

# The Work of the ACCOBAMS-ASCOBANS Joint Bycatch Working Group

**Peter G.H. Evans**

Co-Chair, ACCOBAMS-ASCOBANS JBWG

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# Programme of Work 2021-2023

- Collate and prepare an overview of scientific information relevant to bycatch of affected cetacean species. Relate to abundance and management units, including population dynamics – **High Priority (ongoing, annual)**
- Review available information on IUU (Illegal, Unreported and Unregulated) fishing (**Medium**), recreational fishing (**Medium**), identification of bycatch risk areas (**High**), fishing techniques and gears applied in both agreement areas related to bycatch (**Medium – ICES WGBYC, CIBBRiNA**) (**ongoing**)
- Contribute to the assessment process of the EU-MSFD criteria (**OSPAR**) and/or UNEP-MAP EcAp, and associated targets – **High (ongoing)**
- Review and provide updates on bycatch mitigation measures currently available or under development and their effectiveness, using existing sources – **Medium (review completed in 2021)**

## Programme of Work 2021-2023 (cont.)

- Prepare an overview of national and international legislation and other measures relevant to the monitoring and management of cetacean bycatch, and include an overview of actions taken to deliver on ACCOBAMS and ASCOBANS obligations – **Low (Secretariats, 2023)**
- Prepare, as appropriate, and in coordination with ICES WGBYC, advice on target setting including potential conservation and user objectives, in accordance with the policies of the two Agreements; and monitoring cetacean bycatch and fishing operations – **Medium (two workshops undertaken, 2023)**
- Provide technical support as required to facilitate dialogue with relevant bodies that have certification schemes, such as the Marine Stewardship Council (MSC), by actively contributing to the assessment of relevant fisheries with respect to cetacean bycatch – **High (ongoing)**

## Programme of Work 2021-2023 (cont.)

- Comment on requests for information or advice through the Secretariats – **Low (Secretariats, ongoing)**
- Report back to ACCOBAMS Scientific Committee and ASCOBANS Advisory Committee meetings, and where appropriate provide input intersessionally to other relevant meetings or working groups under the two Agreements – **High (Secretariats, ongoing annual)**
- Engagement with fishers – **High (CIBBRiNA Project / national initiatives)**

# Current Recommendations

- A total of 24 Recommendations were adopted at the first JBWG meeting
- Five **General Recommendations** calling for increased and more targeted sampling of high-risk fisheries (preferably minimum of 5-10% of annual fleet activity), along with urgent measures in the Black Sea and Baltic Proper, working towards eliminating bycatch there
- Ten **Recommendations to improve monitoring**, including wider use of REM, better understanding of factors relating to bycatch risk, support for strandings schemes, pathological examinations, and greater use of drift models
- Nine **Recommendations to prevent and mitigate bycatch** by greater stakeholder engagement, area-based measures, alternative gears and new technologies

Monday, 17 April 2023 - O Grove, Galicia, Spain

**Objective:** To share information on the current status of bycatch issues identified as of greatest concern in European seas, and to discuss how we can mitigate such bycatch.

