognise that improvements have been made, but more can certainly be done.

Helen McLachlan: I wholeheartedly agree. As Sam said, it is very important for us to have the best available data so that we have the highest possible levels of confidence when we set quotas for the various species. We are just not there, and we are starting to see around the

world other fisheries' management regimes taking that approach and benefiting from it, so we should be looking to that.

The Chairman: Without going into detail, because we do not have time, what are the best examples of other administrations in that regard?

Helen McLachlan: New Zealand, for example, has recognised the wastefulness in its fisheries and the lack of economic returns. Then there is the public perception of fisheries; New Zealand cited all of that as a reason for adopting full electronic monitoring, to achieve full accountability for catches. New Zealand sees all that as a clear benefit for the country.

The Chairman: Are there other administrations?

Helen McLachlan: The US has now decided that it needs to get a much better grip on being accountable. I think Australia is there as well.

Samuel Stone: Australia has been using cameras on its long-line fleets for several years, and Canada has very good monitoring reporting of its groundfish fisheries.

Helen McLachlan: Even some South American countries, such as Chile and Peru, are very progressive.

Lord Krebs: The graph the Lord Chairman referred to shows time on one side and discards on the other. Do you know whether it was based simply on what was reported? Is it an increase in underreporting, or is there genuinely a reduction of discards?

Samuel Stone: There has been a genuine reduction in discarding over the last five to 10 years, but I am sure there would still be some underreported discarding.

Lord Krebs: But how do we know, if it is a matter of reporting with no checking? That links to the question about remote electronic monitoring. How would we know that it is an accurate report?

Samuel Stone: That is the issue at the moment; we simply do not know. Because there is less than 1% observer coverage in our fleets, we have nothing or very little to verify catch reporting at the moment.

Viscount Hanworth: We have been told recently that the quotas are sometimes obtuse. For example, pollock migrate northwards and are available only in the winter, so the annual quota is inappropriate; it should be varied throughout the year.

The other one that we were told of was bass, which was once subject to a very stringent quota and is still subject to that quota but is now in abundance. Do you accept the aspersion that the quotas are thoroughly ill defined? What can be done to get them right?

Samuel Stone: Underpinning everything is good data, and bass is a good example of where we have terrible data from the fishery. There has

been a lot of attention on sea bass over the last couple of years, with large attempts to improve the data, but the margin of error in stock assessments is still very large. That is in part because we do not have good monitoring of captures and discards at sea, and because a lot of recreational fishers access that fishery it is very difficult to monitor their catches.

Fishery science is never perfect, and it is difficult to count or estimate the number of fish in any population. Fishers' data and input is very important to help to build an accurate picture of stock assessment, but better objective data feeding into those assessments is a key way to make them better. When we have the best available science and the best opinion, we need to try to follow it.

Viscount Hanworth: You seem to imply that recreational fishing has had a big impact. That is an interesting point, because we have been dealing with that issue. Can you reassert that, so that it is clear to us?

Samuel Stone: It certainly is with some species. Pollock and bass are important recreational species, and there have been very strict restrictions on recreational fishing for bass over the last year or two.

The Chairman: We are going to come on to some of the choke issues, exemptions and flexibilities later, and perhaps we can do some more on the quota side.

Lord Young of Norwood Green: You say that we need to check at sea to have any accurate idea of discard. I was looking at the WWF document. We have just been interviewing fishermen who have boats of 10 metres and under. Is that a practical solution for them? What about the cost?

At the moment, their selectivity apparatus appears to be net size. I may have got the wrong impression, but they seemed to be saying that, if we regulate the size of nets, it will solve the problem. I am aware that New Zealand has different approaches, with tubes and various other things. Do they need that, as well as the REM?

Helen McLachlan: To your first question, on practicality, from a policy perspective we have advocated the adoption of electronic monitoring for the over 10-metre fleet, which represents 94% of the catch in weight and 88% in value, so it addresses a lot of the quota catch. For the under-10s, there are options, absolutely. Some of it could be EM, if a vessel was considered a higher risk for any particular purpose. For example, small gill net vessels may have an increased risk of harbour porpoise by-catch, and they may be appropriate for EM. It is all applicable, but it is about the scale of things.

