

## **UK response to the Energy and Environment Sub-Committee inquiry report on implementation and enforcement of the EU landing obligation**

### **Introduction**

The Government is grateful to the EU Energy and Environment Sub-Committee for its report – Fisheries: implementation and enforcement of the EU landing obligation.

The Government agrees that the full implementation of the landing obligation has been an important step towards addressing the wasteful practice of discarding unwanted or over quota fish. We also recognise however, that full implementation of the landing obligation poses a number of challenges, including the issue of choke<sup>1</sup> in mixed fisheries.

To address these challenges, the Government has worked in close consultation with key stakeholders in the lead up to full implementation, including the fishing industry, eNGOs, the European Commission, and EU Member States through the North Sea and North Western Waters Regional Groups. The UK took a leading role in seeking solutions to choke issues at December Council which helped prepare the way for the successful implementation of the landing obligation in 2019. We continue to work closely with our stakeholders on managing the landing obligation now that it has come into full force.

The UK also issued a statement at December Council calling for a full review of the operation of the landing obligation in 2019 so that further improvements can be considered and implemented. The Government remains fully committed to ending the wasteful practice of discarding fish even after we have left the EU. Once we have left the EU however, we will have the opportunity to consider more flexible management approaches which are not available under the Common Fisheries Policy, particularly in addressing the issue of choke species.

Responses to the specific recommendations posed by the Committee are below.

- 1. The landing obligation was introduced to protect the health of fish stocks by stopping fishers from returning part of what they catch back into the ocean. It was agreed as part of the 2013 reform of the Common Fisheries Policy, was applied to some fish stocks from 2015 and came into force in full on 1 January 2019. It is a significant and important change to fisheries policy and practice. (Paragraph 12)**

### **The Impact of the Landing Obligation**

- 2. Although the landing obligation has applied to a number of UK fish stocks since 2015, we heard no evidence that fishers have been complying with it. Little attempt appears to have been made to enforce the landing obligation's**

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<sup>1</sup> Choke is the situation where the exhaustion of quota on one stocks prevents fishing continuing for others.

**requirements thus far, allowing the discarding of fish to continue. (Paragraph 19)**

The Government agrees that the introduction of the landing obligation was an important change to fisheries policy and practice.

As part of the programme of phasing in of the landing obligation, the Government has introduced measures to inform the fishing industry of their responsibilities under the landing obligation. These measures include regular meetings with the industry, the availability of practical guidance to industry each year, and routine engagement between fishermen and inspectors. The Government is committed to ensuring industry has the right advice and guidance to comply with the landing obligation.

In 2019, our focus is on promoting awareness across the fishing industry and developing understanding of the requirements of the landing obligation to ensure a culture of compliance and co-operation. Fisheries administrations across the UK continue to engage closely with all sectors with an interest, including through face-to-face meetings, social media, online guidance and fishery-specific leaflets. As part of its face-to-face engagement, in England, Defra and the Marine Management Organisation have formed a landing obligation focus group with representatives from the National Federation of Fishermen's Organisations (NFFO) to support compliance and proactively identify and resolve emerging issues. That group will meet quarterly and will be supplemented by region specific consultations on regional issues.

Through this engagement, the Government is working closely with the fishing industry to maximise quota management flexibilities and ensure quota is used efficiently and effectively to mitigate choke risks. Alongside side this, control authorities are working to ensure compliance with new selective gear requirements are being adopted, as well as encouraging the use of selective gears more generally.

In addition to close engagement and providing guidance, fishing vessel licence conditions were amended to reflect the requirements of the landing obligation. Operators, subject to pelagic and/or demersal discard plans, received letters notifying them of their legal obligations under the landing obligation.

**3. The landing obligation's four-year phasing-in period should have allowed Member States, the fishing industry and other stakeholders to work together and plan for how the new rules could be successfully applied to all fisheries from 1 January 2019. This did not happen. (Paragraph 26)**

We disagree with this statement. The Government, working in close collaboration with the UK fishing industry and other Member States through the North Western Waters (NWW) and North Sea (NS) Regional Groups and Advisory Councils, made significant progress in identifying what was required to facilitate the implementation of the full landing obligation. Any choke risks that were not solved through the Regional Groups were considered at the December 2019 Fisheries Council, which concluded on 19th December 2018. Through these negotiations, the Government secured a deal that supports the whole of the UK's fishing industry and the long-term health of fish stocks, further mitigating potential choke risks.

