



MSC Landing Obligation Seminar



About the seminar

The Landing Obligation

The European Union (EU) Landing Obligation (also referred to as the 'LO' and the 'discard ban') requires all catches of regulated commercial species on-board to be landed and counted against quota. These are species under TAC (Total Allowance Catch, divided into national 'quotas') or, in the Mediterranean, species which have a MLS (minimum landing size). The Landing Obligation therefore affects species such as mackerel, which is regulated by quotas, and gilthead sea bream, which is regulated by size. The Obligation is now fully 'in effect' across EU nations, as of the 1st January of this year (2019). This follows several years of a phased approach to implementation, whereby different species and vessels 'came under' the Obligation year by year, with the process commencing in 2015.

Amongst many other requirements, MSC certified fisheries should comply with all relevant laws as a key condition of certification to the MSC Fisheries Standard. Therefore, the MSC is working with stakeholders to understand and prepare for the full implementation of this EU law and ensure that MSC certified fisheries maintain their certification, and their integrity as suppliers of the most sustainable seafood in Europe.

The seminar that this report details sought to bring together input from the whole range of MSC stakeholders – from catch sector, to environmental NGOs, to retailers, to processors, to law-makers – and explore responses to four key questions. These questions were:

- How will MSC continue to provide assurance on sustainability, traceability and legal compliance once the Landing Obligation is fully implemented in January 2019?
- What does the Landing Obligation mean for MSC certified fisheries' conformity with the current MSC Fisheries Standard and how can the MSC ensure continuation of best practice in EU fisheries?
- Does the current MSC Fisheries Standard adequately support Conformity Assessment Body (CAB) assessments against the Landing Obligation? What adaptations or additional evidence is needed to put the requirements of the Landing Obligation into the practice of an MSC assessment, if any?
- How can the MSC Fisheries Standard contribute to the Common Fisheries Policy objective of gradually elimination discards and the successful implementation of the Landing Obligation?

This path-finding discussion was the first in a series of planned events hosted by the MSC to focus-in on impacts of the Landing Obligation, referred to herein as the “LO”, on the MSC Standard and work collaboratively with our fisheries, partners, and policy-makers to maintain confidence and trust in the MSC Standard within this new regulatory landscape in Europe.

As well as welcoming answers to our framework questions, the seminar presented an opportunity to hear from perspectives across science, policy, civil society, and the seafood supply chain to discuss the interaction between the MSC and the LO and identify areas where more clarity is required. These perspectives were offered by a range of esteemed speakers, listed toward the end of this report. These themes were derived through active participation and presentations throughout the seminar duration. Finally, the seminar also aimed to identify concrete actions and next steps for the MSC to pursue in this area.

Summary of Key Perspectives



NGO

The LO complements fishing at MSY. Discussions therefore focused on legal aspects, ensuring compliance with the LO, increased monitoring and the availability and quality of fisheries data. If implemented well, the LO presents an important opportunity to increase selectivity. However, if not implemented effectively (exemptions in breach of the intent of the regulation) this headline objective of the policy will not be achieved. NGO participants were interested in MSC as a tool to bridge gaps between factions around the LO and secure strong environmental outcomes.



Supply chain

Focused on consumer trust – which has been weak in the past, but has been seen to be improving. Those in the supply chain need to offer a sustainable seafood story to consumers, including lesser-known species and local species. Discarding is challenging to explain to consumers and concerns about legality are foremost in retailers' minds. Additionally, the value chain must provide a guarantee that sourced products are sustainable and compliant with the LO. Participants were interested in exploring the MSC as a way to achieve these aspirations for a sustainable supply chain.



Fishing industry

The industry is focused on practical implementation of the policy. For fishers, and their representatives, it is clear that the LO was not well thought-through and presents real challenges at many levels, and for all fleets. They see significant policy barriers to compliance. While industry is innovating to maintain sustainability credentials, including gear selectivity and fully documented fisheries (FDF), and improving knowledge, the sector continues to have grave concerns regarding ability to effectively implement the LO. Industry participants were interested in MSC certification as a way to provide independent verification on sustainability credentials.



Science

Highlighting data issues (in terms of coverage and representativity), as well as issues with the systems to collect this information. Scientists point to issues with being able to extrapolate what is considered very limited observer data at fleet level into the scientific assessment process, and issues with data collection methods – including acceptability and cost. Concerns were raised about policy exemptions being offered despite incomplete scientific understanding and data to underpin these decisions. Fewer data sources are available after removal of a key STECF database on discards, but a lot of work has been undertaken in the area of 'discard bans' around the world and there is more to learn from global case studies. Science participants were interested in MSC as a tool to drive more, and better, data; closing current gaps in understanding.



Policy

There are serious challenges with implementing the policy, however it is the responsibility of Member States and their fleets to comply and to demonstrate success. MSC and the Common Fisheries Policy should work hand-in-hand. Given that there is a clear shared vision of sustainability and shared objectives, consideration is needed on how to work cooperatively to achieve mutual goals. Policy participants were interested in how MSC could create additional incentives for the implementation of the EU LO.

Introduction



Camiel Derichs, Regional Director, Europe, MSC

“
We all want sustainable, well-managed fisheries. We want fisheries to produce food for future generations. We want jobs and communities to be secure. And we’re interested in eliminating the wasteful practice of discarding.
”

Camiel Derichs introduced MSC and the event. He underscored that the LO would come fully into force in January 2019, after a phased introduction over the last couple of years, and noted there is curiosity as to how the MSC standard and the implementation of the LO will be mutually reinforced.