We have looked at the costing for the over 10-metre fleet, and it is somewhere in the region of £5 million for all those vessels, which compares to an estimated annual running cost of current operation as usual of £20 million, which does not give us the eyes at sea. You could

have 100% observer data at a quarter of the cost, and you could do a bit of switching in and out and redeploy some of the current costs to make that happen. It is very cost effective. I take the point about the under-10s. Where appropriate and identified, you could start looking at EM for them.

The Chairman: We are going to come on to enforcement later. Perhaps we could pursue the point further at that time.

Q34 **The Duke of Montrose:** The Lord Chairman has drawn our attention to the official decline in by-catch landing. We have just heard from fishermen their view on how the landing obligation has been implemented. What is your view on how it has been implemented to date?

Helen McLachlan: Both Sam and I and our respective organisations share the view that we are disappointed. We have had five years from the point of announcing the landing obligation and it coming into the legislature. In that five-year period, we should have been putting in place a strategic plan as to how we worked towards phasing, because it was phased for the different fisheries. The pelagics were taken as relatively low risk, and then the more challenging fish were addressed, and we are now at the most challenging point, where we are taking the very mixed species fisheries.

We certainly feel that there should have been more planning in advance, and more preparation and support for the fishermen themselves. We have not, for example, taken good advantage of the European Maritime and Fisheries Fund, as we could have been doing throughout the whole period. A specific reason cited for EMFF funding for this period was to assist with the introduction of the landing obligation. I am afraid that we do not feel that planning and preparation have been done to good effect, to the point where we are now looking at a landing obligation that is not being effectively implemented or monitored.

The Chairman: Sam, would you like to make any comment? You do not need to.

Samuel Stone: I guess there are some positives. I certainly agree 100% with everything Helen said. Looking at some of the positives, there have been a lot of trials on how selectivity can be improved and how a discard ban might work in practice, but it does not seem that the outcomes of those trials have been adopted and taken forward. It seems like there was a trial, and now we wait and see what happens. It would have been nice to see some of the outcomes becoming commonplace and implemented in the fleets.

To date, I have been fairly pleased with the joint recommendations that have come out, and the various exemptions and flexibilities that have been applied. They have been fairly well justified. We have seen exemptions granted to vessels where by and large they are implementing

best practice selectivity measures, and measures to improve post-capture survival.

The Duke of Montrose: Who do you think could have drawn up a plan and who could have applied for funding?

Helen McLachlan: It depends which part of it you are looking at. Sam talked about testing and piloting certain types of gear, and it is absolutely right that that has happened. In the mixed fisheries there have been some really great ideas, and, if particular gear type was seen to be effective, a joint proposal could have been put together with the regulators, the catching fleet and the monitoring people for an EMFF-funded project, to help with the implementation. There are a range of options that have not been adequately explored, unfortunately.

The Chairman: Why do you think that is the case?

Helen McLachlan: That is a difficult one.

Samuel Stone: There was widespread opposition to the policy to start with, and it was not developed sufficiently or communicated well enough, with the industry in particular. Even in the Member States, a lot of questions have remained unanswered for several years, and we are only just seeing some firm and concrete answers a few weeks before full implementation. A lot of agencies have played some part in not promoting it better, or not progressing it. From industry to government agencies and NGOs, we could probably all have done more to emphasise the need to get on with it.

The Chairman: Is that because everybody involved thinks it is all too difficult and that something will turn up at the end of the day? Is that the impression you get?

Samuel Stone: It is a reversal of traditional fisheries management, turning it on its head. It is a very new approach, and it will take a lot of effort to bring people along. It is designed to be a very big change in fisheries management, but a very big change is what is needed. We failed to get all the stakeholders on board.

Helen McLachlan: At European level, there has been a view that perhaps, if we keep our heads down, it might not go ahead, because it is so very difficult. With Brexit, there has been a possibility that the UK will think that perhaps it will not be implemented, so is there really that hard deadline? But, of course, as we are aware, there really is, and we have failed to address it, unfortunately.

Lord Young of Norwood Green: We had a witness who talked about a cultural change. His view of enforcement was that people were being asked to make a very profound change. The impression I got from him was that the MMO would adopt a pragmatic approach. Notwithstanding that it is the first time that we have heard that it has had five years, and that it does not seem to have made as much progress as possible, is that the right attitude? Is that analysis reasonable in the circumstances?

Helen McLachlan: Was he talking about taking a pragmatic approach in the five years to date, or in future?