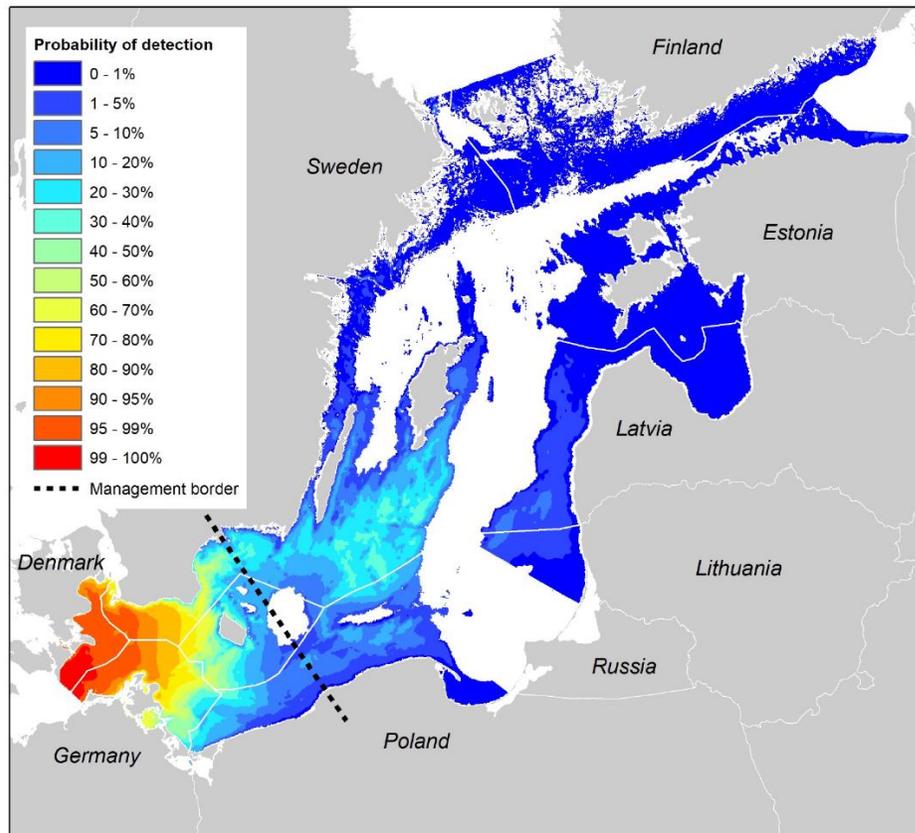
**OUTLINE PROGRAMME**

*Version: 29 March 2023*

Time CEST	Item	Presenter/Lead
13:45	<i>Registration open</i>	
14:00	<b>1. Welcome and introduction to the workshop</b>	Peter Evans, Ayaka Amaha Öztürk
14:10	<b>2. Baltic harbour porpoise [20min]</b>	Ida Carlén
14:30	<b>3. Bay of Biscay common dolphin [30min]</b> <ul style="list-style-type: none"> <li>The bycatch situation in the Bay of Biscay</li> <li>On-board cameras to monitor marine mammals bycatch? The OBSCAME project on gillnetters in the Bay of Biscay</li> </ul>	Hélène Peltier Stéphanie Tachoures
15:00	<b>4. Black Sea cetaceans [30min]</b>	Dimitar Popov
15:30	<b>5. Mediterranean situation [30min]</b> <ul style="list-style-type: none"> <li>Review of available data on cetacean bycatch in stranding databases from the ACCOBAMS Area</li> <li>State of the Mediterranean and Black Sea fisheries - SoMFi</li> </ul>	Célia Le Ravallec Paolo Carpentieri

16:30	<p><b>6. Advances in potential mitigation measures</b></p> <ul style="list-style-type: none"> <li>• Bycatch mitigation trials in south of Portugal</li> <li>• Can pearls protect porpoises? Increasing the acoustic reflectivity of gillnets to reduce porpoise bycatch using the <i>PearlNet</i></li> <li>• <i>CetAMBICion</i> Project</li> </ul>	<p>Ana <i>Marçalo</i> Hannah <i>Schartmann</i> Graham Pierce</p>
17:15	<p><b>7. Policy</b></p> <ul style="list-style-type: none"> <li>• EU Action Plan: Protecting and restoring marine ecosystems for sustainable and resilient fisheries</li> <li>• ICES Bycatch Roadmap</li> <li>• Implications for Cetaceans of EU Policy Developments</li> </ul>	<p>Kenneth <i>Patterson</i>  Henn <i>Ojaveer</i> Sarah Dolman</p>
17:45	<p><b>8. Concluding remarks</b></p>	<p>Peter Evans, <i>Ayaka</i> <i>Amaha Öztürk</i></p>
~18:00	<p><b>9. Close of the Workshop</b></p>	

# The Baltic Proper harbour porpoise

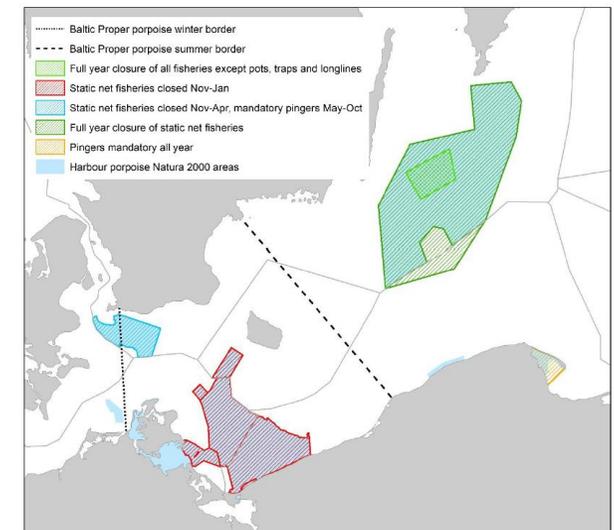


- SAMBAH estimated 491 (95% CI 71-1105)
- Ongoing IUCN redlist update estimates number of mature animals to 216
- Female fertility likely low
- PBR calculated to 0.7 animals/year

