

***Subject: Reducing marine mammal & turtle bycatch in EU fisheries through an effective new regulation on Technical Conservation Measures***

September 2017

Dear MEP, EU Member State Representative, European Commission,

In the European Union all marine mammals and turtles are protected under the EU Habitats Directive. Yet, for decades, incidental catches of these species in fisheries have been a major conservation and welfare concern with high numbers continuing to die in this way each year. Despite existing EU legal requirements to monitor and reduce bycatch, monitoring has been insufficient in most fisheries and areas and has thus frequently impeded the application of effective mitigation measures<sup>1</sup>.

The Commission's proposal for a [Regulation on the Conservation of Fishery Resources and the Protection of Marine Ecosystems through Technical Measures \(2016/0074\(COD\)\)](#) (hereafter referred to as the Technical Conservation Measures Regulation) currently under scrutiny by the European Parliament and the Council provides an opportunity to build upon the EU measures that are currently in place, to more effectively monitor and reduce bycatch of sensitive species such as marine mammals and turtles.

As experts on cetaceans and fisheries management, we are concerned by what appears to be an unambitious tone being set during the negotiations on this proposed legislation. For example, proposals have been made in the European Parliament to (a) remove the ban on driftnets in the Baltic Sea (where recent scientific assessments cite evidence that bycatch in gillnets continues to adversely affect the critically endangered population of Baltic Sea harbour porpoises estimated to number less than 500 individuals)<sup>2</sup> and (b) remove all bycatch monitoring and mitigation measures in South Western Waters (ICES sub-areas VIII, IX & X – Union waters of the Bay of Biscay, Spain, Portugal and offshore, including waters around the Azores) and CECAF zones 35 34.1.1, 34.1.2 and 34.2.0 (Union waters around Madeira and the Canary islands).

Once adopted, the Technical Conservation Measures Regulation is expected to be fundamental for ensuring Union-wide action to minimise, and where possible, eliminate incidental catches of marine mammals and turtles through effective monitoring and mitigation, in accordance with the strict protection required under the Habitats Directive.

We therefore urge you to ensure that the Technical Conservation Measures Regulation includes requirements to:

- more effectively monitor incidental catches of marine mammals and turtles, irrespective of vessel size, and report data annually to the EU;
- progressively minimise and, where possible, eliminate incidental catches of sensitive species;
- ensure that monitoring and mitigation are based on the best available science with credible assessment of their effectiveness;
- ensure that EU standards and compliance measures are set in every sea basin; and
- maintain the driftnet ban in the Baltic.

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<sup>1</sup> ASCOBANS. 2015. Report on the Expert Workshop on the Requirements of Legislation to Address Monitoring and Mitigation of Small Cetacean Bycatch. Bonn, Germany, 21-23rd January 2015. 37 pp.

<sup>2</sup> [http://ices.dk/sites/pub/Publication%20Reports/Advice/2017/2017/Baltic\\_Sea\\_Ecoregion\\_Fisheries\\_Overview.pdf](http://ices.dk/sites/pub/Publication%20Reports/Advice/2017/2017/Baltic_Sea_Ecoregion_Fisheries_Overview.pdf)

We call on you to guarantee that EU legislation is not weakened and that protection and conservation measures for sensitive species threatened by fishing operations are duly implemented and improved to minimize impacts on these species.