Evidence to support this process was commissioned from Cefas in the form of bio-economic modelling of choke risks so that mitigation measures could be focused in the right places. Electronic monitoring trials were also undertaken to investigate the causes and consequences of bycatch issues in the South West, and to identify solutions in the form of improved selectivity and information gathering for scientific assessment and advice.

Through the Regional Groups, the UK secured evidence based high survivability and de-minimis exemptions to the landing obligation, as well as highly selective gear requirements for the Irish Sea and Celtic Sea, all of which are vital to the successful implementation of the Landing Obligation. All of this information was made available to industry as described in response to point (2) above.

This action has gone a long way to reducing choke risks and preparing the industry for 2019, but challenges remain and so this work continues in earnest.

**4. With only a few weeks until it came into force in full, some fundamental questions about how the landing obligation would operate remained unanswered. Fishers in areas where one or more species has a zero total allowable catch, for example, did not know how the landing obligation would be applied to their catches. (Paragraph 27)**

We agree that this was a far from ideal situation. However, given the international interest in those fisheries and their management, this was not something the UK could have addressed in isolation. Nonetheless, we played a leading role in the regional group discussions and negotiations providing pragmatic solutions, including detailed numerical analyses to assist in decisions in the lead up to, and during, December Council.

We ensured industry representatives were fully informed of how those discussions were developing prior to, and during, December Council and sought to reflect their views as appropriate.

**5. With only a few weeks until it was due to come into force, witnesses to this inquiry did not believe the UK was in a position to implement the landing obligation. (Paragraph 30)**

Since its introduction, the Government has worked with a range of stakeholders to identify and put in place measures to help industry implement the landing obligation. Despite these measures, we recognise that successful implementation is more challenging in mixed fisheries where there is the risk of choke. We will continue to work with industry throughout 2019, to ensure the full range of available flexibilities are maximised and the landing obligation is properly implemented.

Control and enforcement efforts will also be enhanced alongside this. The Government recognises that Remote Electronic Monitoring (REM) is one of the most cost-effective and efficient tools to monitor fishing activity and bring full compliance with the landing obligation. Cameras are already in operation in the North Sea as part of the Fully

Documented Fisheries (FDF) scheme and we are currently exploring how REM could form part of our management strategy going forward.

We will continue to seek opportunities to maximise fishing gear selectivity and reduce bycatch. Once we have left the EU, we will have the flexibility to introduce new measures not contained within the CFP toolkit to reduce discarding whilst preventing choke. One of these measures is the proposed Discard Prevention Charge (DPC) scheme. This proposal is set out in the Fisheries Bill and would allow fishers to pay for additional quota to cover any excess catch which would otherwise push them into illegal fishing. The charge would be priced in such a way that it would be financially preferable to adopt more sustainable practices and avoidance measures to reduce unwanted bycatch and buy market price quota in the first instance.

### **The challenge of 'choke' species**

The response to point 6-17 is grouped together.

- 6. The obligation to land all catches could result in quotas for some species being met very quickly. This would result in vessels operating in mixed fisheries having to cease fishing, despite having quota available for other species, because they cannot guarantee they can avoid catching any more of the 'choke' species. (Paragraph 33)**
- 7. It was shocking to hear, on the eve of the new rules coming into force, that the industry, researchers and the Government all thought the landing obligation could result in some of the UK fishing fleet being required to stop fishing part way through the year. (Paragraph 39)**
- 8. There is a clear risk that the economic impact of chokes on fishers provides a strong, perhaps irresistible, incentive to break the law by continuing to discard fish caught over quota. (Paragraph 40)**
- 9. Using different types of equipment could enable some fishers to fish more selectively, thus avoiding species for which they have little or no quota and so reducing the risk of chokes. (Paragraph 49)**
- 10. However, the extent to which selectivity can reduce choke risks depends on the fishery, and some fishers are already highly selective. (Paragraph 50)**
- 11. Although a number of trials have been conducted, the landing obligation does not yet appear to have incentivised fishers to adopt more selective gear. The extent to which this may change now the landing obligation applies to all fisheries may depend on how badly fishers are affected by chokes and how strictly the ban on discards is enforced. (Paragraph 51)**
- 12. Technology increasingly makes it possible for fishers and the authorities to share information on their catches in real time. This presents an opportunity to reduce unwanted catches and chokes. (Paragraph 56)**

