

Compilation of Recommendations Relevant to Bycatch Legislation of the ASCOBANS Advisory Committee and the ASCOBANS Jastarnia Group since 2008

1. Advisory Committee Action Points

2013. 20th Meeting of the Advisory Committee

Action Point 8. Data on fishing effort and bycatch rates provided by Parties to the EC and/or ICES should be submitted in the required reporting format, allowing for spatial (ICES divisions) and temporal (monthly/quarterly) stratification.

2. Jastarnia Group Recommendations & Action Points

2008. 4th Meeting of the Jastarnia Group

Recommendation 1. Bearing in mind the limited measures of EC Regulation 812/2004, Parties are reminded to urgently introduce pingers on fishing gear associated with harbour porpoise bycatch and then phase them out within three years. In the meantime, Parties must develop long-term measures to mitigate bycatch such as alternative fishing gear.

Recommendation 2. Bearing in mind the Parties' commitments under the Habitats Directive and EC Regulation 812/2004, Parties are required to establish a system to monitor bycatch on all vessels regardless of size.

Recommendation 7. Parties should develop a collaborative approach to engaging fishers in reporting bycatch. Parties should involve stakeholders, including fishermen, in the work of reducing bycatch and in collaboration with them develop necessary mitigation measures.

Annex 3 of JG4 Report.

In reviewing Council Regulation 812/2004 for the Baltic Sea, the Jastarnia Group invites the Advisory Committee of ASCOBANS to suggest to the European Commission:

- To introduce the mandatory use of pingers as an interim measure in all gillnet or entangling net fisheries of high risk to cetaceans (i.e. harbour porpoise), regardless of vessel size, not only in ICES area IIIId subdivision 24 but also in the remaining Baltic Sea including areas IIIb and IIIc. When introducing a comprehensive pinger scheme, take account of the objectives for by-catch mitigation laid down in the ASCOBANS Jastarnia Plan and ensure that a medium-term time line (not exceeding three years) is adopted for the achievement of these goals. Furthermore, the potentially negative side effects of pingers on cetaceans need to be studied, and their use and effectiveness need to be monitored simultaneously by on-board observers.
- To accelerate the testing and introduction of alternative fishing gear in order to make it possible to phase out gillnets in high-risk areas as soon as possible.
- To set in place an effective small cetaceans by-catch monitoring programme and to make it mandatory for all set-netting vessels (including vessels smaller than 15m), wherever feasible, reinforcing already existing provisions. Recreational and other part-time fisheries should be addressed in a similar fashion. This should also include areas where pingers are used, to evaluate the effectiveness of this mitigation method. Where human observers are not possible, appropriate electronic surveillance or another comprehensive monitoring providing data of equal quality should be conducted urgently. In addition to independent monitoring, comprehensive reporting of by-catch by fishermen should be encouraged.

2009. 5th Meeting of the Jastarnia Group

Recommendation 4. Parties are reminded to implement urgently the pinger use recommended in the Jastarnia Plan, which calls for pingers to be made mandatory in probable high-risk areas and fisheries associated with bycatch of harbour porpoises on a short-term basis (no more than 3 years) irrespective of vessel size. In the meantime, Parties must develop long-term measures to mitigate bycatch, such as alternative fishing gear.

Recommendation 12. Parties should use their right to comment during the process for the review of the Common Fisheries Policy of the European Commission to ensure marine mammal bycatch reporting. For example, bycatch reporting should be included in the fishing logbooks as additional columns without requiring any separate forms.

2010. 6th Meeting of the Jastarnia Group

Recommendation 12. Bycatch mitigation activities of the Jastarnia Group should be coordinated with the related work of other regional bodies and organizations in order to avoid duplication of effort.

2011. 7th Meeting of the Jastarnia Group

Recommendation 4. Parties should establish national processes to develop guidelines and methods for reducing and monitoring bycatch in the relevant fisheries, as called for in Jastarnia Plan Recommendation 2, and to report on progress in achieving this.

