

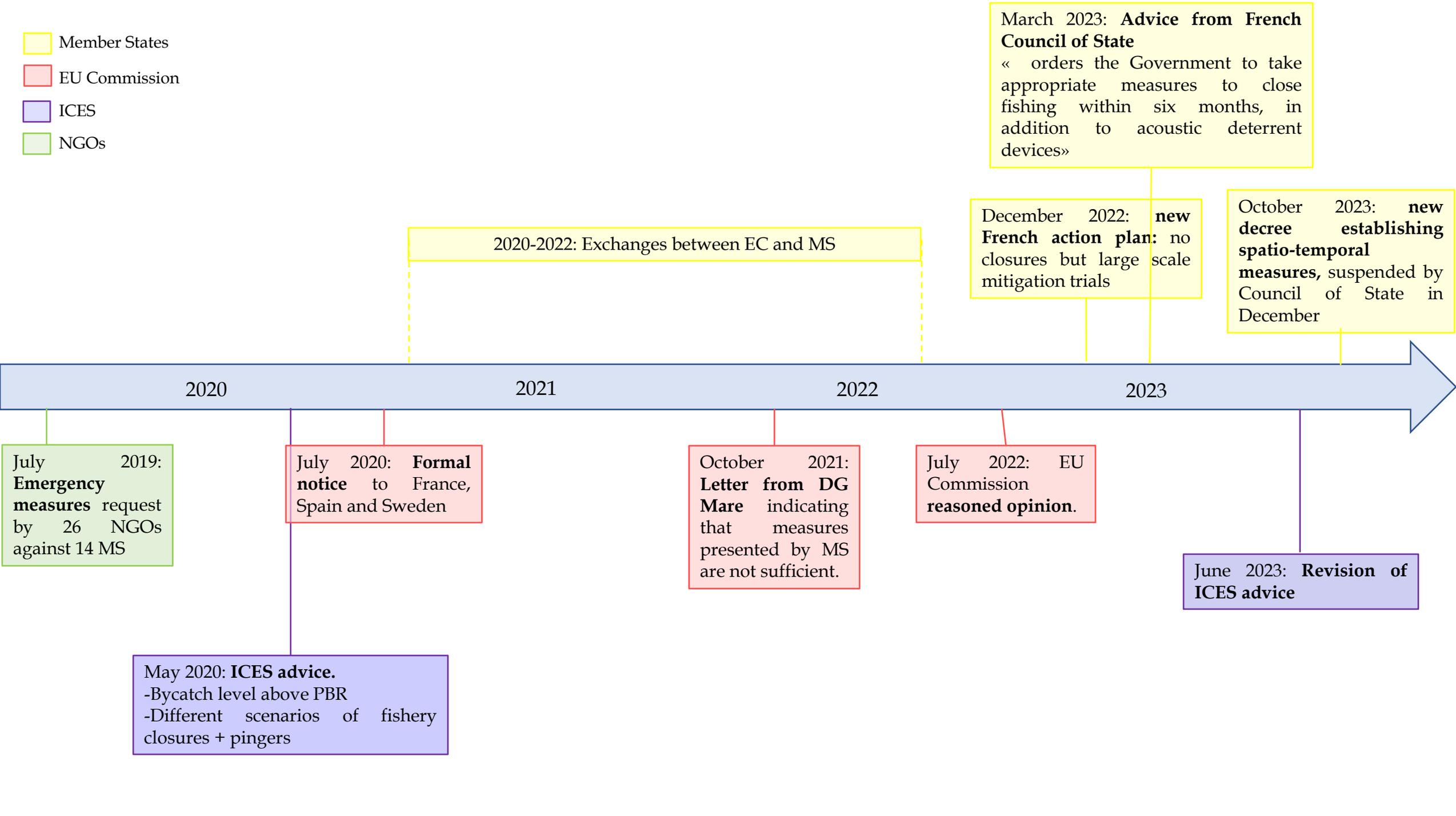
French action plans to reduce small cetacean bycatch



Situation on 9 January 2024

H. Peltier

- Member States
- EU Commission
- ICES
- NGOs



2020

2021

2022

2023

July 2019: **Emergency measures** request by 26 NGOs against 14 MS

July 2020: **Formal notice** to France, Spain and Sweden

May 2020: **ICES advice.**
 -Bycatch level above PBR
 -Different scenarios of fishery closures + pingers

October 2021: **Letter from DG Mare** indicating that measures presented by MS are not sufficient.