## Until now

- ICES advice 2020
- Infringement against Sweden
- Baltfish JR 1 and 2
- Delegated act February 2022
- Military forces not allowing large-scale pinger use
- Baltfish discussions on real-time closures
- Baltfish draft JR on control measures
- EC Marine Action Plan

Total  $\approx$  500 individuals  
 $\rightarrow$   $\approx$  220 females  
 50% reproductive age  
 $\rightarrow$   $\approx$  110 females  
 20% not fertile due to contaminant load  
 $\rightarrow$   $\approx$  88 females





## Going forward

- Continued discussions in Baltfish
  - Real-time closures and other measures for low-density areas
  - No discussions so far on areas of higher density
- The military issue
  - Trials on pingers in Finland
  - Trials on F-PODs in Sweden
- Infringement still active



## Resolution proposed at ECS Conference, Apr 2023

- Given the acknowledged urgent need for action to protect the endangered Baltic Sea harbour porpoise (with a population less than 500, one bycaught animal in a year is too many), ECS calls upon countries whose Navies have expressed an as yet unquantified concern that the use of acoustic ‘pingers’ in fisheries may interfere with their anti-submarine capabilities, **to ensure as a matter of urgency** that their Navy acousticians engage with porpoise acousticians, pinger manufacturers, and other relevant experts at a technical level to work on solutions to enable critical porpoise protection measures to be implemented before it is too late.



# EU action plan: Protecting and restoring marine ecosystems for sustainable and resilient fisheries

Kenneth Patterson

## Why this action plan?

- **State of seas**
- **Sustainability of fisheries**
- Bridge **fisheries** and **environment** worlds
- Builds on existing legislative **framework for both areas**

## What is in the action plan?

- Improve **gear selectivity** & address **bycatch** of **sensitive species** 
- Protect the **seabed** 
- **Transition & knowledge** 
- **Governance** 

# Protecting the seabed

## Why?

Essential habitats



Fish nurseries & spawning areas



carbon sink



## How?

- Mid-2023 → Set limits for extent of seabed lost or adversely affected under environmental law
- Gradually phase out mobile bottom fishing in all Marine Protected Areas (MPAs) by 2030:
  - **March 2024** → national measures/joint recommendations for all Natura 2000 sites under Habitats Directive protecting the seabed & marine species
  - **March 2024** → outline for all MPAs & describe detailed measures for at least 20% of each Member State's marine waters
  - **2030** → all MPAs, existing and new ones

# EU funding to support a smooth transition

## What?

EMFAF programmes for 2021-2027 have set a high **ambition for sustainable and resilient fisheries**

- need to translate it into **actions delivering concrete results**

Public support **empowers solutions** from Member States and stakeholders

- need for **collaboration** to design impactful projects

## How?

- **Contribute to the sustainable management of fisheries and marine resources:**

- **collect scientific data** to design fisheries conservation measures and establish and manage MPAs
- **design and implement innovative solutions** to improve gear selectivity, avoid incidental by-catch of sensitive species and lower the impact of fishing on marine ecosystems and habitats
- **manage fishing fleets** towards a balance between their capacity and the available resources
- **control fishing activities** to enforce the CFP, prevent illegal fishing and foster a culture of compliance

- **Facilitate a gradual phasing out of mobile bottom fishing in MPAs**

- **support collective strategies** to organise the phasing out smoothly with all the stakeholders concerned
- **assess the socio-economic impact**, by taking into account each specific situation
- **identify business alternatives** (e.g. diversification to other gear or areas, or to other economic sectors)
- **provide individual advisory services and training programmes** to facilitate the transition



