



## What fish must be landed and what can be returned to the sea

### Fact sheet & FAQs

**What?** We're looking to amend the commercial fishing rules around what fish must be landed and what can be returned to the sea in a commercial catch to ensure they incentivise good fishing practice.

**Why?** The current landings and returns rules are complex and can be difficult to comply with and monitor. We need to ensure they are simple and provide the right incentives.

The consultation document looks at 3 options. The key difference between the options is the strength of the incentives to change fishing practices and find value.

Options	Proposal	Detail
1	Tighten the rules for returning fish to the sea	This option is intended to simplify, strengthen and align the incentives for good fishing practices for commercial fishers by tightly constraining returns to the sea and result in the removing of all existing minimum legal sizes for finfish.
2	Increase the flexibility around fish being returned to the sea.	This option would introduce a more consistent rationale for which fish have a minimum legal size and, therefore, can be returned to the sea when under size limits. It would also allow for a greater range of species to be returned to the sea on biological and economic grounds, provided they are reported.
3	Retain the current rules	This option makes no change to the current rules for landing and returning fish to the sea.

### FAQs

#### Why are we proposing changes to these rules now?

Some of the landings and returns rules are unclear, hard to understand and can be open to interpretation. This contributes to catch not being correctly or accurately reported. For example, some commonly caught fish have minimum legal sizes, while others don't. Currently, there is no clear reasons for these minimum legal sizes.

With the continued introduction of electronic catch and position reporting this year, commercial fishers will be required to report all quota management system (QMS) fish stocks caught, regardless of their fate. As a result, we need commercial fishing rules that are clear, simple to follow and to report against. Also the current rules provide few incentives to fishers to avoid catching small or low value fish, because many fish can be legally returned to the sea. As a result, the rules do not effectively incentivise good fishing practice, or innovation in more selective fishing methods and practices.

#### What's the problem with being able to return a large range of fish to the sea?

Many of the fish returned may not be currently reported, so the exact number of fish being returned to the sea is unknown. These reports are an important for management decisions,

such as setting total allowable catch limits for a fish stock. Reliable, complete information supports better decision making. The return of unwanted fish (legally or illegally) is also seen as a wastage of the resource and lost economic value.

### **Why are you proposing changes to minimum legal sizes for commercial fishers but not recreational fishers?**

Recreational fishing methods by and large have a relatively low impact on the marine environment. Individuals are often able to return undersized fish to the sea unharmed. While the survival chances of released fish will depend on the method used to catch the fish, the depth at which they are caught and how they are handled before release, individuals largely have a choice over which fish to take home and which to return to the sea. A recreational minimum legal size limit, in combination with a daily bag limit, is the most effective and sustainable way to control a recreational catch allowance.

### **What possible risks are there to removing minimum legal sizes for finfish?**

There is a risk that removing minimum legal sizes for finfish could result in more small fish ending up in the market place because they cannot be discarded at sea. That could result in a market developing for undersize fish and could lead to them being deliberately targeted. If this happened, we would look at other management tools to reduce it.

### **If minimum legal sizes were removed, what impact would it have on fishers?**

There are likely to be short-term costs for some fishers because this would limit the number of fish that can be legally returned to sea. This means fishers would have to land all fish caught, including small fish, and fish with low market value. Fishers would have to ensure they could obtain enough annual catch entitlement (ACE) to cover all QMS species caught.

The expectation is that these short-term costs would be offset in the long-term by improved sustainability and integrity in our fisheries management system; adding value to both the catches and the quota of our fish stocks.

### **Why are you proposing an option to increase flexibility in the return of fish to the sea?**

The option of increasing flexibility in the return to the sea of commercially caught fish would allow for more fish to be legally returned to the sea and encourage better reporting of all fish caught.

This approach would provide commercial fishers with the opportunity to increase the overall landed value of their catch by allowing the return to sea of some degraded, unwanted or low-value fish, and not having to count them against quota. This would maximise the catch value as fishers would be keeping the more lucrative fish.

This would require flexibility in both the minimum legal sizes and allowances for the legal return of QMS fish to the sea. However, it is likely that this approach would require significant and comprehensive monitoring and verification systems to ensure that these commercial fishing activities do not breach our commercial fisheries regulations that allow the returning of fish to the sea.