- 13. We strongly encourage Government and industry to work together to create an effective, comprehensive system for real time notifications that is useful to, and trusted by, fishers. (Paragraph 57)**
- 14. Swapping and leasing quota between vessels, between Producer Organisations and between Member States is already a well-established practice and has the potential to mitigate some of the choke risks posed by the landing obligation. (Paragraph 64)**
- 15. There is no requirement, however, to move quota to where it is needed. It is therefore entirely possible that vessels will be choked and forced to stop fishing when sufficient quota exists, either elsewhere in the UK or elsewhere in the EU, that would have allowed them to continue. Fishers' livelihoods should not be threatened in this way. (Paragraph 65)**
- 16. We urge the Government to work with the devolved administrations to put formal mechanisms in place to avoid vessels choking where there is sufficient quota available elsewhere in the UK, and to make the case to the European Commission for a similar mechanism at EU level. (Paragraph 66)**
- 17. Work to address this known risk could have been undertaken during the four-year phasing-in of the landing obligation. It is disappointing that this opportunity has been wasted. (Paragraph 67)**

**In response to points 6-17:**

The Government is aware of the risks posed by choke species. As a result, we are working closely with regulators, scientists, the industry and other stakeholders, including eNGOs, to ensure those risks are fully understood and mitigation measures are in place where practical. The outcome of this collaborative approach includes the following measures:

- a) the Government has developed, and continues to maintain, a detailed understanding of the choke status of all stocks, including the key contributing factors to those risks. That knowledge is being used to inform prioritisation of mitigation strategies, some of which are detailed below,
- b) the Government has supported the development of an industry owned voluntary code of conduct to which all UK Producer Organisations (POs) are signatories. The intention of that code of conduct is to build on the experience and practice that is already in place around quota management by POs and Fisheries Administrations, and where appropriate, to develop new initiatives and to lay down best practice standards,
- c) the MMO has published guidance on the tools that are available to help reduce or avoid choke risks,
- d) whilst the continuation of International Quota Swaps (IQS) is dependent on the outcomes of EU exit, UK fisheries administrations intend to publish a list of the

- highest risk choke stocks for which there may need to be government intervention to retain the quota in the UK to address choke risks. That list will be regularly updated through the year, with input from the fishing industry,
- e) notwithstanding the potential need for restriction of IQS in some select circumstances, IQS are still seen as a critical tool for choke mitigation. Therefore, and in light of uncertainties associated with access to IQS after EU Exit, government released provisional quota allocations to the UK industry earlier than normal in 2019 to allow POs to undertake IQS where necessary to address potential choke risks,
  - f) the policy approach for England to reserve quota (formerly 'uplift') quota has been approved for 2019 and is in the process of being implemented. The approach is principally intended to help alleviate choke risks and to incentivise more sustainable fishing. More information on this is provided below.

**18. We are concerned that the under ten metre fleet do not have the same ability to mitigate choke risks as larger vessels that are members of Producer Organisations, because of the way quota is allocated and the restrictions on cross-booking and retrospective leasing. We are disappointed that the phased introduction of the landing obligation was not used as an opportunity to resolve this imbalance. We urge the Government to address it as a matter of urgency, to ensure under ten metre fleet vessels have the same quota flexibilities as the rest of the fleet. (Paragraph 71)**

Since the introduction of the landing obligation, the European Commission has allocated a proportion of quota (uplift quota) to Member States each year to account for those fish previously discarded but which must now be landed. Historically, Defra has given a proportion of the English uplift quota to the non-sector. Additionally, in 2017 and 2018, Defra also reserved some of the uplift to encourage participation in a Fully Documented Fishery (FDF) scheme in the North Sea.

2019 is the first year the European Commission has not specified what portion of the TAC constitutes uplift. Consequently, for England, Defra has chosen to calculate a percentage of the total TAC to hold back in reserve to use to mitigate choke risks and incentivise more sustainable fishing.

The policy supports the inshore fleet by top-slicing a portion of the calculated reserve quota (first 100 tonnes plus 10% of any remaining quota) to redistribute fishing opportunities and prevent choke. This approach has been applied to all stocks, although exceptions have been made where the top slice would exacerbate a significant choke risk for the sector. The non-sector will benefit directly from this additional quota for stocks they target or catch as bycatch, as well as indirectly through receiving quota they can use as exchange currency.

The approach of top slicing is a continuation of that in previous years (for uplift quota), but because it now applies to significantly more stocks due to full implementation of the Landing Obligation, it is anticipated to be of even more value to the non-sector.

