

Agenda Item 6.2.1

Further Implementation of the Agreement

Conservation Issues

Monitoring and Mitigation of Small
Cetacean Bycatch

Document 6.2.1/Rev.1

Proposed Amendments to Resolution 8.5:

**Monitoring and Mitigation of
Small Cetacean Bycatch**

Action Requested

- Review the proposed amendments
- Introduce changes if needed
- Adopt the resolution

Submitted by

Joint Bycatch Working Group and Secretariat



Note:

Delegates are kindly reminded to bring their own document copies to the meeting, if needed.

Secretariat's Note

This document proposes updates and small amendments to existing Resolution 8.5, developed by the Joint ACCOBAMS-ASCOBANS Bycatch Working Group, in collaboration with the Secretariat.

Most additions to the operative paragraphs are based on Action Points and Recommendations adopted at the 24th and 25th Meeting of the ASCOBANS Advisory Committee.

In Revision 1, references to the two bycatch studies commissioned by ASCOBANS have been removed from the penultimate preambular paragraph, since the reports were not ready in time for the meeting. These studies are (i) cost-benefit analysis of different monitoring methods aboard fisheries with regards to cetacean bycatch, and (ii) cost analysis for mitigation measures in fisheries with high bycatch.

PROPOSED AMENDMENTS TO RESOLUTION 8.5:

MONITORING AND MITIGATION OF SMALL CETACEAN BYCATCH

NB: Proposed new text is underlined. Text to be deleted is ~~crossed-out~~.

Concerned that despite the efforts made so far by Parties, bycatch remains ~~a one of the~~ major causes of mortality for small cetaceans in the Agreement Area,

Conscious that available data indicate that levels of bycatch in the Agreement Area ~~may~~ threaten the conservation status of some small cetacean populations, for example, common dolphins and harbour porpoises,

Further conscious that different regions present different risks to cetaceans depending upon fishing practices, and the occurrence and conservation status of cetacean species,

Concerned that many human activities in the marine environment have a negative impact on small cetaceans and their habitats, and that consequently these species face multiple, cumulative and often synergistic threats with possible effects over large areas, including from activities taking place outside the Agreement Area, not only such as bycatch, but also prey reduction, pollution, habitat degradation, underwater noise, hunting and climate change,

Aware that bycatch in fisheries is not only a threat to the conservation status of small cetaceans and other marine species, but also has significant animal welfare implications,

Recalling the Conservation and Management Plan annexed to the Agreement, according to which modifications of fishing gear and fishing practices shall be applied in order to reduce bycatch where data indicates unacceptable interaction,

Also recalling previous related decisions on incidental take adopted by the Meeting of the Parties, in particular Resolution 3.3 No.3 of MOP3 and Resolution 5.5 No.5 of MOP5,

Welcoming the relevant work underway by the UN Food and Agriculture Organization, especially the FAO Technical Guidelines for Responsible Fisheries: Guidelines to reduce bycatch of marine mammals in capture fisheries,

Taking into account the outcomes of the ASCOBANS Expert Workshop on the Requirements of Legislation to Address Monitoring and Mitigation of Small Cetacean Bycatch (Bonn, Germany, January 2015); ~~and~~ the ASCOBANS Workshop on Further Development of Management Procedures for Defining the Threshold of 'Unacceptable Interactions' – Part I: Developing a Shared Understanding on the Use of Thresholds / Environmental Limits (London, United Kingdom, July 2015); and the ASCOBANS Expert Workshop 'Unacceptable Interactions' & Bycatch (Bonn, February 2017),

Following the submission of agreed Recommendations of ASCOBANS on the Requirements of Legislation to Address Monitoring and Mitigation of Small Cetacean Bycatch, to the European Commission in October 2015,

Conscious of the related work underway under the Convention on the Conservation of Migratory Species of Wild Animals (CMS) and *recalling* related decisions adopted by the Conference of the Parties to CMS, in particular Resolution 12.22 on Bycatch ~~9.18 on Bycatch, and Resolution 10.14 on Bycatch of CMS-listed Species in Gillnet Fisheries~~,

Conscious of the related work underway under the Agreement for the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS), and recalling related decisions, in particular Resolution 7.11. on Interactions between Fisheries and Cetaceans,

Welcoming the establishment of the Joint Bycatch Working Group with ACCOBAMS,

Mindful that Parties that are also EU Member States moreover have obligations for a system of strict protection under the EU Habitats Directive, as well as to monitor and reduce bycatch under the Habitats Directive, the Marine Strategy Framework Directive, the Common Fisheries Policy and EU Regulation 812/2004–2019/1241 on the conservation of fishery resources and the protection of marine ecosystems through technical measures,

Noting the review of Bycatch-related Fisheries Legislation in the ASCOBANS Area, presented in 2016 to this meeting as MOP8/Inf.6.2.1a, and

Further noting the Joint OSPAR-HELCOM workshop to examine possibilities for developing indicators for incidental bycatch of birds and marine mammals (September 2019).

