

**RECOMMENDATIONS FROM ASCOBANS WORKING GROUPS  
on EU BYCATCH LEGISLATION WORKSHOP REPORT, 21-23 Jan 2015**

**(compiled on behalf of respondents by Peter Evans)**

In general, we strongly endorse the workshop report, and its recommendations (pages 28-37 of the report). Some further detail and points of clarification are recommended for the Annexes, which could be supplied at a later date. It is important that the Annexes are not viewed independently of one another.

Whereas a management framework is considered by ASCOBANS as the best way forward, with Member States being required to show that they meet the defined conservation objectives and that their fisheries do not exceed agreed bycatch limits, a statistical approach is recommended as a tool to bring the bycatch rate down towards its target of zero rather than to set a sustainable removal rate. The current situation is that while the target is for zero bycatch, the commonly used reference point for a limit is 1.7% of the best population estimate. This has been shown to be clearly too high, such that there is a high risk that widely agreed conservation objectives would not be met. A particular problem with the % of the population estimate approach is that it allows high limits to be set in situations of considerable uncertainty. If one is to highlight 'essential requirements' for using a management procedure approach, then one should acknowledge that this type of approach has been developed specifically to deal with uncertainty.

In Annex 3 (Implementation Plan for a Management Framework Procedure), it may be helpful for more detail to be provided for each of the steps listed here, and to examine further which of the two approaches recommended might be the more precautionary. Under Approach 1, Member States would be required to introduce mitigation measures to bring bycatch below the national limit. Under Approach 2, appropriate mitigation measures should be applied to all fisheries but how effective these measures need to be depends entirely on the interpretation of 'appropriate'. This could usefully be expanded upon for greater clarification.

It is noted that the European Commission would prefer not to revise regulation 812/2004 or have a separate cetacean bycatch regulation, but to incorporate these issues within a more general reform of the CFP, with technical measures introduced within a more regional framework. In theory that may sound good, but in practice there is a danger that cetacean conservation interests will get lost somewhat. If these cannot be considered separately, then the recommendations to the EC should be as specific as possible - this applies particularly to ways of recording fishing effort for different vessel types (e.g. extending beyond recording days at sea as a measure of fishing effort), developing electronic monitoring, and ensuring that mitigation measures such as pinger deployment are maintained (i.e. checks that they are working and spaced appropriately). Incorporating some of these within the Data Collection Framework (DCF) has the danger of not adequately addressing the needs of cetacean bycatch monitoring. A Regulation specific to cetacean conservation would seem particularly appropriate.

In the recommendations by region (specifically Annex 7, pages 34-37), the main species of concern listed do not include any large cetaceans. Although not within the official remit of ASCOBANS, there is merit in including them here. So for the North Sea and Atlantic, minke whale and humpback whale could be specifically added since both of these suffer bycatch (but from different gear to small cetaceans). Bottlenose dolphin is singled out in the report although bycatch of that species tends to be lower than for white-beaked or Atlantic white-sided dolphin, whilst Risso's dolphin also is bycaught. If bottlenose dolphin is going to be named specifically, then those other small cetacean species should be mentioned as well.