MSC was set up as a certification mechanism to recognise and reward sustainable fisheries, see added-value as a result of higher standards, and inspire others to follow in their footsteps. Fisheries are assessed by independent, third-party bodies against the MSC standard. As the standard-setter, MSC are not involved in the practical side of certification -this is an important point as it gives the organisation clear independence from the certification process of fisheries. Third-party certification bodies - known as Conformity Assessment Bodies (CABs) - look at three central ‘Principles’ for sustainability: health of stocks, the ecosystem impacts of a fishery, and the management regime in place (see text box below). Each area for evaluation, of which there are almost 30, is given a score: 60, 80 or 100, with a score of 60 representing the minimum acceptable sustainability level. However, the average performance across the three principles (stocks, ecosystem, management) must be over 80. If a fishery becomes certified, this lasts for five years – but additional improvements are typically required within that period. Certified fisheries are checked each year against conditions set within the assessment and certification process.

Processes are in place to collect stakeholder input (including the possibility of objections), and there’s also an independent ‘peer review college’, offering an additional level of scrutiny and assurance to the application of the standard. A whole system of checks and balances is in place to maintain integrity at all levels of assessment and certification.



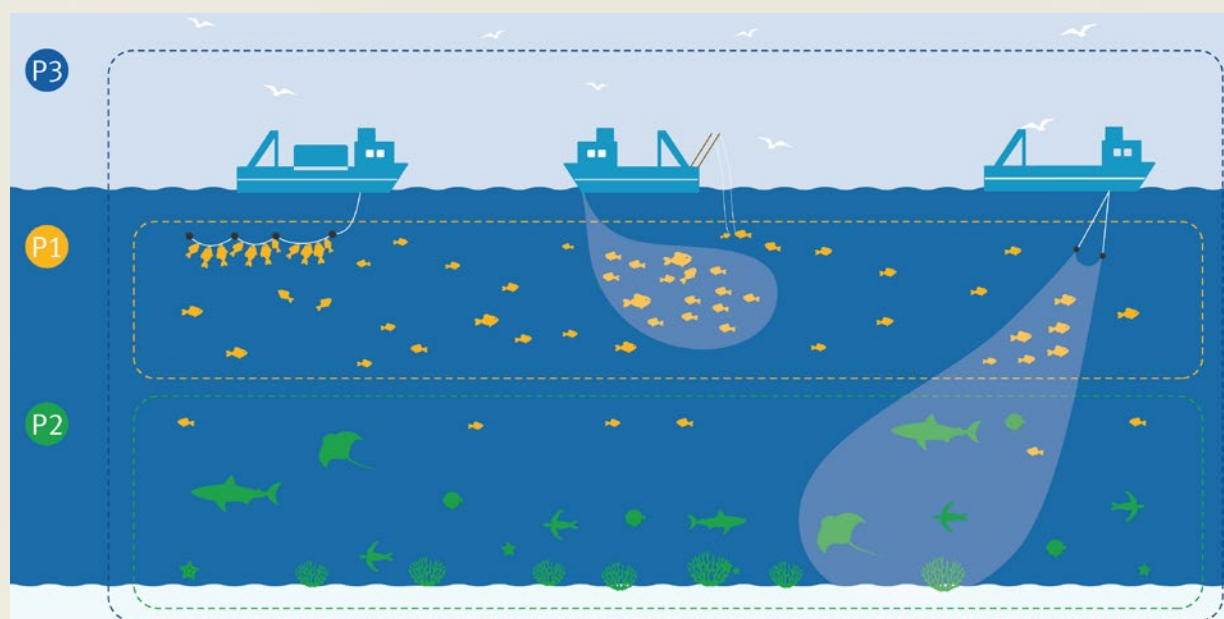
Speaking to the standard's value as a development tool, Derichs pointed to Sustainable Development Goal (SDG) 14, and the requirements within that SDG to see fish stocks recover to MSY levels, and prevent Illegal, Unregulated and Unreported (IUU) fishing activity. These are targets that fisheries can meet and demonstrate by being certified under the MSC.

Globally, roughly 12% of catch volume is now certified by MSC. This ranges from smaller-scale certified fisheries such as hand-raked cockles in the Netherlands and clams in Vietnam, to larger scale pelagics, such as herring and mackerel in the North East Atlantic. The 88% of global catch that is not certified shows how selective the process, and the standard, is: the 12% represent the world's most sustainable fisheries.

Whilst certification is not a management tool, it is increasingly seen as a method to instil new, better management practices in fisheries: some 94% of certified fisheries have made further improvements since certification.

As science and understanding of fisheries evolves, and as fisheries management evolves, so too must the MSC standard. It undergoes a full review every five years – and with the latest review launched at the end of 2018, understanding fully how the LO will play into the future of the MSC in Europe is crucial.

Derichs welcomed the range of perspectives to be offered by those in the room.



P1 Sustainable fish stocks

Are enough fish left in the ocean?
Fishing must be at a level that ensures it can continue indefinitely and the fish population can remain productive and healthy.

P1 Minimising environmental impact

What are the impacts? Fishing activity must be managed carefully so that other species and habitats within the ecosystem remain healthy.

Effective fisheries management

Are operations well managed? MSC certified fisheries must comply with relevant laws and be able to adapt to changing environmental circumstances.