# Governance and process

## Measures

→ Measures for priority species  
 → Phasing out mobile bottom fishing in Natura 2000 sites with seabed conservation objectives (Habitats Directive)

→ Mobile bottom fishing phased out in all MPAs  
 → Protect remaining sensitive species

2023

2024

2030

## Governance

New special group established

Member States' roadmaps prepared & delivered

Implementation of Member States' roadmaps

Mid-term review Biodiversity strategy --> assess action plan progress

# Roadmap for ICES bycatch advice on PETS

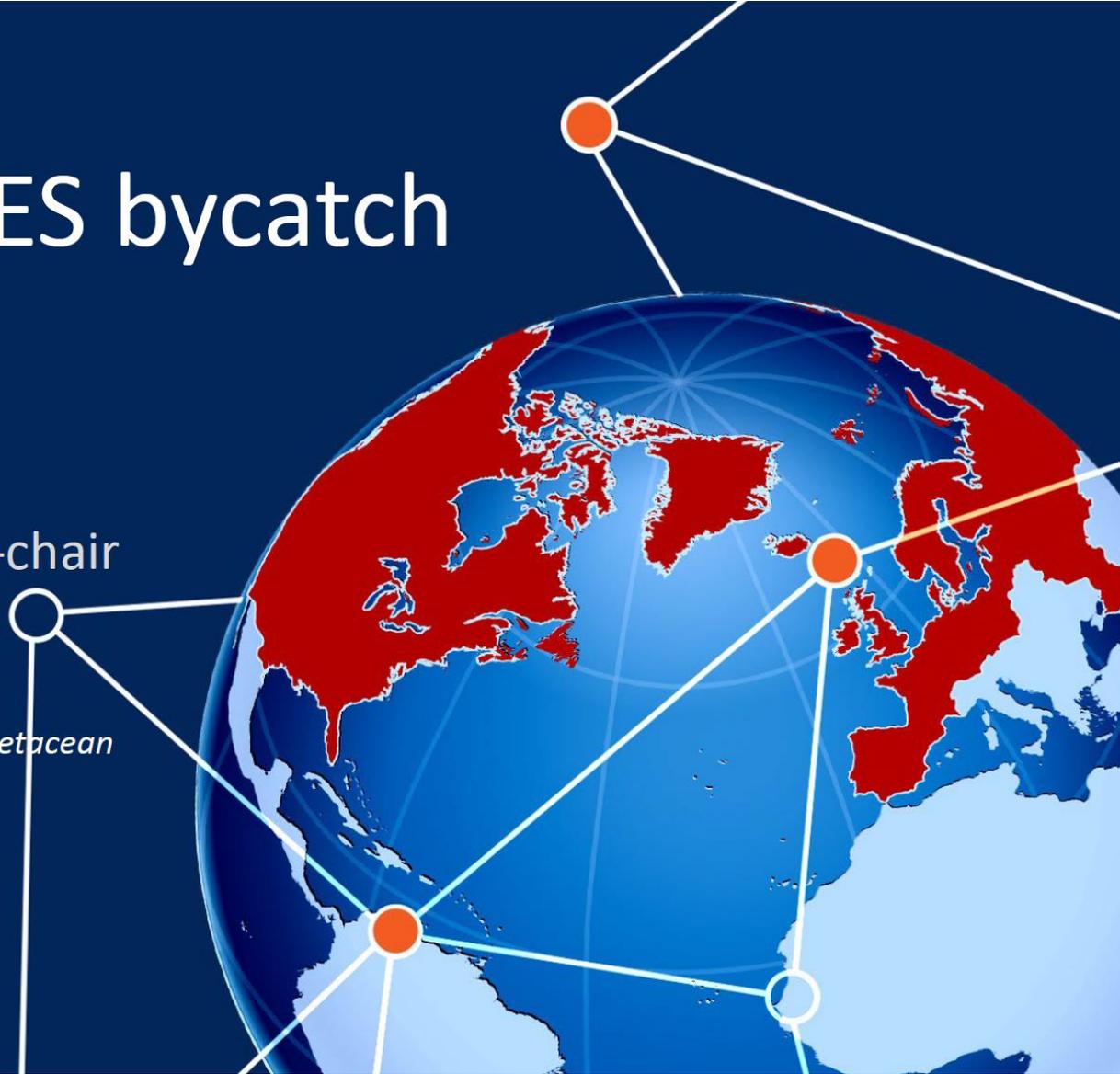
Henn Ojaveer

ICES Advisory Committee vice-chair

ACCOBAMS-ASCOBANS workshop on '*Current cetacean bycatch issues in European waters*', April 2023