Lord Young of Norwood Green: It was about the application of the discard ban.

Helen McLachlan: If we actually want to move forward and shift the culture, as you say, everybody has to understand that we are serious about the landing obligation. The messages from regulators and administrators need to be very serious about that. They need to be clear that it is going to happen, but we need to find a way to make it happen and bring the industry with us. I have been in conversations where someone in the industry has said, "I'm not going to be the guy who takes a camera when nobody else does".

Perhaps someone in the industry could be a leader and start a roll, but, realistically, they are not going to. A regulator just needs to say, "This is going to happen, but we're going to put in the best plans and resources to support it". There has to be a plan, a timeline and a strategy as to how it will happen in the best way, supporting the industry through it, but with clear implementation and operation in place, at a set point.

The Chairman: I remind Members that we should not refer to private briefings that we have had as part of the Committee.

Q35 **Lord Krebs:** I think our witnesses have already answered this question. How confident are you that the landing obligation will be effectively implemented from 1 January 2019? I think the answer is that you are not confident, but you may wish to elaborate. Further to that, when we asked witnesses on the previous panel—you were there for the end of the session—what they think should happen, they favoured a more gradual implementation. Could you give us your take on what you would like to see happen, if you are not confident that it will be fully implemented on 1 January, as I assume you are not?

Samuel Stone: To be blunt, I am not confident at all that it will be fully implemented in a few weeks' time, but I would be delighted to be proved wrong. To date, there has been a lack of visibility of any firm plans for monitoring and rolling out the discard ban in a few weeks, so I am certainly not confident. A lot can still be done. Obviously, there are only a few weeks to go, but we would like improved monitoring of catches. We would like uplift applied to fleets that can demonstrate that they are genuinely trying to comply with the discard ban, by employing best practice selectivity measures, with cameras on board to help to demonstrate that.

Efforts are already being made domestically and internationally to help to get quota to where it is needed within the sustainable catch limit, but they need to be ramped up. As we heard earlier, in many cases quota is available, but it is not getting to the places where it is needed because of complications with domestic and international trading, and we would love to see that sorted out. The last thing we want is boats prevented from

fishing, particularly where the stock is in a good condition. Those are the key things that I would like to happen.

Helen McLachlan: As I outlined, we should have done that planning to date and had it in place, but let us be very clear that from January 2019 we have a clear plan, with timelines for phasing in an effective system.

Achieving accountability of catch and having effective monitoring at sea will not happen overnight, but it will not happen unless somebody actually takes the first step to prepare for it. That would be our view, in the very first instance. Then we need to prioritise the vessels anticipated and identified as being at medium, high or very high risk of potential infringement.

Q36 **Lord Cameron of Dillington:** We now come to the problems. By far the biggest problem is the whole question of choke species. We have heard how fishermen fear that, if there are monthly quotas, they may have to stop fishing after the first week of every month or, if they are on yearly quotas, they will have to stop fishing in March. None of us would like to receive only a quarter of our salary, particularly if we have a bank or mortgage company breathing down our necks. What can we do about this question? What should the Government, the fishermen, the European Union and we do to resolve the choke issue vis-à-vis the landing obligation?

Samuel Stone: Some of the things I alluded to need to be implemented as quickly as possible. If there is a total allowable catch and quota is available within that limit, Governments need to make sure that it goes to the vessels that need it to implement the discard ban. That is critical. To the extent that it is legal and justifiable, we need to make sure that we are using all exemptions and flexibilities available to Governments within the basic regulations. There are exemptions; some are a bit foggy, such as interspecies flexibility, which has not really been used. There is potential for some of those flexibilities to be applied.

The December Council is shortly coming up, when catch limits will be agreed for next year. I am sure that in some cases there will be a desire to set catch limits in a way that helps to implement the discard ban. Although there may be a justification for doing that in some cases, I am personally most worried about stocks that are already overfished or depleted, such as west of Scotland cod and whiting and Celtic sea cod. They will be very difficult chokes to sort out, and in those cases we would like proper investment in avoidance measures and suchlike, but it all has to happen very quickly.