Perspectives from MSC stakeholders: Retail & environmental NGOs

Presentations

Raky Tsoumpoulis, Head of the Fish Department at Carrefour, highlights importance of delivering sustainable seafood to retailers and relevance of MSC in helping build trust with consumers

Raky Tsoumpoulis offered a retail underscored the importance of sustainable fish and seafood to the retailer and its customers. Narratives around sustainable, and local, sourcing were seen as central to sales of fishery products. This is reflected in a prominent Carrefour campaign in Belgium, a list of “Acts for Food”, encouraging consumers to buy sustainably, and **locally**¹. Act #10 (sustainable seafood) excludes threatened seafood species from the offer and aims for MSC and ASC certified seafood. This drives Carrefour’s ambition as a retailer to offer a wide and sustainable range of fish species for consumption, including lesser-known species such as lemon sole, brill, pout, and whiting. Tsoumpoulis highlighted Carrefour’s policy with regards to MSC products: to introduce MSC-certified products to replace existing options. He noted that this takes time, and that in Southern Europe – where up to 80 different species may be on offer to consumers in one supermarket – this process of replacement is more difficult. Overall, he noted the importance of a wide-range of products becoming MSC certified to instil consumer trust in the sustainability of fish and seafood, and to encourage them to try new species. For the retailer, ‘year-round and sufficient supply’ of a diverse, sustainable range of products was also a central concern. The restaurant trade could take a lead in broadening consumer palates, and Tsoumpoulis suggested cookery programmes could be a powerful vehicle for change in this area, too, as platforms that drive interest in, and trends linked to, seafood consumption.

¹ <https://actforfood.carrefour.eu/nl/Onze-acties/Actie-10>

Bruce Robson, WWF consultant, details precedent-setting incorporation of the LO in the joint North Sea demersal fishery and opportunity for MSC to drive stronger compliance through assessment process

A consultant for WWF, working on the MSC assessment process for the joint North Sea demersal fishery, Bruce Robson, raised concerns around how the LO will interact with this highly mixed fishery. He described the current assessment as ‘precedent-setting’: covering 10 gear types and 13 target TAC-managed species, as well as vessels from a number of different nations. WWF felt more clarity was needed as to how a high-impact, North Sea fishery would be scored within an MSC assessment process, once the LO is fully in force. For example, several aspects of the fishery under assessment were identified as being ‘risky’, and Bruce felt it essential that these concerns are fielded through the assessment process. WWF had drawn on a Scheveningen Group risk assessment, which had placed otter and beam trawling in the North Sea as ‘very high risk’ for non-compliance under the LO. In addition, research funded by the philanthropic collaborative Funding Fish had found a few areas of concern – whereby interactions with the LO under Principle 1 or Principle 3 (see MSC Principles text box above) of an MSC assessment could lead to a fishery failing, due to not meeting minimum required scores. If done right, implementing the LO would lead to better sustainability performance of fisheries by increasing selectivity. However, overall concern was raised that if the LO could not be fully observed or enforced, then this presents fundamental issues with regards to achieving the objectives of the CFP. Consequently, the MSC assessment process would be affected, which requires the highest degree of confidence in compliance with management according to P3. Despite these reservations, WWF saw significant opportunity for the MSC standard to potentially drive stronger compliance, through assessment requirements for – for example – improved monitoring practices.

Jennifer Reeves, Senior Policy Adviser - EU Exit negotiations - EU and International Fisheries, focuses on need for improved at-sea monitoring, incorporation of science into policy, and alignment of MSC with CFP objectives.

Jennifer Reeves, ClientEarth also emphasised the need for greater monitoring at sea, to increase the ‘science base’ underpinning policy decisions and ensure sustainability. She felt that the objectives of the CFP and the MSC were inherently complementary and aligned, and urged consideration of how exemptions (for example, high survivability exemptions) to the LO under Article 15 might ultimately be damaging both CFP and MSC ambitions should these derogations compromise sustainability and undermine the spirit of the LO. Linked to this, Reeves noted there is insufficient data, monitoring, control and enforcement which is putting the 2020 MSY objective at risk. ClientEarth view the CFP as an ‘excellent piece of law’ that should not be undermined by exemptions to some of its central policies.

Guus Pastoor, Chair of AIPCE (European Fish Processors Association), recognises complexity of fisheries and the LO but highlights opportunities to build consumer confidence and trust by demonstrating compliance with the law, and therefore sustainability of EU seafood

Representing a ‘broad church of processors’, Guus Pastoor of AIPCE (the European Fish Processors Association) returned to the theme of consumer trust. Processors were supportive of the LO, recognising it as an opportunity to build confidence amongst the general public in seafood products. Discarding had been a ‘big image problem’ for fishing, and the LO was meant to mitigate this risk. However, the complexity of the regulation and the complexity of fisheries themselves means there are significant challenges in meeting the Obligation requirements. If fisheries can’t meet the LO, they are not ‘meeting the law’ and processors cannot have ‘illegal’ products within the supply chain. Whilst in the long-term Pastoor said solutions would be found, in the short-term it is important to ensure products can still enter the value chain and consumer trust can be guaranteed. Short-term, the difficulties with this appear significant, as he expected more administrative protocols.

Panel session & Questions from the floor

Following these presentations, the question of Maximum Sustainable Yield (MSY) versus MSC certification and how these two different benchmarks are considered indicators of sustainability, was raised. MSC described how the Standard goes beyond MSY, taking in a whole picture of a fishery, with requirements which go well beyond the attainment of MSY fishing.

It was identified that Conformity Assessment Bodies (CABs) may need more specific guidance for evidence requirements in the area of measures to prevent unwanted by-catch. This was seen as an opportunity to strengthen how the MSC Standard interacts with the LO.

