

Meeting: Roundtable on preventing by-catch of common dolphins and harbour porpoises in fisheries

26 June 2020, 10.30 – 13.00 | Virtual event

Short report:

Purpose of the meeting

Moderator Director Charlina Vitcheva, DG MARE

The Commissioner Sinkevičius had initiated this roundtable. There were over 100 people taking part. Last winter, many dolphins were washed up dead and marked by fishing gear on the beaches of the Bay of Biscay. And while harbour porpoise was once abundant and an important part of the ecosystem in the Baltic Sea, it is now very scarce. Public concern is increasing. ICES has produced advice on measures to protect dolphins and harbour porpoise.¹

Welcome by Commissioner Sinkevičius

He welcomed all participants and underlined that the topic needs special attention. He noted the strong participation from Member States, science and civil society. By-catch of protected species is a problem that has to be got under control. The situation of common dolphin and harbour porpoise has reached critical levels. COM asked ICES for advice. These are top predators, strictly protected. Sector involvement is crucial. The necessary rules are already in place, but their implementation is insufficient. Effective measures are needed to monitor where cetaceans are present. This will be discussed with Ministers at the Fisheries Council next week and MS will be called on to fulfil requirements.

Humberto Delgado Rosa, DG ENV, Protection requirements according to the Habitats Directive

He noted that all marine mammals are strictly protected under the Habitat Directive. Protection measures, such as deterrent devices need to be enforced and adequately controlled. By-catches must be minimised. Member States are required to monitor these measures; there is not enough co-operation between the Member States. Steps have been taken against certain the Member States to ensure implementation of measures. On-board observers and collection of data were mentioned. Quality data is needed. He was glad to see all stakeholders gathered. Cooperation between fisheries and authorities is essential – and to ensure they can make a living while observing measures.

Henn Ojaveer, International Council for the Exploration of the Sea, presented the ICES advice of 25th May on emergency measures for Baltic porpoises and Biscay dolphins and the background to this initiative from eNGOs ICES had evaluated the proposed measures. The existing rules of the CFP, Technical Measures and Habitats Directive were taken into account. The major threats to Baltic harbour porpoise are by-catch, pollution and underwater noise. The proposed measures (area closures combined with use of pingers) are appropriate to reduce by-catch of protected cetaceans. ICES proposed several technical amendments, mainly on spatial and temporal closures. Poor information is a problem, and data quality is poor in many cases (by-catch levels, population size). Observer coverage is low. ICES recommends enhanced monitoring.

Catherine Chabaud, MEP, presented a reaction to the ICES advice from a sailor's perspective. She presented images of dolphins from a sailing trip. Skippers have often dramatic experiences with collisions with dolphins. Pingers have never been implemented. There are also very numerous collisions with big ships. System REPCET is used in the Mediterranean to avoid accidental capture. Closure of fisheries is not enough; monitoring should be enhanced, fishing banned in areas frequented by dolphins, protection zones should be created, and dolphin-safe gears should be developed.

¹ <http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2020/2020/eu.2020.04.pdf>

Sarah Dolman, Whale and Dolphin Conservation, presented the NGO reaction to ICES advice. She spoke on behalf of 26 eNGOs who had prepared the proposal. She talked about the levels of cetacean by-catch in European waters. 10.000 cetaceans die every year in European waters as a result of by-catch. Member States have failed to implement effective measures. Baltic harbour porpoise is critically endangered. NGOs fully support the ICES advice and encourage the Commission to act. Emergency measures are required for harbour porpoise and dolphin. Member States should be held to account for decades of non-compliance. Funding should be secured from EMFF. And if there are to be regional joint recommendations, they shouldn't fall to the lowest common denominator.

Nils Höglund, Baltic Sea Advisory Council, presented the situation in the Baltic. Better data thanks to SAMBAH. BSAC has not dealt with the issue, but intends to do so at the EBM WG 21-22.9.20. He invited the Commission to this meeting. He focused on MPAS, control measures (monitoring) and use of pingers. The MPAs must have a clear purpose. He underlined that there must be an adaptive approach to MPAs. The MPAs cannot be cemented. Plans to form MPAs have to be introduced and discussed with fishermen at an early stage. As concerns monitoring, fishermen see cameras as an invasive tool, but NGOs consider them useful. On GPS tracking, coastal fishermen say these devices must be robust, possible to use on open boats. On pingers, he mentioned that they used to be big and heavy and attracted seals. Fishermen refused to use them. But new pingers are smaller. Fishermen say that if pingers do not hinder fishing operations, they can accept them. Financial support is needed for pingers. BSAC does not oppose workable and adaptive measures.