Helen McLachlan: One of the solutions we have raised is that, for stocks such as west of Scotland cod where there was a zero quota and the stock is still in a very poor state, vessels that operate in that fishery should take electronic monitoring to give us a true account of what is coming up in nets. That would start to build the data for that stock. One of the complaints about that stock is that the data is not adequate, because we do not understand what is coming out of the sea. Perhaps some leniency

as part of the adoption of electronic monitoring might be a way forward in some of those circumstances.

We should not forget that we are talking about different types of choke. There are three categories, and the first and second categories can be resolved with the UK, either domestically or within the sea basin where fishermen operate, in negotiations with other EU Member States. It is in the third category, where there are just not enough fish in the system, that we have to be more innovative, perhaps looking at some of the solutions for finding out exactly what is going on in the system. What we currently lack is real knowledge of what is coming out.

Lord Cameron of Dillington: We were told in the last session that certain mesh sizes were illegal in certain areas. At the time, it seemed to me that it would be far better to say to the fishermen that it is their problem and they should decide what the mesh size ought to be, and we should stop doing that. Would you agree with that?

Helen McLachlan: We take a very flexible approach. What is important about the impact of how we fish is what we are removing from the sea. We need to be accountable, whether it is a quota or non-quota species, and have some understanding of the impact. If a fisherman is given a quota for X, he or she is the best person to know how to remove that, as long as they do not remove more than that. But we need to have that evidenced, which is where we are currently lacking. We need better evidence of what is coming out. It is good not only for knowledge of what is coming out of the water but for stock assessment and, therefore, for our confidence that the quotas we set are the right ones.

The Chairman: Sam, I do not know whether there are mixed fisheries in Australia; I only have experience of New Zealand. Can we learn something from there, about getting around the choke species issue?

Samuel Stone: Australia has mixed fisheries, but not on the same scale as Europe. We are in a relatively unique situation, to be honest. The scale and scope of the discard ban is also unique. Australia does not have a discard ban yet, so maybe we cannot learn a great deal from the Australians, but I like the way they have encouraged the industry to develop its own solutions to selectivity and avoidance.

There has been a large investment in trials, where fishermen are given the freedom and flexibility to solve their own problems, and they are very good at problem solving. It does not just end there: they look at the issue, have trials, find potential solutions and pick the best one, and then it actually gets rolled out throughout the wider fleet. I would like to see more of that happening here.

The Chairman: A paper that we were looking at today in our scrutiny function has the Minister saying in negotiations that he is not worrying so much about relative stability but is looking at different catch measurements. Does relative stability completely get in the way of the choke issue?

Helen McLachlan: It does in some of the categories, it is fair to say, where some Member States have more of an allocation than perhaps we would like to see, reflecting what is in our waters.

The Chairman: Presumably, that will get worse with climate change and migration of species.

Helen McLachlan: Who can say? It is difficult to predict that sort of thing, with shifts north and south. It is quite tricky.

Lord Young of Norwood Green: You said that there were trials going on of selectivity gear and apparatus, and we heard something about New Zealand. Is any of that applicable, practical or cost effective for British fleets?

Helen McLachlan: We have had some great trials undertaken in UK waters, some of them really promising for the mixed fishery in the north-east Atlantic, taking advantage of the fact that different fish respond differently to nets. Haddock go up and cod go down, so, if you are trying to select out cod, you can do so in that way.

Although trials have been successful, there has been no rollout or adoption of them further afield than the vessels that trialled them. Part of that may be about money and could be addressed by the EMFF. Part of it is because people do not know whether that is where they should invest their business plan, which is not something we can answer. There certainly have been some successful trials. As Sam said, this has definitely incentivised greater selectivity, but possibly not across all vessels and to the extent that it possibly could.

Q37 **Lord Rooker:** I want to ask about exemptions and flexibilities. As the Chairman said, you are our fourth group of witnesses. I have always dealt with farming so I am new to the fishing area, but I get the overall impression that there has been no proper planning or preparation to prevent poor performance in the implementation of this policy, bearing in mind that it was enunciated four or five years ago. Have either of your organisations had or requested any meetings in the last 18 months with Defra Ministers about what you must have perceived as no action?

Helen McLachlan: Yes, is the answer to that.

Lord Rooker: You have had the meetings.

Helen McLachlan: Yes.

Lord Rooker: What was the result? What was the approach or the attitude? Was it acceptance of delay?

Helen McLachlan: It's fair to say that, with Brexit occurring in the last two years, it has not been quite as focused as it could or should be. This is largely a devolved matter, so we are talking about the UK and the devolved administrations.