Additionally, participants touched on the need for more and better data on under-utilised species if they are to be targeted for increased consumption by the industry or supply chain. This would represent a ‘change of priorities’ for the science community, with the focus having been on ‘target’ commercial species.

Concerns around the available science base for discards, post-January 2019, were raised and answers sought as to how this may impact MSC assessments. In their annual surveillance of certified fisheries, CABS pick up on new information available for each fishery. If new information shows non-compliance with a law in a particular fishery, and if that is a systematic issue, this would impact on the assessment scores for the fishery. It could lead to conditions imposed on the fishery to improve, with actions identified to ensure there is no systematic non-compliance. Alternatively, it could ultimately result in suspension, if the problem is severe and impacts on sustainability are clear.



Perspectives on the LO & Catching Practices

Presentations

Irene Kingma, General Director - Dutch Elasmobranch Society, highlights stakeholder perspectives and differences but emphasises importance of removing barriers and finding ‘common ground’ to drive progress

Introducing the Dutch Elasmobranch Society, and its role working with the catching sector in fisheries, Irene Kingma detailed how elasmobranchs are a key indicator of a healthy ecosystem, and how they are impacted by fishing activity. She reminded participants that the origin of the LO was an anti-discards campaign run by a British chef, Hugh Fearnley-Whittingstall, which garnered over 1,000,000 signatures from the general public. This campaign resulted in Article 15 and Article 16 of the CFP. Kingma explained how policy makers thought getting rid of discards was a ‘great idea’, fishermen thought ‘remove conflicting legislation to solve the problem’ and NGOs thought ‘be more selective and there won’t be discards’ – highlighting the difference in mentality between stakeholders, which led to a LO ‘no one wants in its current form’. To tackle the issue of skate and ray by-catch in the North Sea, the Dutch Elasmobranch Society had initiated multi-stakeholder talks to explore all available options. Solutions needed to recognise that skates and rays are under a group TAC, covering nine species, for which there is very limited data. Discards of these species are high, but so is survival after discarding – so landing all by-catch of these elasmobranchs would risk dramatically increasing mortality. In the end, a high-survival exemption was secured for skates and rays, for three years, which includes requirements for increased monitoring in order to supply better information on these data-limited species. Kingma said they had effectively ‘removed barriers between groups to find the common ground’ and that there was an opportunity for MSC to function in a similar way around discard issues.

Pim Visser, Chief Executive VisNed & President of EAPO, criticises the LO as a blunt policy tool with focus needing to shift towards data improvements on actual fishing mortality and spawning stock biomass, however highlights Dutch fleet CCTV project as demonstrable example of finding ‘common ground’ to make progress on LO implementation

Pim Visser, VisNed, also presented on work underway in the Netherlands to tackle the LO. He highlighted challenges presented by implementing the policy in the Dutch flatfish fishery, whereby selective measures to reduce by-catch of one species, plaice, would render fishing for another, dover sole, impossible – due to the different characteristics and sizes of the fish. He criticised the LO as a blunt policy tool, based on emotion and not facts, but conceded it could be used as a driver to secure more data and knowledge on fisheries. Visser felt the relevance of the LO to MSC assessments was limited, as the focus in assessment should be on F (fishing mortality) and SSB (spawning stock biomass) not whether a fishery is ‘simply following the rules’. The Dutch fleet are undertaking a ‘fully documented fishery’ (FDF) trial, using CCTV on board vessels to gather information on unwanted catches with CCTV systems installed on a total of ten vessels. The research project is co-funded through an European Maritime Fisheries Fund (EMFF) grant and industry. Visser noted concern that adequate data storage is not available from camera outputs if the entire fleet is being equipped with CCTV. However, this project is a collaboration with Wageningen University and was characterised as ‘the only way forwards to find a common basis for an informed discussion’.

Kenny Coull, Scientific Officer at the Scottish Whitefish Producer Association (SWFPA) delivers an industry perspective of the coordination required to certify North Sea stocks and associated adoption of measures, real-time reporting, and other innovations to implement the LO and maintain MSC certificates

Kenny Coull, SWFPA, detailed measures taken by SFSAG (Scottish Fisheries Sustainable Accreditation Group) to approach the LO. He noted that seven North Sea stocks fished by SFSAG members are MSC certified, underlining the recent, high-profile certification of North Sea cod. The sector in Scotland is funding a joint observer scheme to treble overall observer coverage of fishing activity, but Coull considered it vital that this isn’t used for enforcement purposes or there would be a risk of ‘damage’ to the science. The sector is also investigating spatial measures as options to protect spawning grounds at certain times of year, as well as using real-time reporting of potential choke species ‘hot spots’ and innovation around gear selectivity. Moving forwards, a reduction in biomass of key stocks – including cod – and a lack of access to quota were real challenges for SFSAG members, particularly in light of the LO. Coull said the sector was reasonably keen to introduce reference fleets, and added that the existing observer scheme could be adapted to monitor a range of issues over time. The Scottish fleet would also consider adopting approaches from Norway (already operating a discard ban) where applicable.

