



Implications for cetacean bycatch from European policy developments

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Mediterranean, Biscay, Baltic & Black Sea bycatch

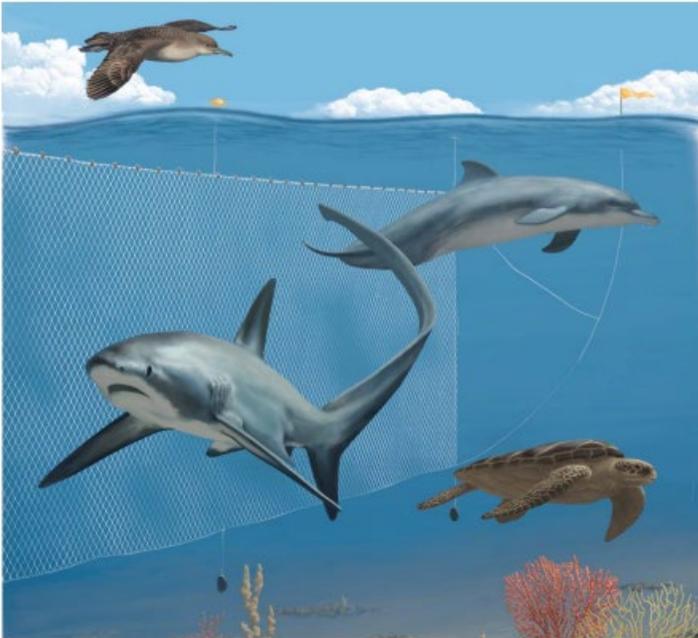


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STUDIES AND REVIEWS 101

INCIDENTAL CATCH OF VULNERABLE SPECIES IN MEDITERRANEAN AND BLACK SEA FISHERIES A REVIEW



EU additional request on mitigation measures to reduce bycatches of common dolphin (*Delphinus delphis*) in the Bay of Biscay and Iberian Coast

COMMISSION DELEGATED REGULATION (EU) 2022/303

of 15 December 2021

amending Regulation (EU) 2019/1241 as regards measures to reduce incidental catches of the resident population of the Baltic Proper harbour porpoise (*Phocoena phocoena*) in the Baltic Sea

Assessment of the bycatch level for the Black Sea harbour porpoise in the light of new data on population abundance

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bycatch estimates, harbour porpoise bycatch in the Black Sea represents between 4.6% - 17.2% of the estimated total population, depending on assumptions used.

NE Atlantic cetacean pops. at risk of bycatch



Risk Assessment of Bycatch of Protected Species in Fishing Activities



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Species	Gear type	Region
Harbour porpoise	Gillnets	English Channel, Skaggerak, German Bight, Biscay, Portugal
Bottlenose dolphin	Gillnets	Celtic Sea, Porcupine Bank, Biscay, Iberian Peninsula
Common dolphin	Pelagic & demersal trawls, demersal seines, gillnets	Irish Sea, Celtic Shelf, Iberian Peninsula, Biscay, Celtic Deep, English Channel,
Striped dolphin	Pelagic & demersal trawls, gillnets	Biscay, Portugal, Galicia
White-beaked dolphin	Pelagic trawls, gillnets	North Sea, Scotland
Atlantic white-sided dolphin	Pelagic trawls, gillnets	Ireland, Scotland
Risso's dolphin	Demersal trawls, gillnets, set & drifting longlines	Celtic Sea, English Channel, Irish Sea, Hebrides, Biscay, Iberian Peninsula
Long-finned pilot whale	Gillnets, set & drifting longlines	Porcupine Bank, Celtic Sea, Iberian Peninsula, Biscay, Ireland, NW Spain, NW France
Sperm whale	Gillnets, set & drifting longlines	Spain, Ireland, France, Scotland

Bycatch thresholds

Thresholds “represent an upper limit to total anthropogenic removals; that is, a limit beyond which the risk of failing to achieve the conservation objectives set by policy makers is unacceptable” – OSPAR

The threshold is the point at which no bycatch rate should be allowed to reach.

Bycatch measures should be implemented well before threshold is reached, to prevent population impacts. However, we have:

- Uncertainty in population status
- Poor history of tackling bycatch, so waiting until bycatch reaches threshold doesn't make sense
- Early implementation will benefit fishers, often preventing restrictive measures (e.g., closures in Biscay)
- Increasingly, consumers are aware of bycatch, and they care, so do retailers and ecolabels
- Currently pay inadequate attention to welfare impacts

Scientific Advice

“STECF concludes that in the absence of reliable population estimates, current conservation status and stated conservation objectives for cetacean populations in EU waters, there is no objective scientific basis to propose reliable estimates for maximum potential bycatch thresholds for all the cetacean species most typically bycaught (i.e. harbour porpoises, common, striped and bottlenose dolphins and humpback whales).”



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 ⁽³⁴⁾, as part of the implementation of the Marine Strategy Framework Directive (MSFD) ⁽³⁵⁾. 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 ⁽³⁶⁾;
- 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 ⁽³⁷⁾, 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

Thank you!