The devolved administrations engage with their stakeholders in different ways. In Scotland, for example, there is much more stakeholder engagement, and the approach is more one of addressing the issue together than I have experienced in the English approach. That is one point.

We have also had meetings, with Defra in attendance, with some of our corporate colleagues and retailers who are concerned about the measure, and the potential for illegality in their supply chain come January 2019. Officials are concerned about what is going to happen then, too, and about the level of preparedness, but that is not to say that there is going to be—

The Chairman: Lord Rooker has raised a very interesting point. The supply chain has been mentioned before. Will any of the retailers insist that there is electronic monitoring on vessels for them to be part of the supply chain? Is that the sort of pressure that might be put on?

Helen McLachlan: We have been working with the big retailers, and their view at the minute is that if they are challenged on whether they have illegality in their supply chain, they have to be able to give an answer. Their view as expressed to Defra is that they need to see demonstrably legal fisheries. That means going back to the catching sector and saying, "You're telling me there's no discarding going on, because we have in place in legislation something that says you have to land everything. Can you demonstrate that that is happening?"

Those sorts of conversations are taking place. I do not think that retailers have got to the point of saying that they will not source from people if they cannot do that, but the pressures on them to meet their corporate and social responsibilities on legality in the supply chain are very real and need to be addressed. Those expressions have been made to the catching sector and the administrations, and they have been heard. EM is definitely something that they see as part of the solution, to demonstrate legality.

Lord Rooker: Samuel, does your organisation have similar experience?

Samuel Stone: I must admit that we have not been engaging with retailers on the issue.

Lord Rooker: It is the Ministers I am after. Well, I am not after the Ministers; I mean the Departments.

Samuel Stone: We have brought those concerns to senior officials and the Minister.

Lord Rooker: In Scotland and England?

Samuel Stone: Personally, in England, and certainly to officials in all the administrations. My colleagues have probably done so in Scotland. I am not sure personally about Scotland and Wales, but I am sure that the message is being communicated pretty clearly. They share the concern.

There may have been a very large underestimation of the volume of work, effort and resources needed properly to do this, and they are realising that it may be a case of too little, too late.

Lord Rooker: It is called a failure of public administration in some quarters. I wanted to ask you a question about exemptions, although I think it is superfluous. Do you think the current exemptions and flexibilities within the obligation strike the right balance for conservation and fishermen? You cannot answer that because you have no confidence in the implementation and you do not know what is going to happen; you think it will not happen.

On paper, is there the right balance in the rules for exemptions and flexibilities that the MMO has put out? Is there any key factor where you want to go to the heart of it and say, "That should have been better to start with", even before the implications became clear for the implementation of this policy, which looks as if it will not operate properly anyway?

Helen McLachlan: I share Sam's view on the practical approach that has been taken to the flexibilities to date in trying to find ways to allow fishing to continue, taking account of justifiable exemptions. That has been fairly done, but what we would have liked to see accompanying it were the eyes on the water—

The Chairman: What is that?

Helen McLachlan: Electronic monitoring—the eyes on the water—to find out how vessels have operated under practical implementation. It comes back to good management, putting an adjustment in place and asking how something has changed, because it does not always affect the things you think it might have an effect on; there are unintended consequences. Is something else affected by you doing X? It is about responsive management, and, at the minute, we do not have the technology and means in place to understand the consequences of what we are doing.

The Chairman: Helen, in your CV, it says that you are a particular expert on the survivability of species that are thrown back.

Helen McLachlan: No, that was not me.

The Chairman: Have they got it right about species that can survive when they are thrown back?

Helen McLachlan: There is quite a broad sort of—

The Chairman: Sorry, did I mistake that?

Helen McLachlan: I am not a survivability expert.

The Chairman: I apologise.

Lord Rooker: I saw it written down somewhere that someone had done some work on the survivability of what was chucked out. I am not

pinning it on either of you, but I have read that.

Helen McLachlan: Maybe it was Tom Catchpole.

The Chairman: Okay, we will leave that and move on to Baroness Wilcox.

Q38 **Baroness Wilcox:** We have been told that environmental groups are concerned that the landing obligation is not being effectively enforced. How effectively is the landing obligation currently being enforced? Could you give some feedback on that?

The Chairman: We are expecting a rather brief answer, I am afraid.