Esben Sverdrup-Jensen, CEO of the Danish Pelagic Producers Organisation (DPPO), highlights ambitions for 100% MSC certified catches across Danish pelagic fleet but notes the complexity in achieving this goal when catch composition rules are in direct contradiction to current LO legislation

Exploring how the LO has affected the pelagic fleet – where it has been in force since 2015 – Esben Sverdrup-Jensen presented on behalf of the Danish Pelagic Producers’ Organisation (DPPO). 95% of catches taken by the PO’s 11-vessel fleet are MSC certified, covering a portfolio of five species. The fleet’s target is to attain 100% MSC certified catches across all species. Recently, a suspension of certification had occurred in the herring fishery in the Western Baltic due to concerns around the health of the stocks, and a recovery plan was now being worked on by industry and scientists. Sverdrup-Jensen said the LO had led to an increased focus on risk mitigation amongst pelagic fishers – who are now focused on avoiding situations where there’s a high risk of mixed fisheries, or a high risk of undersized fish. There is also a different approach at the factory level, whereby by-catches come off a vessel’s quota, leading to increased costs for fishermen. He highlighted that there are no ‘adequate’ systems in place to help avoid small by-catches of demersal species in pelagic nets, due to restrictions resulting from technical measures. He stated that a continuation of the current catch composition rules created an incentive to discard and overcoming this contradictory legislation is of utmost priority for the pelagic sector. Offering solutions to LO challenges in pelagic fishing, he highlighted the revision of the Control Regulation (for monitoring and enforcing the CFP) as important, promoted the use of inter-species flexibility, said that ‘de minimis’ should be applied on land, and highlighted an effective system of on-board sampling developed by the DPPO, which estimates catch to within a 10% limit.

Questions & Discussion

The following discussion explored the idea that attaining MSC certification could act as a concrete shared goal – providing a clear incentive for stakeholders to overcome barriers and work together towards increased sustainability, and compliance with the LO. This could reflect the model detailed in Irene Kingma’s presentation.

Participants also raised the range of policies and plans affecting implementation of the LO on a fishery-by-fishery basis, noting that MSC assessors must consider discard plans and rules applying to specific fisheries. It was confirmed that this is part of CAB practice.

Several participants representing supply chain interests re-emphasised the need for certainty and reassurance that no ‘illegality’ is entering the EU supply chain as a result of the LO coming into force. They questioned whether a ‘chain of guarantee’ could be put in place. Fully documented fisheries (FDF) were considered an integral part of this ‘chain of guarantee’, but not in the immediate term. Improved selectivity in fishing was also highlighted, but again this was not seen as an immediate fix or a ‘panacea’. Catch avoidance and spatial measures were considered as more selective options than gear modification.

Perspectives from Science & Policy

Presentations

Lisa Borges, Independent consultant & owner of 'FishFix', updates on progress of the EU DISCARDLESS project and highlights that ecosystem modelling revealed a reduction in fishing mortality as the biggest impact of the LO, which could be used within MSC's assessment process.

Lisa Borges, independent consultant at FishFix, presented on the EU-funded H2020 DISCARDLESS project, which had the objective of understanding the economic, biological and social drivers behind discarding fish at sea. The project had provided more than 60 fact sheets on selectivity work, by species and gear, and carried out studies on factors influencing fish behaviour, such as light. Ecosystem modelling of the LO had revealed that the biggest ecosystem impact of the policy could be a reduction in fish mortality. Ecosystem results could be used for scoring under Principle 2 of the MSC standard (on wider ecosystem impacts of fishing) and data from DISCARDLESS could contribute to this. At the 9th IFOMC an international workshop examining discard bans with 52 participants at an international workshop examining discard bans, participants explored the role and effectiveness of at-sea monitoring and increased sampling coverage in fisheries. The workshop concluded that at-sea monitoring is seen exclusively as a compliance tool (rather than a science tool) in the context of a discard ban, and fishers may act differently whilst being observed. New technologies and better ways of sampling catches were highlighted as potential solutions, but these must be underpinned by better communication and trust between stakeholders. In the EU, the quality of discard data has not deteriorated through observer programmes 'yet', but Borges referenced concerns that this may happen as discarding becomes 'illegal'. She highlighted the availability of ICES data to be used in MSC assessments and expressed concern that the STECF fisheries-independent database is no longer publicly available. This also means a significant reduction in data sources available to CABs in MSC assessments.

Rob Blyth-Skyrme, Independent assessor/consultant with Ichthys Marine Ecological Consulting, updates on recent research carried out on behalf of the MSC to review the extent to which the LO has been incorporated into the MSC assessment process with guidance and capacity building required to fully incorporate LO into assessments moving forward