**19. The more species that are exempt from the landing obligation, the fewer problems it will cause fishers. Where a proposed exemption can be supported by scientific evidence (such as a where a species is found to survive discarding well) this is to be welcomed. We are concerned, however, at the number of exemptions being granted, which may undermine the objectives of the landing obligation. (Paragraph 78)**

This is a view shared by the Government and is something we have consistently relayed to other Member States through discussions in the Regional Groups. The UK continues to provide comments on proposals for new exemptions or amendments to existing ones, in an evidence based and pragmatic way, through the Regional Group meetings. We are also working with the Regional Groups to identify evidence requirements for existing, time-limited, exemptions. For example, the UK played a leading role in the development of the skates and rays roadmap which aims to strengthen the evidence base supporting the high survivability exemption. Recognising the importance of this exemption for some parts of the fishing industry, but also the scale of the evidence gaps, we advocated a prioritised approach across the Regional Groups to commissioning new scientific research in order that the exemption continues to exist only where most needed and where supported by robust evidence.

**20. Adhering to catch limits that have been set in line with scientific advice is a key mechanism to maintain healthy fish stocks. We would be deeply concerned if the challenges of implementing the landing obligation resulted in the removal of total allowable catch limits or the routine use of 'interspecies flexibility' to count the catch of one species against the quota of another. (Paragraph 79)**

The UK already operates a transferable quota system within the majority of the fleet (the sector) which allows industry groups to exchange quota. As a result there is no regulatory barrier to fishermen better aligning their quota holding with catches, which in turn helps mitigate the risk of choke.

Within the remainder of the fleet (the non-sector), which is provided with periodic catch limits set by the administrations, consideration has been given to the option of reserving quota to hedge against a choke scenario, avoiding premature fishery closure. This mechanism has not been called on to date given the previously limited stocks subject to the landing obligation. The fisheries administrations have been considering choke mitigation options for the highest risk stocks, such as West of Scotland cod and whiting. A centralised approach to management of the bycatch quota for these two stocks will be taken in order to ensure the quota reaches those vessels where it is most needed and does not encourage targeting.

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

Interspecies flexibility (ISF) is one of the choke mitigation tools available to Member States under the Common Fisheries Policy. The Government has been investigating the potential application of ISF as a last resort and where all other mitigating actions have been explored. Stocks which are eligible for ISF are limited in number and Defra has been drafting a policy approach that would further limit that application by setting more stringent parameters than those set by the EU. The devolved nature of UK fisheries management means that appropriate application of this tool is very challenging. We consider that it is therefore unlikely that ISF will be used as a choke mitigation tool unless there is very good reason to do so and the potential risks associated with it are fully understood and addressed.

### **The challenge of landing unwanted catches**

The response to point 21-24 is grouped together.

- 21. With fishing vessels unable to discard unwanted fish, a proportion of their storage capacity will in future be taken up with fish of little or no market value. There is an obvious economic impact for fishers from this change. (Paragraph 88)**
- 22. Fish caught below minimum conservation reference size must now be landed. It is currently unknown what volumes will be landed or what markets there might be for these fish, which cannot be sold for human consumption. There are concerns that the port infrastructure and supply chains needed to receive, store and sell or dispose of these fish are not in place. Despite the Minister's confidence that this issue had been resolved, the strong evidence heard in this inquiry suggests that those concerns remain valid. (Paragraph 89)**
- 23. Indeed, the fact that such concerns have not yet given rise to major problems during the phasing-in of the landing obligation may mean only that fishers are continuing to discard undersized fish. If the ban on discards is properly enforced, the volumes landed should rise significantly and additional facilities for storing and potentially disposing of these fish may well be needed. (Paragraph 90)**
- 24. We urge the Government to monitor this situation closely, and to work with the fishing industry and ports to obtain a clear picture of the volumes of undersized fish landed, the markets available and the quantities for which no market is found, which therefore have to be disposed of. (Paragraph 91)**

### **In response to points 21-24:**

At the introduction of the landing obligation in 2015, an 'onshore task force' was set up by Defra to inform ports, harbours, processors and markets of the rules on disposal of undersized fish. This included aspects such as animal by-product (ABP) regulations. The conclusion of this work was that current facilities are sufficient to manage the processing of undersize fish.

Very few problems have yet been reported by the fishing industry with regard to the storage of unwanted catches in ports so, at present, facilities generally appear to be adequate for the volume of <MCRS landed.