July 2022: EU Commission **reasoned opinion.**

June 2023: **Revision of ICES advice**

2020-2022: Exchanges between EC and MS

December 2022: **new French action plan:** no closures but large scale mitigation trials

March 2023: **Advice from French Council of State**
 « orders the Government to take appropriate measures to close fishing within six months, in addition to acoustic deterrent devices»

October 2023: **new decree establishing spatio-temporal measures,** suspended by Council of State in December

Action Plan 1 - version of December 2022

- Large scale mitigation trials
- 213 GNS-GTR-GTN designated to test 3 different devices (pinger on hull activated during setting (130), informative acoustic device (63), or reflectors (20)).
- Sampling strategy defined by scientists and considered the type of vessel, fishing areas, gear, fishing activities... Equipment in 2023, trials in 2024.
- 100 GNS-GTR-GTN designated to be equipped with REM
- VMS mandatory for all vessels
- Involvement in observer program (at least 1 FT/year) for all PTM, GNS and GTR >15m

Council of State – March 2023

- Referred by NGOs following the action plan.
- Ordered the Government to take appropriate measures to close fishing within six months, in addition to acoustic deterrent devices
- Protests...



Fire of French Office of Biodiversity



Action plan 2.0– October 2023

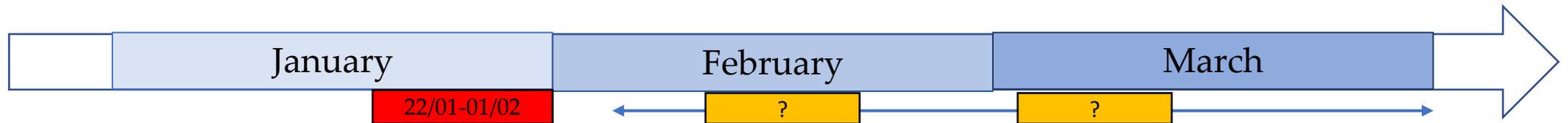
establishing spatio-temporal measures for the reduction of bycatches of small cetaceans in the Bay of Biscay for the years 2024, 2025 and 2026, and repeal of previous decrees

- Considering that the ICES opinion of January 24, 2023 encourages France to continue testing to find sustainable technical solutions to this problem, particularly for gillnetters
- Considering the objectives of reducing bycatches in the Bay of Biscay, acquiring knowledge about interactions between fishing gear and small cetaceans, and the large-scale testing of technical solutions for the gillnet fleet and the reduction of bycatches in the Bay of Biscay, as set out in the European Commission's reasoned opinion of July 15, 2022 and the Council of State's decision of March 20, 2023,