Rob Blyth-Skyrme, an independent assessor and consultant, was in 2016 tasked by Funding Fish to look at which performance indicators of the MSC Fisheries Standard are affected by the LO. As an extension to this, in late 2018 he was tasked by the MSC to review what level of detail the LO has been taken into account by fishery assessors and the peer-review college thus far. There are 187 MSC fisheries in FAO area 27, and he had investigated 45 fisheries covered by the LO. In determining whether an individual Unit of Assessment (UoA) was or was not affected by the LO in any given year, Blyth-Skyrme noted that MSC assessors had to consider species, gear (including mesh size), fishing area, discard plan area, year, exemptions, and sometimes track record. In doing so, he discovered it was often difficult to ascertain whether or not a fishery was even subject to the LO, either through time or across its whole operation. He characterised the system as a ‘morass of information and changing rules – very difficult to interpret’, calling for a reliable and easy-to-access repository of information regarding a fishery’s status under the LO. In most cases, assessment teams have correctly identified whether a fishery is subject to the LO, but many had not detailed the specifics (differences of Unit of Assessment dependant on year, mesh size etc). He highlighted a ‘data-audit lag’ which he considered a key risk: there may be a considerable gap between implementation of the LO and an ‘auditable change’ in the way the fishery operates. He delineated the process for data on the LO to track through the assessment system, based on the flow of data, and suggested it may take ‘until year four’ of full implementation until the LO becomes auditable. He felt the root of the solution would be in proof of compliance, as this would offer assurance to the MSC that data flowing from a compliant fishery, and the sustainability of the management approach, could be trusted. At the moment, relatively few teams are found to be addressing the LO under Principle 1 (stock health) or Principle 2 (ecosystem impacts), but Blyth-Skyrme thought this would change over time, due to the aforementioned time-lag. He added that the ‘verification’ aspect of assessing fisheries appeared to be a challenge and said assessors should raise queries where they felt there might be a problem, and get the fishery to respond, demonstrating why the issue isn’t present or a cause for concern. He offered a number of concluding thoughts: the importance of the LO is more or less agreed amongst CABs. Importantly, depending on the fishery being audited, there is already a requirement in place, which obliges a fishery to have ‘demonstrated ability to enforce’ the regulation, to meet the SG80 score. Furthermore, to attain SG60 it is required that ‘monitoring is in place’. Without the latter, a fishery would fail. Without the former, conditions need to be imposed. MSC fisheries need to ‘step up’ as the ‘peak 1%’ fisheries, globally – creativity and pragmatism will be needed to fully address the LO, and ‘just working within the existing system’ may not be enough to continue meeting MSC requirements. Finally, he proposed more focus on the issue of discards throughout the MSC system and more awareness of how assessment teams should be handling the LO, generated by the Peer Review College. Additional provision of guidance and capacity-building are necessary to bring LO issues forwards.

Elisa Roller, Head of Unit at DG MARE, updates on current state of play with the LO implementation and urged for collective action to tackle remaining key challenges around discard data, monitoring and evaluation, control and enforcement, and implementation with recognition that mutual reinforcement between the CFP and MSC is needed to address challenges ahead

Elisa Roller, Head of Unit at DG MARE, offered the European Commission's views. She echoed previous speakers in highlighting the consumer-driven origins of the Landing Obligation as a policy. She said consumer trust was 'precious capital' which must not be lost. Providing a brief update on state of play, she highlighted that between 35-65% of demersal fisheries were under the LO (as of December, 2018) and 66% of fisheries in the Mediterranean. She urged for collective approaches to tackle the main challenges, and said there had been a failure to secure sufficient data on discards: this presented difficulties for monitoring, evaluation and implementation of the policy, and also control and enforcement. The Commission shares concerns with stakeholders around the implementation of the LO and has been disappointed not to see more EMFF funding used on LO -focused projects. With regards to the role that MSC can play, the Commission believes that certification schemes can contribute to the transparency and stability of the market, but should not be considered a replacement of the CFP. Roller mentioned differences between market based programmes such as the MSC and public resource management such as the CFP, while stating that mutual reinforcement between the two was needed. She welcomed an 'open discussion of the challenges ahead'.

Questions & Discussion

A wide-ranging discussion followed. This focused on trends shown in observer data and ICES forecasts – both of which suggested no significant change in fishing behaviour as a result of the LO. Participants discussed the different potential impacts of observing fishing behaviour on the reliability of data, and how this is seen in data collected via observer programmes outside of the EU. Noting that discard bans are in place in many countries around the world, and that many fisheries within the North Sea are already effectively operating a 'Landing Obligation', some suggested the LO was less of a paradigm shift and more a 'continuous development'.

MSC was viewed as a potential driver for increased monitoring of fishing activity: a way to create an appetite for greater accountability that had not yet been tapped into. MSC fisheries should be more data-rich than non-certified counterparts, and that should be seen as desirable.

Some stakeholders raised concerns about the impact of non-MSC fisheries on neighbouring, certified fisheries' Principle 1 and Principle 2 assessments. This was viewed as an area where improved consistency in assessment was desirable. MSC pointed to a 'calibration' workshop which covered where the LO, as part of MSC's expectations of a fishery, could be covered within assessments and why. There was a group discussion as to how the peer-review college might play a role in generating consensus on how to consider different elements of the LO under the MSC assessment tree, and ensuring consistency across all the different players involved in MSC certification: CABs, independent assessors, MSC technical oversight and external auditors of CABs.

On the theme of consumer trust, many felt this issue was far from being 'resolved' and that MSC played an important role in this regard in bringing greater assurance to the supply chain.

A large quantity of small, silvery fish, likely sardines, are packed in a yellow plastic crate. The fish are densely packed and appear fresh. A person's gloved hand is visible at the bottom right corner, reaching into the crate. The background is dark, and there are some blurred lights in the foreground.

Concluding remarks


Camiel Derichs

Camiel Derichs concluded the Seminar highlighting key themes and questions from the day's discussions. Starting with trust and confidence: it is vital to demonstrate that the MSC system includes auditing mechanisms that closely interact with regulations – and in this case, the LO – and that it can work in transition from a system where no such Obligation is in place, to one where it is. This transition is being factored into MSC assessments, and assessment teams have already exposed instances where compliance with the regulation must be improved in fisheries under assessment or certified. It is key that sufficient data is available for CABs, and MSC can be a lever for ensuring such data becomes available: for example improvements can be made in the monitoring systems now in use by fisheries in the programme.