We intend to work closely with the fishing industry and ports to obtain a clear picture of the volume of undersized fish landed, the markets available and the quantities for which no market is found, which therefore have to be disposed of.

### **The challenge of communication**

The response to point 25-26 is grouped together.

- 25. Weeks before it was due to come into force in full, fishers told us that they and their colleagues did not feel they had sufficient knowledge of how the landing obligation was going to operate. (Paragraph 95)**
- 26. The Government should work with enforcement agencies and industry bodies to ensure effective communication with fishers continues throughout 2019, to give fishers the best possible chance of understanding what they need to do to comply. (Paragraph 96)**

#### **In response to points 25-26:**

The control and enforcement authorities across the UK have produced guidance for industry each year as the landing obligation has been phased in. Ahead of the full implementation of the landing obligation in January 2019, the control and enforcement authorities published technical guidance which covers elements such as general requirements of the landing obligation, fishery-specific information on technical measures, exemptions and handling of undersize fish and tools to help mitigate choke risks.

This online guidance has been combined with industry meetings, social media and fishery-specific leaflets to ensure the industry have a good understanding of the full landing obligation and what they need to do to comply.

### **The challenge of enforcement**

The response to point 27-37 is grouped together.

- 27. By requiring all catches to be brought to shore, the landing obligation should increase understanding of the volume of different species caught. This will allow regulators to set catch limits that more accurately reflect the current health of fish stocks and so ensure fishers receive the most generous quota possible, while also protecting vulnerable stocks from overfishing. (Paragraph 100)**
- 28. Without effective monitoring, there will be no way of determining if discards are still occurring and consequently whether the catch limits that are**

set to prevent overfishing are being adhered to. This could be a particular problem now that quotas have been increased, based on an assumption that no discarding will take place: if fishers continue to discard and simultaneously land their increased quota, they will be catching greater volumes than they were before the landing obligation was introduced, potentially leading to overfishing and damage to fish stocks. (Paragraph 104)

29. Individual fishers may want or need to demonstrate compliance with the landing obligation in order to meet retailers' requirements. An insistence by a significant proportion of retailers, in the UK and across the EU, on demonstrable compliance could be a significant driver of behaviour change. (Paragraph 108)
30. There is a threat to the UK fishing industry as a whole if failure to comply with the landing obligation results in a reputation for illegal fishing. (Paragraph 109)
31. Traditional methods of monitoring compliance with fisheries regulations will not be sufficient to ensure fishers are not discarding at sea. (Paragraph 114)
32. Remote electronic monitoring (REM) is the only practical and effective way to monitor compliance with the landing obligation. (Paragraph 127)
33. Because of the desire to ensure a 'level playing field' with other EU countries, UK Governments will not require the use of REM until other Member States agree to require it of their vessels. It is extremely disappointing that this agreement has not been secured, six years after the landing obligation was agreed, and even though the obligation has now come fully into force. (Paragraph 128)
34. Given the importance of ensuring compliance, and that REM is the only tool that can do this, we encourage Ministers to consider requiring the use of REM on at least those larger vessels responsible for the majority of the UK catch, regardless of the policies of other Member States. (Paragraph 129)
35. The Government could use existing tools, such as the ability to allocate quota or financial support to cover equipment costs, to incentivise the use of REM and we would support this action in the short-term. This does not, however, remove the need for a comprehensive, mandatory roll-out that would enable REM to be used as an effective tool to monitor compliance with the landing obligation. (Paragraph 130)
36. The landing obligation was introduced for important conservation reasons and, like any legislation, its objectives will not be achieved unless the rules are effectively enforced. (Paragraph 135)

- 37. The dilemma posed by the landing obligation, however, is that effective enforcement could do serious economic damage to the fishing industry. If the Government believes that eliminating discarding is critical to protect the health of UK fish stocks, despite the choke issues that will arise, it may have to accept that not all current fishing businesses will survive. (Paragraph 136)**
- 38. On the eve of the landing obligation fully coming into force, the UK appeared entirely unprepared to monitor or enforce compliance. Having decided not to require remote electronic monitoring, enforcement agencies will be relying on a handful of patrol boats and attempting to make assessments about compliance based on the fish that are landed. This is clearly not an effective compliance tool, and the absence of an effective enforcement strategy indicates a disregard for the landing obligation and its objectives. (Paragraph 141)**
- 39. The Government should reconsider its approach and set out a clear plan for monitoring compliance that will satisfy the industry, the EU, retailers and the general public. (Paragraph 142)**