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# Legislative instruments

- EU Common Fisheries Policy
- EU Marine Strategy Framework Directive
- EU Habitats Directive
- EU Action Plan for reducing incidental catches of seabirds in fishing gears
- Norway - Marine Resources Act
- Iceland - Regulation on Catch Books
- Canada - Policy on Managing Bycatch
- US - Marine Mammal Protection Act

**To address the requirements of the legislative instruments, the bycatch roadmap aims to facilitate more efficient consolidation of data and knowledge, and planning future steps in ICES.**

<https://doi.org/10.17895/ices.advice.19657167>



# General

Considering important differences and limitations in the evidence basis available for population-level assessments of PETS, and the absence of agreed and comparable objectives for the management of PETS bycatch, ICES will provide advice in accordance with the generic and precautionary objective to “minimize and, where possible, eliminate bycatch of PETS to prevent any serious harm to the species concerned”, consistent with several legislative instruments and governmental initiatives.

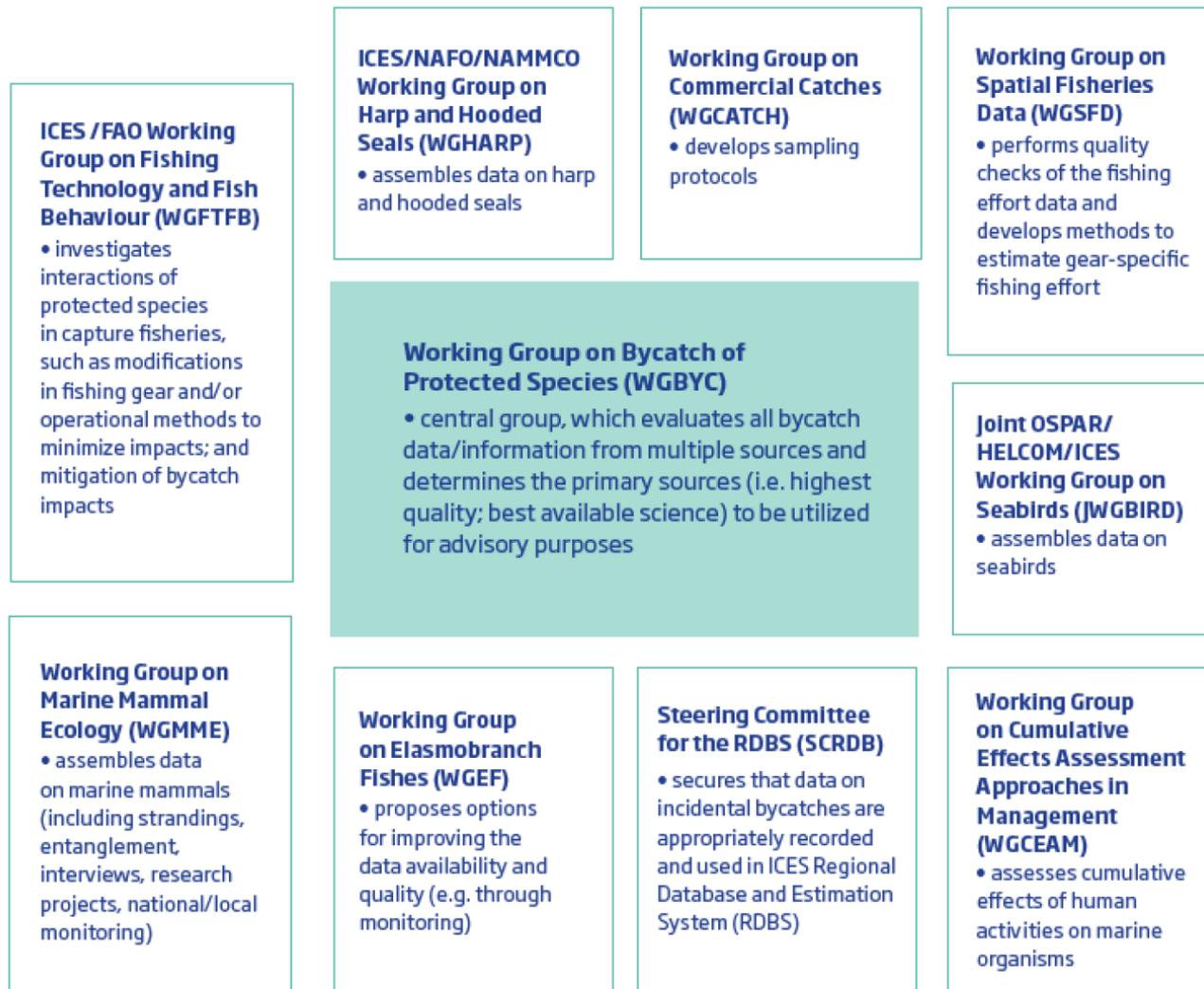
# International organisations

- ✓ **ASCOBANS** – Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas
- ✓ **ACCOBAMS** – The Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area
- ✓ **NAMMCO** – North Atlantic Marine Mammal Commission
- ✓ **NEAFC** – North East Atlantic Fisheries Commission
- ✓ **GFCM** – The General Fisheries Commission for the Mediterranean
- ✓ **OSPAR** – Oslo-Paris Commission
- ✓ **HELCOM** – Helsinki Commission
- ✓ **RCGs** – Regional Coordination Groups