Recommendation 5. Parties should enact national legislation obliging fishermen to report bycatch of cetaceans in their log books and to deliver carcasses to the competent authorities. A lump sum reimbursement should be provided to fishermen to cover parts of the cost of delivering the carcasses.

Recommendation 9. Noting that Regulation 812/2004 in its current form is not sufficiently protecting harbour porpoises in the Baltic Sea, the Jastarnia Group encourages Baltic Sea Range States to implement comprehensively the bycatch mitigation measures laid down in the Jastarnia Plan.

2012. 8th Meeting of the Jastarnia Group

Action Point 3. Given the positive experiences in the Danish fishery, Parties should implement video surveillance widely in order to document bycatch of porpoises and identify and implement effective mitigation measures, and at the same time reduce discards of fish. Currently video surveillance is the most accurate measure for bycatch estimates and total documentation of the fishery, applicable also to small vessels, and meets the requirements of Article 12 of the Habitats Directive.

Action Point 6. Noting that Regulation 812/2004 in its current form does not protect harbour porpoises in the Baltic Sea sufficiently and that according to EC Communication (2011) 578, a revision is not foreseen in the near future and that bycatch mitigation measures will probably in future be addressed in the new Common Fisheries Policy (CFP), Baltic Sea Range States are urged to implement comprehensively and without delay the bycatch mitigation measures laid down in Recommendations 1-4 of the Jastarnia Plan.

Action Point 7. Given that the Jastarnia Group has the most specific expertise related to harbour porpoise conservation in the Baltic Sea area and in light of the specific problems and situation in the Baltic Sea, the Secretariat should address the European Commission to urge it to seek the Group's advice when the technical measures framework (TMF) and data collection framework (DCF) of the Common Fisheries Policy (CFP) are being drafted. Parties should also convey the same message to appropriate fora.

Action Point 8. Since the preparation of measures to be taken under the new Common Fisheries Policy (CFP) will take time, the Secretariat will also include in the communication to the European Commission the Jastarnia Group's strong call for an urgent amendment of Regulation 812/2004 to address the specific problems in the Baltic Sea.

2013. 9th Meeting of the Jastarnia Group

Action Point 27. Parties are strongly encouraged to take all necessary steps to develop as soon as possible:

- a. agreements on mutual observance of fisheries regulations to minimize bycatch rates within Harbour Porpoise SACs,
- b. agreements to implement immediately the controlled use of pingers in gillnet fishery associated with bycatch irrespective of vessel size or type, as provided for in the Plan.

Action Point 30. Parties and the EU should be mindful of the need to observe the principles of the FAO Code of Conduct for Responsible Fisheries. National authorities should make fishermen aware of the Code of Conduct and the principles it contains.

2014. 10th Meeting of the Jastarnia Group

Action Point 1. Parties should step up actions to reduce fishing effort involving gear known to cause high porpoise bycatch rates as required under the Jastarnia Plan, and to provide information documenting the magnitude and location of such effort.

Action Point 2. In order to achieve favourable conservation status for Baltic harbour porpoises as required under the Habitats Directive, Parties should make concerted efforts to eliminate bycatch especially in current and future Natura 2000 sites (SACs) where harbour porpoises form part of the selection criteria. In these areas, this could be achieved by replacing set nets and introducing alternative gear that is considered less harmful.

Action Point 7. The Secretariat should commission a consultant to draft a position paper with ASCOBANS input for the revision process of EC Reg.812/2004, based on Terms of Reference to be drafted by the Secretariat. These Terms of Reference should be approved by National Coordinators, in consultation with the AC Chair.

Action Point 31. Parties are strongly encouraged to take all necessary steps to develop as soon as possible agreements to implement immediately the use of pingers in gillnet fishery associated with bycatch irrespective of vessel size or type, as provided for in the Plan, and to enforce the use of pingers.