Derichs noted that while the MSC certification programme provides for a high level of assurance that certified fisheries are sustainable, legal and traceable, it does not categorically guarantee that an individual vessel covered under the scope of the certificate of an entire fleet is operating within the rule book. For example, even where well-established LOs are in place, such as in Norway, individual vessels may occasionally have some discarding. Of course, this is a problem for those vessels, and a good management system has solid enforcement and control ability to ensure this sort of illegal behaviour is first detected and then minimised. Yet there may always be individual operators which do not abide by the rules. That does not mean that a management system or policy is not functioning well or is broken. Nor, does it mean that an entire fleet is systematically non-compliant or that the MSC system does not address non-compliance in certified fisheries. Certification should be considered a tool to audit and incentivise high performance, as well as demonstrate legality within fisheries. Through this process, a fishery will deliver higher confidence levels, both to consumers and to the supply chain.

He went on to say that the MSC system would continue to evolve and respond to challenges identified. In some instances, the LO may not yet have been picked up by CABs in their assessments as well as it could have been; which will continue to be addressed through CAB-auditor training and calibration, peer review and accreditation oversight. This means that in the short-term, practical measures will be taken to enhance and harmonise CAB teams' performance in scoring the LO in MSC assessments.

In the longer term, MSC is periodically reviewing its standards, and welcomes stakeholders to participate in that process. The current review was recently set in motion, in late 2018. MSC is committed to adopting best-practice, and there is an opportunity through the upcoming Fisheries Standard Review (FSR) to examine the current 'compliance requirements' as a result of the 2018-19 review. Please see the following link for more details on the review and how to engage: <https://www.msc.org/standards-and-certification/developing-our-standards/the-fisheries-standard-review>

A photograph of two fishermen on a boat. Both are wearing bright yellow rain gear. The fisherman on the left is older, wearing a dark cap, and is looking towards the right. The fisherman on the right is younger, wearing a hooded rain jacket and white gloves, and is focused on handling a fishing net. The background shows a blue sea and a distant shoreline under a clear sky. A dark rectangular box is overlaid on the lower half of the image, containing the text 'Follow-up & Next Steps'.

Follow-up & Next Steps

Since the conclusion of the workshop the MSC has undertaken a number of follow-up actions, these include:

- The research commissioned by the MSC and carried out by Rob Blyth-Skyrme has led to the adoption of guidance by MSC assessors on how to score the LO. This has been made available to the CABs on the MSC Interpretation Website [<https://mscportal.force.com/interpret/s/article/Consideration-of-the-Landing-Obligation-in-fishery-assessments>]. The MSC believe this research will lead to better performance of CABs and more harmonised outcomes with regard to scoring of the LO in assessments, and related outcomes (such as certification, suspension or conditions being imposed).
- The MSC has published a list of items which will be considered in the Fisheries Standard Review. This includes a Principle 3 review where compliance with the management system (including the LO within the EU) is assessed.
- A public comment draft report (PCDR) on the joint North Sea demersal fisheries, including findings with respect to the implementation of the LO, was opened up to public consultation just before Christmas, until February 22nd, 2019. This report is an example of where the LO is now being considered as part of a formal assessment. The outcome of this assessment should be monitored for future insight on the interaction of the LO and the MSC Standard.

The MSC are committed to following up on several other points raised at the workshop, including:

- Advancing discussions with relevant actors around the accessibility of data and information, including the STECF database and information on a fishery's legal status under the LO, for reference by the CABs.
- Bringing the outcomes of this workshop to the attention of, and discussing it further with, administrations, regulators, catch sector, supply chain and NGO stakeholders.

MSC would like to thank all participants involved in the 'EU Landing Obligation & MSC Certified Fisheries' Seminar, as well as Funding Fish for contributing to the funding of this event, and finally Mindfully Wired Communications for rapporteuring this event.

For further information please visit: <https://www.msc.org/seminar-eu-landing-obligation> or contact erin.priddle@msc.org

Speakers

Camiel Derichs, Regional Director Europe - Marine Stewardship Council



Camiel Derichs is the Regional Director in Europe for the Marine Stewardship Council (MSC). He's been leading the development of the MSC program across Europe since May 2013. Before being appointed to this role, since 2005 Camiel served in a variety of other roles in the MSC. Setting up several regional offices in Netherlands, Sweden and working both with the technical development of the fisheries standards, as well as with actors in the supply chain on topics such as CSR and sustainable seafood procurement policies, as well as sustainable seafood marketing. Before joining MSC, Camiel was working in the MultiNational Financial conglomerate, ING-Group as a product manager. He holds a BSc and MSc from Erasmus University Rotterdam (Netherlands) in Business Administration, and a MSc from Tromso University (Norway) in International Fisheries Management.

Irene Kingma, General Director - Dutch Elasmobranch Society



Irene Kingma is a marine biologist specialised in the conservation and management of sharks and rays. For the past decade She has worked on protection for sensitive species worldwide and sustainability of EU fisheries. A lot of her work on the landing obligation has been in cooperation with the fishing industry through the North Sea Advisory council where she holds the post of vice-chair.

Esben Sverdrup-Jensen - CEO of the Danish Pelagic



Mr Esben Sverdrup-Jensen is CEO of the Danish Pelagic Producers Organisation (DPPO). DPPO the Danish pelagic fleet and the management of approximately 500.000 t of yearly landings, 95% of which are currently MSC certified.

He holds a M.Sc. in Natural Resource Management and has been involved in fisheries management in all of his professional life. Esben has covered the full range of fisheries and management issues - starting out as a consultant on small scale riverine fisheries on the Mekong, moving to demersals and now representing the large scale Danish pelagic industry.

Esben joined the DPPO in 2011, moving from a position in the Fisheries Office, in the department of the Danish Ministry of Food, Agriculture and Fisheries.

Esben is Chair of the Baltic Sea Advisory Council, Working Group Chair in the Pelagic Advisory Council and a board member of the European Association of Producers Organisations.