**Objective #1: Ensure cooperation with ACCOBAMS, ASCOBANS, GFCM, HELCOM, NAMMCO, NEAFC, OSPAR, RCGs, and other RFMOs and RSCs for data/information sharing, bycatch assessments, and risk evaluations.**

# General

Approach: one single expert group to evaluate all bycatch data/information and determine the primary sources to be utilized for advisory purposes

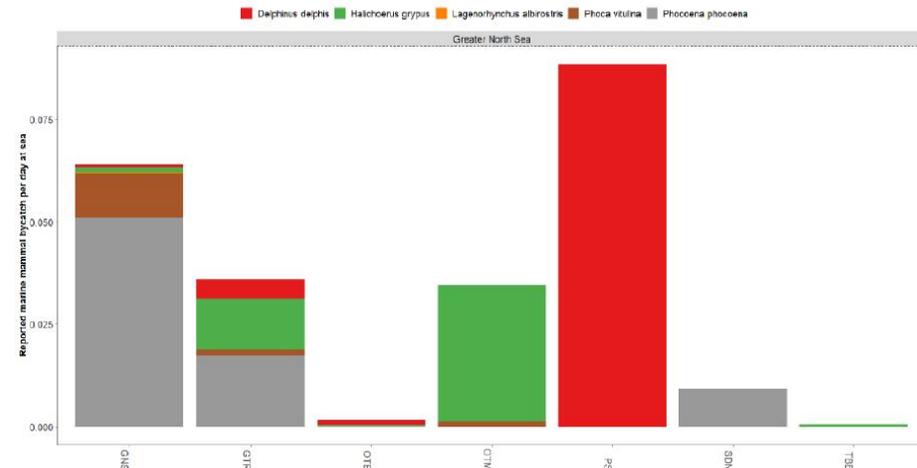


# General

The overarching goal: to assess risk and impact of, and the impact of fleet activity on incidental bycatch, and to include it these in ICES Fisheries Overviews by 2022

- ✓ the most frequently reported species (fish, birds, mammals and turtles) for the last year,
- ✓ multiannual average bycatch rates by métier and fishing effort dynamics

Greater North Sea, Celtic Seas, Icelandic Waters, Baltic Sea and Bay of Biscay and Iberian Coast ecoregions



Reported marine mammal bycatch rates in the Greater North Sea Ecoregion 2017 –2021 by level 4 métier

ICES Advice 2022 – <https://doi.org/10.17895/ices.advice.21641360>

# Data and method requirements

*To estimate the conservation threat posed by fishery bycatch, is needed:*

- (i) the susceptibility of that population to bycatch in particular fisheries (based on **observer effort data** and number of **bycatch incidents** recorded by fishing gear, but also using other sources such as strandings or fishermen logbooks)
- (ii) the scale of the fisheries concerned (based on total **fishing effort** by fishing gear for all relevant fleet segments, incl. recreational fisheries)
- (iii) the resilience of the population to bycatch**

- ICES data call gathers information to estimate i) and ii).
- The most pressing data gap is for small vessels (< 12m in size), not covered by either VMS or AIS.
- Data to assess iii) would be required from national and international scientific surveys.