Baroness Wilcox: I was trying to be encouraging.

Samuel Stone: To be blunt, it does not seem that it is being enforced to date. There is consensus among Member States, the European Fisheries Control Agency and various other agencies and stakeholders that there has been widespread non-compliance to date. It is important to distinguish monitoring and enforcement, and maybe we will touch on that later.

Enforcement always has a certain expectation that there is punishment for infringements, and there is evidence that our current enforcement regime is not strict enough. For the discard ban, right now I am most concerned about accurate monitoring, because if we lose a handle on what has been caught and thrown away we will skew stock assessments in future and undermine future management. Enforcement has to be fairly reasonable and focused on those who are deliberately abusing the rules.

The Chairman: We will come on to future enforcement in the next question.

Helen McLachlan: I echo Sam's point. We are not interested in criminalising people; we are interested in understanding what is actually happening at sea, and at the minute we do not. There is a case for a bit of leniency on strict enforcement and criminalisation so that we have that understanding and are able to feed it into stock assessments. At the minute, there is wide acceptance that discard levels are occurring at similar and, in some circumstances, higher rates than previously. That is exceedingly dangerous for our stocks; it just means that in reality we have overfishing. We have done great things in recent years with positive trends - building stocks up again and decreasing fishing mortality, and we are about to reverse all that if we do not get this right.

Viscount Ullswater: When you go around Europe, have you noticed any infrastructure being put up on quaysides to deal with the unwanted stock that will now have to be landed? That would be an indication that people are taking enforcement literally, but from what we have heard I do not know that it is happening. Can you give us any flavour of what might be happening in the rest of Europe? You are shaking your head.

Helen McLachlan: That was a big issue, certainly at the beginning, when the landing obligation first came in; we would need greater icing facilities, and places to deal with the fish that previously had been discarded. In the UK, although some facilities may have been put in place to receive and treat discarded fish, they have not been used, because there have not been the levels of landings anticipated; the fish have presumably continued to be discarded at sea.

Samuel Stone: I agree with all that. I have not travelled around Europe much, just to various ports to see them at first hand, but I suspect that the situation is similar.

Q39 **Lord Selkirk of Douglas:** What is your assessment of how prepared the United Kingdom Government are to enforce the landing obligation when it applies to all fisheries in 2019? What more needs to be done to ensure compliance with the landing obligation? Are there lessons that the United Kingdom could learn from other countries on how to monitor effectively compliance at sea?

Helen McLachlan: We have touched on the fact that we do not think that they are going to be prepared and ready come January 2019, because adopting electronic monitoring is not going to happen overnight, as I think I said before. You need to think about what kind of system you are going to put in place and what infrastructure you require to get the technology on to the vessels and to get the screens and the dockside ready. It takes quite a bit of time and planning, and none of that is in play at present, as far as we are aware. That is where we need to get to, particularly as the UK is about to exit the European system and go out into a very competitive global seafood market.

We should be able to market ourselves as a high-sustainability and high-value fishery, with a strong reputation as a sustainable fishery. With the support of electronic monitoring, we would have the confidence on the water to be able to make those claims. We know we are missing that trick, but we need some evidence of that intention. Until we have that, we will continue to have a lack of understanding of what is happening at sea and what the impacts are on our stocks, and there is the potential for overfishing, which would be a catastrophe.

Lord Selkirk of Douglas: How long do you think it will take to get an acceptable electronic monitoring scheme in place? Would you consider a pilot scheme, or would you go for the whole lot?

Helen McLachlan: I do not think there is a need to pilot it. Around the world, technology is moving very quickly, and in the UK some English vessels are operating very happily with camera technology, and some Scottish vessels have done so, although I do not think there are any just now. The Government have said that they are willing to put it into place, so I do not think that pilots are required.

We have talked about the over 10-metre fleet, which is somewhere in the region of 1,300 vessels. It is not insurmountable to look at rolling it out

at that scale. If you needed to prioritise further, you might start to look at the medium, high and very high risk, and take them as the first out of the door. It also depends how much resource you are willing to put into it. If you get a goodly amount of money and get the people who supply the technology and the people who are able physically to go out and wire it all up, you could be talking about it happening within a year, but possibly longer if you do not put adequate resources into it.