The Meeting of the Parties to ASCOBANS

1. *Reaffirms* the positions previously agreed in Resolution 3.3 No.3 of MOP3 that:
 - (a) the general aim should be to minimize (i.e. ultimately to reduce to zero) anthropogenic removals (i.e. mortality), and in the short term, to restore and/or maintain biological or management units to/at 80 per cent or more of the carrying capacity;
 - (b) in order to reach this objective, the intermediate precautionary aim is to reduce bycatch to less than 1 per cent of the best available population estimate;
 - (c) a total anthropogenic removal (e.g. mortality from bycatch and vessel strikes) above 1.7 per cent of the best available estimate of abundance is to be considered unacceptable in the case of the harbour porpoise;
 - (d) if available evidence suggests that a population is severely reduced, or in the case of species other than the harbour porpoise, or where there is significant uncertainty in parameters such as population size or bycatch levels, then “unacceptable interaction” may involve an anthropogenic removal of much less than 1.7 per cent;

2. *Requests* the Advisory Committee to:
 - (a) complete its ongoing work in defining unacceptable interactions including consideration of scientifically-based environmental limits and triggers for ~~further~~ conservation action, consideration of a management framework, and re-evaluation of 1b, 1c and 1d above;
 - (b) keep under review new developments in bycatch monitoring and mitigation techniques;

3. *Requests* Parties and *calls upon* non-Party Range States to ensure (by species and/or management unit) that:
 - (a) they work nationally and regionally to improve quality and availability of fishing effort data (e.g. by region, gear-type, net length, vessel size category, season, and country) so that monitoring of effort by all vessels irrespective of size is better suited for more accurately determining bycatch mortality;
 - ~~(a)~~(b) monitoring programmes ensure robust estimation of cetacean bycatch for all relevant fisheries (irrespective of vessel size this may include for different vessel sizes) and through appropriate methods (e.g. dedicated observers, remote electronic monitoring, rapid bycatch assessment methods and other measures as appropriate);
 - ~~(b)~~(c) appropriate technical and other measures to mitigate cetacean bycatch are developed and tested, and those with proven effectiveness at reducing cetacean bycatch in

~~commercial fisheries should be implemented and their ongoing performance evaluated (this may include alternative fishing methods that are ecologically sustainable, pingers not audible to seals and alerting devices proven to be effective for appropriate mitigation, or gear-exchange schemes aiming at reducing bycatch);~~

4. *Calls upon Parties:*
 - (a) to work closely with the fishing sector in order to make use of its valuable knowledge and expertise to jointly tackle the issue of bycatch;
 - (b) to make available their implementation reports on EU legislation regarding cetacean bycatch to ASCOBANS as part of their national reports;
 - (c) to facilitate the provision of dead bycaught animals for scientific research purposes;
 - (d) to allocate the necessary funding for bycatch related issues in national and European financial planning and support schemes, including through the European Maritime and Fisheries Fund;
 - (e) to decide a management procedure approach to ensure that ASCOBANS objectives (e.g. minimizing bycatch whilst working towards a zero-bycatch target) are met;
 - (f) to take mitigation action as soon as possible where it is known that particular fisheries are resulting in relatively higher-level bycatch;
 - (g) to collaborate with the fishing industry and other relevant bodies to ensure that socio-economic information is collected alongside monitoring programmes and mitigation trials and implementation, so as to ensure that solutions fully embrace social and economic considerations;
 - ~~(e)~~(h) and other stakeholders to take note of the best practice advice contained in the report of the ASCOBANS Workshop on Remote Electronic Monitoring with Regards to Bycatch of Small Cetaceans (The Hague, Netherlands, October 2015), which covers stakeholder involvement, sampling design, data collection and analysis;
 - ~~(f)~~ (i) and other stakeholders to take into account potential effects on other species, such as other marine mammals, seabirds, marine turtles and sharks, when choosing mitigation measures, and to monitor such effects;
5. *Agrees* that the Secretariat and the Advisory Committee continue to provide input into the further development of assessment requirements relating to cetacean bycatch under relevant agreements and European legislation; ~~and~~
6. *Requests* the Secretariat and Advisory Committee to monitor, engage and participate as appropriate in relevant bycatch related work including the ICES Working Group on Bycatch of Protected Species (WGBYC), the Scientific, Technical and Economic Committee for Fisheries (STECF) established by the European Union, the Regional Coordination Groups, and work undertaken by ACCOBAMS, CMS, HELCOM, IWC, NAMMCO, OSPAR and other relevant organizations; and
7. *Encourages Parties to liaise with OSPAR, HELCOM, and other relevant organizations (including Regional Fisheries Management Organisations, Regional Coordination Groups, Advisory Councils for fisheries), on communicating relevant information and recommendations coming from the Joint OSPAR-HELCOM workshop (September 2019) to examine possibilities for developing indicators for incidental bycatch of birds and marine mammals.*