Dr Lisa Borges, independent consultant - FishFix



Dr Lisa Borges is an independent consultant for her own consulting firm FishFix (www.fishfix.eu). Lisa has been a fisheries scientist for over 20 years. Lisa graduated in Marine Biology and Fisheries from the University of Algarve, Portugal in 1995, and holds a PhD on discards from demersal fisheries from the National University of Ireland since 2005. Prior to FishFix, Lisa worked for the European Commission in Belgium (2007-2010), where she developed conservation policies for fish stocks in Atlantic waters. She has worked for fisheries research institutes in Portugal (IPMA), Ireland (Marine Institute) and in The Netherlands (Wageningen IMARES). Her main area of expertise relates to the environmental impact of fisheries, and specifically on discards and bycatch analysis, management and policy development.

Dr Elisa Roller, Head of Unit CFP - Structural Policy Development



Elisa Roller has been Head of Unit for CFP and Structural Policy Development and Coordination in the Directorate-General for Maritime Affairs and Fisheries in the European Commission since 2017. Between 2012 and 2017 she was Head of Unit for Structural Policy and Economic Analysis for fisheries and before that, she was Deputy Head of Unit for Conception, Forward Studies and Impact Assessment in the Directorate-General for Regional Policy and Policy Coordinator in the Lisbon Task Force of the Secretariat-General, European Commission. Before joining the European Commission in 2003, she was a Lecturer in European Politics in the Department of Government, University of Manchester, UK. She received her PhD from the London School of Economics.

Raky Tsoumpoulis, Head of the fish department, Carrefour Belgium



After his studies at the University of Ghent, Belgium as an agricultural engineer specialized in technology and management of food companies, Raky Tsoumpoulis began his career in 1987 as a product manager poultry and game at the biggest Belgian retailer at the time GB-INNO-BM. After several positions in the meat department during a period of 18 years and becoming head of the meat department, he was appointed head of the fish department in 2006. During that time the company had been sold to the retail giant Carrefour. In 2009 he combined this function with the direction of the fruit and vegetables department for one and a half years. In 2011 he became head of the bakery and pastry division before returning in 2015 to the fish department of Carrefour Belgium.

Kenny Coull, Fisheries Policy Officer, Scottish White Fish Producers Association



After 42 years working in fisheries science at the Marine Laboratory in Aberdeen, Kenny took up a post with the Scottish Fishermen's Federation as a Policy Officer. His previous experience in heading up the fisheries data collection (at major ports, at sea onboard commercial vessels and research vessel surveys) proved invaluable as Industry strived to have their data and information recognised and contributing to assessment and management. This proved to be successful with the Industry Observer Scheme (supported by Scottish Government and EMFF) now integrated with Marine Scotland data for stock assessment. Industry now provides a great deal of support through science / industry surveys as well as a range of trials and projects to provide science and evidence to support decision making on emerging issues. Kenny recently moved to the Scottish White Fish Producer's Association, carrying out a similar role but on a part-time basis as he looks to achieve a more suitable work/life balance.

Dr. Rob Blyth-Skyrme, Independent consultant - Ichthys Marine Ecological Consulting



Rob started his career in commercial aquaculture, but shifted focus to the sustainable management of wild fisheries, completing his PhD on co-management in the Inshore Potting Agreement off south Devon, UK, in 2004. He then worked at the Eastern Sea Fisheries Joint Committee, one of the bodies managing inshore fisheries around the English coast, where he became the Deputy Chief Fishery Officer, focusing on fisheries management and enforcement. He subsequently moved to Natural England, acting as the organisation's senior advisor to UK Government on fisheries and environmental issues, leading a team dealing with fisheries policy, science and nationally significant fisheries casework.

Rob now runs Ichthys Marine Ecological Consulting Ltd. As well as providing general fisheries and environmental consultancy, he has worked as a lead assessor, expert team member and peer reviewer across a wide range of MSC fisheries. Rob is also a member of the MSC's Peer Review College

Pim Visser, Chief Executive VisNed



Studied at the Nijenrode Business School BBA (1978) and de Rotterdam School of Management MBA (1981) Pim. Visser started his career in the IT Consultancy from 1981 to 1982. From 1982 to 2002 he worked at Projects and Sales in Shipbuilding for the Dutch and International Fishing Industry.

Since 2002 Pim Visser is manager of Manager Fish Auctions Northern Holland.

In that capacity he was president of EAFPA (European Ports and Auctions 2004-2010).

Now Pim Visser combines the (now part-time) management of the fish auctions with several positions:

- Chief Executive VisNed, association of Dutch Producer Organisations (2010-now);
- Member North Sea AC Ex Com (2004-now);
- President of EAPO (European Fish Producer Organisations 2014-now)

Jennifer Reeves, Senior Policy Adviser - EU Exit negotiations - EU and International Fisheries



Jennifer Reeves joined the Fisheries Project team in our Brussels office from the UK's Department for Environment and Rural Affairs (Defra) where she was leading a team working on the Brexit fisheries negotiations.

Jennifer has degree in Marine and Environmental Biology and has over 10 years working experience with governments and stakeholders around the world to improve fisheries management. She is an expert in fisheries control and enforcement and has worked in different phases of the lifecycle of fisheries law including: research on fishing vessels off the west coast of Scotland, enforcement of fisheries law out at sea with the Marine Management Organisation and later working on the implementation and enforcement of the Illegal, Unreported and Unregulated fishing with the European Commission and third countries in the Asia-Pacific region.



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