Director Charlina Vitcheva thanked Nils for presenting the view of the fishing sector. She commented that we have to be precise, results-oriented and not technology locked, but achieve the objective in the most efficient way. Technology is there and we have to examine the best way.

Chloé Pocheau from the South-Western Waters Advisory Council, presented the reaction of Bay of Biscay stakeholders. There is disagreement between members of SWWAC on implementing fisheries closures. The closure of the entire Bay of Biscay would have a huge socio-economic impact. SWWAC is working on the topic.

Susana Salvador, ASCOBANS presented the human impact on cetaceans in the Mediterranean and the Black Sea. She referred to the type of interactions, among others during trawling and gillnetting. Despite a ban of large mesh size driftnets, strandings still occur. Problem how to assess incidental catches. There are by-catch projects in the Mediterranean and the Black Sea.

Discussion

The moderator opened the floor for comments.

The Commissioner asked ICES a question: how much time do we have to put in place the measures to save the populations?

Henn Ojaveer answered that ICES is giving advice, but cannot enforce measures. Both cetacean species need protection. ICES has a problem with data availability. HP data originates from 2011 from SAMBAH. Management measures are urgently required.

Questions from NGOs: asking Commissioner what are the intentions to introduce measures?

Commissioner: no doubt something needs to be done. Member States can come up with effective measures. Important to implement them immediately. Monitoring also key element (part of Control Regulation).

COM will take necessary steps to introduce emergency measures, if the regional groups do not act.

Questions to BSAC: the Commissioner noted a good speech by BSAC representative (all positions taken into account). When can COM expect advice from BSAC? Why do we know so little about by-catch of HP in the Baltic?

Nils Höglund informed that BSAC plans to hold meeting on 21-22 September. Advice can be delivered two weeks after the meeting. There are many problematic issues to be discussed.

Referring to rate of by-catch, he noted that fishermen are afraid that this type of by-catch will affect their fishery and are afraid to communicate by-catch. They are afraid of public perception and that this type of bycatch will be the final nail to their passive coastal fishery. WE need to create an environment where they can report catches. But we have good relations with fishermen, we hope to get information.

Questions on financial support to fisheries sector on measures

The Commissioner answered that EMFF provides support, among others, for selective gears. EMFF can also be used in connection with emergency measures.

Will the Commission address **other factors** affecting harbour porpoise? In line with the requirements of Habitat Directive, the Commission is working closely with the Member States, HELCOM and BALTFISH to address these issues.

Elisa Roller COM informed that they had asked BALTFISH to work on joint recommendations on necessary tools to tackle the by-catch problem effectively. COM expecting MS to come forward with proposals.

Difficulties in monitoring, best to have observer: how can EU ensure the appropriate level of observers onboard? **COM** aware of the problem. Reasons for inadequate monitoring: observers costly, some vessels too small, skippers do not want to have their activities monitored. Only 2% of fishing activities monitored. CCTV is a solution, or REM. For COM, monitoring should be a legal requirement under Control Regulation. Need robust and comprehensive monitoring. MS to take on their responsibilities.

Question from NGOs: will DG ENVI start infringement procedure with MS not complying with Habitat Directive? **COM** is looking into this and will start this procedure.

Question on the level of by-catch of cetaceans in **pelagic trawls**? Harbour porpoise in the central Baltic is in critical state. MS should have the obligation, like for eel, to protect this species.

The Commissioner noted that there is a need to find the right balance between the interests of the fishing industry and measures to protect. Socio-economic consequences should be minimised as far as possible.

COM: REM can be used for monitoring of LO and by-catches of sensitive species. Control provisions should help the implementation. The COM Control proposal included them. Now with the co-legislators, not sure what the outcome will be and fear a watering down of the proposal. They called for support for their proposal.

Commissioner Sinkevičius concluded the meeting by thanking all participants, and DG MARE for organising the roundtable. A wide and interesting discussion. He summed up:

- All agree we need to protect sensitive species.
- All agree that the fishing sector should be able to do what it's best at: provide EU with tasty fish.
- The EU has a complicated legal procedure, but once rules are agreed, we have to respect them. If not, the COM has the obligation to step in.

We cannot continue with business as usual. We need immediate action based on the precautionary approach. Any action should be based on scientific advice. Lack of data is not an excuse. In the absence of joint recommendations, COM will come with the temporary emergency measures. But we need long-term, workable solutions.

Thoughts or recommendations to the BSAC for follow-up/action:

Come to the BSAC EBM WG on 21st and 22nd September 2020 to discuss this further.