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# Strategic developments

**Improving data availability and quality** is the key to improve the advice

- development of new (bycatch) **indicators**
- methodological work towards setting **threshold values**
- development of new **metrics to measure fishing effort**
- assessing **cumulative effects** of human activities
- evaluate if **improved resolution** bycatch data will improve advice
- interactions of PETS in capture fisheries to **minimize** and **mitigate bycatch impacts**
- **trade-offs** when reconciling objectives in legislation on bycatch of PETS

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# Implications for cetacean bycatch from European policy developments

Sarah Dolman

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# OSPAR bycatch thresholds

Data only exists for 2 cetacean species & bycatch rates are exceeded for all populations



Harbour porpoise		Threshold	Bycatch level
Greater North Sea	Exceeded	1622	5974
Irish & Celtic Seas	Exceeded	82	751
West of Scotland & Ireland	Exceeded	78	305
Iberian Peninsula	Not assessed, but determined critically exceeded	0	Unknown, but higher than 0
Common dolphin			
North East Atlantic	Significantly exceeded	985	6406

**“Bycatch is occurring at high levels that do not align with the OSPAR Strategy of tackling biodiversity loss and of minimising and where possible eliminating bycatch” - OSPAR**

## Legal action

- In 2020, Commission infringement proceedings against France, Spain, Sweden & Bulgaria
  - This action has led to change, but insufficient measures so far
  - Non-compliance extends to other Member States - will others to be pursued?
- National level
  - In March 2023, France's Council of State make a ruling: requirement to follow ICES science in next 6 months, for common dolphin, bottlenose dolphin, harbour porpoise
  - Process from here is unclear
- US Marine Mammal Protection Act Import Provision Rule
  - Comparability Findings due Nov 2023

# Policy action

- European Commission fisheries Action Plan:

The Commission calls on Member States to:

- By end of 2023, develop threshold values for the maximum allowable mortality rate from incidental catches of the species selected by Member States <sup>(34)</sup>, as part of the implementation of the Marine Strategy Framework Directive (MSFD) <sup>(35)</sup>. Adopt fisheries management measures to implement these threshold values without delay through national measures or, where relevant, by submission of joint recommendations.
- Adopt national measures or submit joint recommendations to the Commission to minimise by-catch (or reduce it to the level that enables the full recovery of the populations) of:

- by the end of 2023: harbour porpoise in the Baltic Proper and the Black Sea, the Iberian Atlantic and the common dolphin in the Bay of Biscay <sup>(36)</sup>;
- by the end of 2024: angel sharks, common skate, guitarfish, Maltese skate, great white shark, sand tiger shark, smalltooth sand tiger shark, spiny butterfly ray, sturgeons, marine turtles, Balearic shearwater and Mediterranean monk seal;
- by 2030: the remaining sensitive marine species that are at risk of incidental catches <sup>(37)</sup>, prioritising those in ‘unfavourable conservation status’ or threatened by extinction.

## Policy issues

- EU Action Plan timing is not consistent with US Import Provision Rule
- Weak EU and national enforcement of legal requirements
- Inadequate monitoring at scale required
- Use of thresholds requires effective bycatch monitoring
- Thresholds should be seen as 'red line'
- Poor join up at a national and regional level
- Focus on small scale 'trials'
- EU distant water fleet
- Cetacean welfare issues
- EU Joint Recommendations



# Bycatch solutions

- Ocean-basin by ocean-basin guidance on priority species and bycatch solutions
- National Action Plans with targeted timebound measures for high risk fleets
- Implementation of targets & timelines to continually monitor and reduce bycatch at appropriate scale, accounting for all relevant fleets (e.g. NE Atlantic common dolphins)
- Prioritise the use of alternative and modified gear (particularly for gillnets)
- Dedicated on-board monitoring at levels that enable calculation of bycatch rates for all species
- Bycatch measures on vessels as required, regardless of size
- Adequate funding to progress bycatch monitoring and prevention at pace
- Regulations need to be enforced in all European countries
- Work with fishers for effective implementation
- European countries to meet requirements of US Import Rule by November 2023