**In response to points 27-39:**

We agree that ensuring accurate recording of catches through effective monitoring of the landing obligation will help ensure quotas are set at the appropriate level. For that reason, we are stepping up enforcement in 2019 to include:

- a) more detailed inspection of catches at sea in high-risk fisheries. This involves:
  - i. recording of the last-hauled catch to assess the catch profile as opposed to simply looking at what has been retained on board,
  - ii. ensuring any legitimate discards are recorded,
  - iii. ensuring that juvenile fish are recorded and counted against quota,
  - iv. ensuring that the gear in use meets new standards of selectivity,
- b) ensuring that all catches are correctly recorded after landing and that juvenile fish does not go to direct human consumption,
- c) using data sources such as such as market grading data to evaluate levels of compliance,
- d) facilitating compliance through adapted quota management interventions such as:
  - i. managing pool quotas to balance catch and by-catch,
  - ii. working with Producer Organisations to ensure quota is accessed by fleets facing choke.

In addition to this, we are exploring how the proportionate use of REM could be used in future to ensure compliance with the landing obligation. Although fisheries management is a devolved matter, we are working across the fisheries administrations on this to ensure policies work effectively together.

Some trials on REM have already been undertaken that have produced positive results. For example, REM has been deployed on English whitefish vessels in the North Sea as part of a Fully Documented Fisheries (FDF) scheme run by the Marine Management Organisation. The findings have been positive indicating that the scheme has made an important contribution to the recovery of cod in the North Sea, with discard rates of FDF vessels reduced to negligible levels.

The UK has engaged with other Member States on the opportunity provided by REM through the Control Expert Group, however, there continue to be challenges in securing agreement across all Member States because of concerns around legal implementation and data sharing.

## **Leaving the European Union**

The response to point 40-41 is grouped together.

- 40. It seems likely that the UK Government will retain the principle of the landing obligation when the UK leaves the EU. We welcome this. (Paragraph 151)**
- 41. Leaving the EU will give the UK Government and devolved administrations the power to place requirements on foreign vessels in UK waters. This gives Governments an opportunity to require remote electronic monitoring (REM) on all vessels, UK and non-UK, fishing in UK waters, thus removing any potential disadvantage to UK fishers. We urge Ministers to mandate the use of REM as soon as they are able to set their own rules for vessels operating in UK waters. (Paragraph 152)**

### **In response to points 40-41:**

Leaving the EU means that the UK will become an independent coastal State under international law. Access to fish in our waters (out to 200 nautical miles or the median line) will be on our terms and under our control. Any decisions about giving access to fish in our waters for vessels from the EU, or any other coastal States, will be a matter for negotiation.

Once we have left the EU, we will remain fully committed to ending the wasteful discarding of fish and will have the flexibility to introduce measures not contained within the CFP toolkit to reduce discarding whilst preventing choke. For example, the introduction of the Discard Prevention Charge.

We will continue to develop our approach to the use of REM to help end the wasteful practice of fish discards and expect it to become more widely used in future.

- 42. The Government has signalled its intention to introduce a ‘discard prevention charge’ in England. While we welcome further measures to incentivise improved selectivity, it is important that quotas and catch limits are not undermined. It would not be acceptable for fishers to be able to catch and**

**land unlimited quantities of fish in return for simply paying a fine. (Paragraph 153)**

The discard prevention charge is a scheme that will provide a mechanism to allow holders of English sea fishing licences to pay for additional quota to cover any excess catch which would otherwise push them into illegal fishing. This charge would be priced in such a way that it would be financially preferable to adopt more sustainable practices and avoidance measures to reduce unwanted bycatch and buy market price quota in the first instance. The purpose of this scheme is to encourage fishers to adapt their behaviour to avoid non-target catch and improve their gear selectivity and avoidance measures. It will encourage sustainable fishing within allocated quota limits.

Whilst the charge would be permitting 'overfishing' at an individual licence holder level, the intention is for the quota covering this to be taken from a reserve pool generated by increased relative share of quotas we will seek to negotiate after we leave the EU. Therefore, employing the charge would not exceed total allowable catch and no regulatory offence would occur.

Once such a scheme is up and running, the existing arrangements for prosecuting overfishing under the Sea Fish conservation act 1967 such as where and how to fish and how much can be caught and issuing fines will remain. Entering into the scheme and abiding by its parameters would preclude any prosecution relating to the over fish subject to the charge and allocated catch limit under the scheme.