Lord Krebs: As you are aware, we have just had a witness panel representing under 10-metre fishermen, 80% of the UK fleet roughly speaking. To slightly paraphrase and exaggerate what they said, small fishermen—one witness used the phrase artisanal fishermen—are very careful and manage their stock sustainably and, in any case, they could not afford electronic monitoring and do not have space for it on their boats. Therefore, the real villains are the bigger boats that are not harvesting fish sustainably and can afford, and have the space for, remote electronic monitoring. From where you sit, do you think there is a difference in the attitude towards sustainable fishing between small and large boats—the under 10-metre boats and the bigger boats?

Samuel Stone: I do not know whether there is a difference in attitude per se. Most fishermen we meet are very supportive of fishing sustainably, but I guess that is subjective. As for putting cameras on vessels and whether or not they should be applied to all under 10-metre vessels, those over 10 metres are responsible for the greatest share of the catch and, with the under-10s, as Helen said, we are looking for the greatest risk. Some of those vessels have static gear and probably are at quite low risk of breaking the rules, but some of them have mobile gear and could be at more risk of non-compliance with the discard ban or other measures, and might therefore be good candidates to have cameras on board.

Helen McLachlan: It is fair to say that the camera systems can be applied to many vessel sizes; they are absolutely applicable, even to under 10-metre vessels. Perhaps for smaller operators there could be greater Government assistance with costs.

To come back to accountability for what we are removing from the system, as you say, 80% of the fleet is under 10 metres. It is important that we understand what is being removed from a range of fisheries, so that we have an ecosystem-based approach to our fisheries management. There are alternatives to having a camera in all instances, so it would be a case of having the right and appropriate technology for each situation.

The Chairman: Given that we have had pilots, as if there was a landing obligation, could we just use data in future so that when things are landed we know what proportion of fish species to expect? How much will data be important in enforcement? That is how we look at a lot of things these days. If something does not comply with the ratios we expect of species, or in relation to where the vessel has been, is that a means of enforcement, or do we not have sufficient data to do that?

Helen McLachlan: That has been how we operated historically; we would have a broad understanding that with a particular gear type operating a particular quota mix in a particular sea area, we would expect X, Y and Z. When things deviated from that, we would start to look more closely.

With the landing obligation, the intention was to move to more selectivity, so discarding will change in its dynamic. You may discard more undersize fish, because you have moved to bigger mesh sizes, or you may have managed to select out cod by splitting your nets.

Using historical data will be difficult because we should have shifted to more selective gear, and getting an understanding of what the associated discards are with that gear configuration, wherever it is, is very important. Again it comes back to just seeing what is happening. We could run a year-long assessment, with people putting in the most selective gear they think they can deal with for their particular quota mix, to see what happens. That is what has not happened to date, but it would be very informative.

Q40 **The Chairman:** To tie the session up, can I ask the question that Lord Krebs asked in the previous session? Given all the problems that we have at the moment, and given that everybody, even the industry, has said that a landing obligation is good, do we have the wrong landing obligation here, under EU legislation? I was going to say post Brexit, but whether Brexit happens or not, as the Prime Minister says, if we are post-Brexit is there a much better landing obligation that we could have in the UK?

Samuel Stone: It is hard to know, but the existing discard ban, as written in the Basic Regulation, could in an ideal world have been developed with greater flexibility or recognition of region, and maybe with greater input from specific regions. It could have been better, but it remains to be seen whether it is fully workable. I do not think that we are 100% satisfied that we have exhausted every opportunity to implement it. I am not confident that that is the case, anyway.

The Chairman: You think this one could be made to work.

Samuel Stone: I am not 100% confident that it will not work, but there are obviously some very real challenges still to overcome, and we have only a few weeks left. For stocks where a zero quota has been advised, how the discard ban will not choke fisheries in those cases will be very challenging. I agree that it will be difficult, and in hindsight they could have incorporated greater flexibility, but that is the benefit of hindsight.

Helen McLachlan: We are where we are. We have put this in place. People have an understanding of what it means, and we have started down the line to try to address what it means and implement it effectively. With greater resources and collaboration, it could be delivered, with the right support in place. I consider EM a key part of that. It could be made to work, and, if we start changing it now, we may have less clarity, more confusion and less impact at the end of the day.

The Chairman: Thank you very much for your evidence, both of you. We very much appreciate your input. If there is anything else you want to tell us, please let us know.