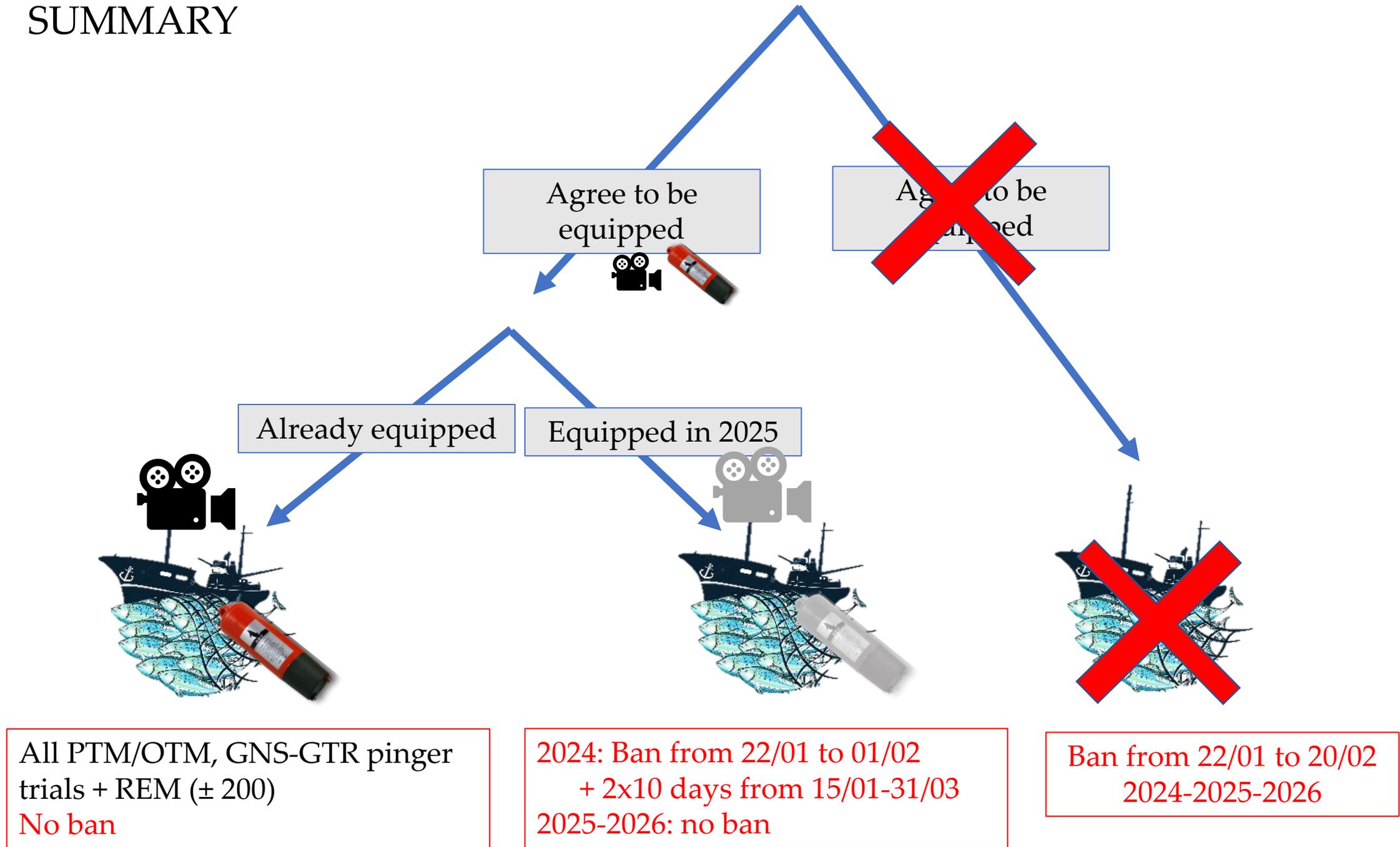
The order concerns:

- ICES VIII abcd
- Vessels >8m: OTM, PTM, PTB, GNS, GTR
- The use of the gear identified [above] is prohibited in the Bay of Biscay from January 22 to February 20 inclusive for the years 2024 to 2026.
- For the year 2024, the ban mentioned [above] does not apply to vessels equipped with active technical devices to reduce bycatches or an active remote electronic observation system.
- 12 different devices (pingers, reflectors, CED, REM)
- VMS mandatory for all vessels
- Involvement in observer program (at least 1 FT/year) for all PTM, GNS and GTR >15m

- Ships that have undertaken to be equipped within the meaning of the present article but which cannot be effectively equipped before January 15, 2024 (material reasons), ban:
 - a fixed 10-day period from January 22 to February 1, 2024 inclusive
 - two distinct periods of 10 consecutive days defined by the shipowner between January 15 and March 31, 2024. These two periods cannot overlap with the fixed period.



SUMMARY



Scientist's warning

- Voluntary equipment of boats: no efficiency tests possible for the various devices (no sampling strategy)
- No bycatch reduction target
- So many exemptions that closures will not be enforced (any bycatch reduction?)
- No dedicated control
- For vessels in the process of being equipped: only 10 days of simultaneous closures
- List of devices with many unefficient/unavailable devices
- Is not based on any ICES scenario

Council of State – December 2023

- Referred by NGOs
- Considered that these derogations are too extensive for the closure of fishing to have a sufficient effect on incidental catches to have any chance of reducing the mortality of small cetaceans to a sustainable level by 2024.
- Noted that the pelagic seine was not included in the list of high-risk nets whose use is prohibited, even though it is responsible for a significant number of accidental catches of dolphins (ICES 2023).
- For these reasons, the Council of State suspended part of the order and restored those of December 2022