



# Cetacean bycatches

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**CFP and structural support, policy development and coordination**

# Requirements of EU policy and legislation related to bycatch (monitoring and measures)

- *CFP: data collection framework (DCF); (regulation 812/2004); Technical Measures regulation*
- *Environmental: Habitats Directive, Marine Strategy Framework Directive*
- *Implementation of these legal obligations requires good coordination between fisheries and environmental authorities, regional cooperation, support by fishermen and a strong scientific underpinning*
- *Commitments to reduce or eliminate bycatch in the EU Biodiversity Strategy for 2030*

# Regulation 812/2004 on incidental catches of cetaceans: Requirements

- *Member States to record cetacean by-catches with specialist observers on vessels over 15m.*
- *Member States to implement « pingers » (acoustic deterrent devices) to scare harbour porpoises away from gill-nets and trammel nets over 12m.*
- *Member States to implement studies or pilot projects to monitor by-catches of under-15m vessels.*
- *Member States to report annually.*

# Shortcomings of Regulation 812/2004

- *Coverage was limited to larger vessels (Over 15m for monitoring, over 12m for pinger deployment).*
- *Most gill-net and trammel net vessels are smaller than this. Overall bycatches are not known accurately.*
- *Applicable only to certain fishing gears and areas – and not applicable in Mediterranean and Black Seas.*
- *MS did not systematically implement pilot projects or sampling systems for under-12m vessels*

# New measures:

- *From August 2019:*
  - **Regulation 812/2004 is repealed**
  - **New measures introduced in Regulation(EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fishery resources and the protection of marine ecosystems through technical measures (...)**

- *Art. 1. Technical measures shall aim to ensure that (...) incidental catches of marine mammals (...) do not exceed levels provided for in Union legislation and international agreements that are binding on the Union.*
- *Art. 3. (...) ensure that incidental catches of sensitive species (...) are minimised and where possible eliminated.*
- *Art. 11 (4) a Member State may for vessels flying its flag put in place mitigation measures or restrictions (...) Such measures shall minimise and where possible eliminate [cetacean bycatches] (...)*

- *Member States shall take the necessary steps to collect scientific data on incidental catches of sensitive species.*
- *On the basis of scientific advice, Member States to develop joint recommendations for additional mitigation measures for reduction of incidental catches.*
- *The requirement to use pingers is carried over from Regulation 812/2004 – but will need to be adapted as above in light of science advice.*
- *The Regulation covers all EU waters, the northeast Atlantic, Mediterranean and Black Seas and waters of outermost regions.*

# Habitats Directive

- Requires **strict protection** of species listed in Annex IV (includes all cetaceans). This entails obligations to monitor bycatch and to take certain preventive measures.
- Member States shall take the **requisite measures to establish a system of strict protection** for the animal species listed in Annex IV (a) in their natural range, prohibiting all forms of deliberate capture or killing of specimens of these species in the wild.
- Member States shall **establish a system to monitor the incidental capture and killing** of the animal species listed in Annex IV (a). In the light of the information gathered, Member States shall take further research or **conservation measures as required to ensure that incidental capture and killing does not have a significant negative impact** on the species concerned.
- **Additional requirements in Natura 2000 sites**

# Bay of Biscay Dolphins and Baltic Sea Harbour Porpoises

- *NGO complaint in summer 2019*
- *New ICES advice in May 2020*
- *MS Joint recommendations submitted and will be examined by STECF*
- *Possibility of emergency measures under Article 12 CFP, particularly for the Baltic Sea harbour porpoise.*
- *Infringement proceedings have been opened against FR, ES, SE concerning failure to meet Habitats Directive obligation-further legal action not excluded;*
- *Pilot letters have been sent to several MS concerning failures to implement ADD obligation*

# Further Follow-up

- *STECF will review all aspects of the implementation of the Technical Measures Regulation during 2020.*
- *The Commission will report to Parliament and Council by ~~31 December 2020~~. by mid 2021.*
- *The Commission is presently working on restoration targets for sensitive species and habitats.*
- *The Commission will present an Action Plan by Q3 2021 including actions to be taken by Member States on sensitive species and habitats.*
- *Member States will be required, within twelve months, to set out plans of action to contribute to achieving the objectives and targets.*
- *Member States should urgently work on improving monitoring of bycatches and on reducing dolphin bycatches, including by developing joint recommendations.*