Sincerely,

The undersigned cetacean and fisheries experts

<b>Name</b>	<b>Affiliation</b>
Professor Àlex Aguilar	Universitat de Barcelona, Spain
Dr Matthieu Authier	Observatoire Pelagis, Université de La Rochelle-CNRS, France
Dr Simon Berrow	Irish Whale and Dolphin Group, Ireland Galway-Mayo Institute of Technology, Ireland
Dr Arne Bjørge	Institute of Marine Research, Norway Co-chair, International Whaling Commission (IWC) Bycatch Mitigation Initiative Chair, Norwegian Marine Mammal Scientific Advisory Board Member, ICES Working Group Marine Mammal Ecology (WGMME) Member, IUCN Marine Mammal Protected Areas (MMMPA) Task Force Norwegian delegate for IWC Scientific Committee
Patricia Brtnik	Deutsches Meeresmuseum, Germany German delegate for Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS)
Dr Kees (C.J.) Camphuysen	Royal Netherlands Institute for Sea Research, The Netherlands Utrecht University, The Netherlands
Ida Carlen	Chair, Jastarnia Group Coalition Clean Baltic, Sweden
Dr Julia Carlström	Swedish Museum of Natural History, Sweden Member, Baltic Marine Environment Protection Commission (HELCOM) Member, Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR) Swedish delegate for ASCOBANS
Professor Boris Culik	F <sup>3</sup> : Forschung. Fakten. Fantasie, Germany
Rob Deaville	Cetacean Investigation Stranding Programme, Zoological Society of London (ZSL), UK
Dr Geneviève Desportes	Former Coordinator for the ASCOBANS North Sea Harbour Porpoise Action Plan (2011-2015)

<b>Name</b>	<b>Affiliation</b>
Dr Peter Evans	Chair, ASCOBANS Bycatch Working Group University of Bangor, UK Sea Watch Foundation, UK
Professor Antonio Fernandez	University of Las Palmas de Gran Canaria, Spain
Dr Caterina Fortuna	Italian National Institute for Environmental Protection and Research, Italy
Dr Alexandros Frantzis	Pelagos Cetacean Research Institute, Greece
Luís Freitas	Head of the Science Unit, Madeira Whale Museum, Madeira, Portugal Portuguese delegate for IWC Scientific Committee
Tilen Genov	President, Morigenos - Slovenian Marine Mammal Society, Slovenia
Jan Haelters	Royal Belgian Institute of Natural Sciences, Belgium Belgian delegate for ASCOBANS
Sami Hassani	Océanopolis, France
Dr Helena Herr	Germany
Erich Hoyt	Co-Chair, IUCN MMMPA Task Force
Lonneke IJsseldijk	Utrecht University, The Netherlands
Dr Paul Jepson	Cetacean Investigation Stranding Programme, ZSL, UK
Sara Königson	Swedish University of Agriculture Science, Sweden Member, ICES Working Group for Bycatch of Protected Species (WGBYC) Member, Jastarnia Group Swedish delegate for ASCOBANS
Sven Koschinski	Meereszoologie, Germany
Dr Russell Leaper	UK delegate for IWC Scientific Committee
Dr Ana Marçalo	University of the Algarve, Portugal Member, ICES WGBYC
Dr Sandro Mazzariol	University of Padua, Italy Cetaceans Strandings Emergency Response Team, Italy Chair, IWC Expert Panel on Strandings Italian delegate for IWC Scientific Committee
Dr Sinead Murphy	Galway-Mayo Institute of Technology, Ireland
Dr Simon Northridge	Sea Mammal Research Unit (SMRU), University of St Andrews, UK Member, ICES WGBYC
Dr Giuseppe Notarbartolo di Sciarra	Co-Chair, IUCN MMMPA Task Force Deputy Chair, IUCN Species Survival Commission, Cetacean Specialist Group

<b>Name</b>	<b>Affiliation</b>
Dr Simone Panigada	Tethys Research Institute, Italy
Dr Iwona Pawliczka	Prof.Krzysztof Skóra Hel Marine Station, University of Gdańsk, Poland
Dr Helene Peltier	Observatoire Pelagis, Université de La Rochelle-CNRS, France Member, ICES WGBYC
Dr Graham Pierce	Instituto de Investigaciones Marinas (CSIC), Spain Spanish delegate for IWC Scientific Committee Member, IWC Standing Working Group of the Bycatch Mitigation Initiative Co-chair, ICES WGMME
Dimitar Popov	Green Balkans, Bulgaria
Dr Lindsay Porter	Co-Convener, Small Cetaceans IWC Scientific Committee SMRU (Hong Kong), University of St. Andrews, UK
Dr Violin St. Raykov	BlackSea4FishProject GFCM FAO Coordinator, Institute of Oceanology-BAS, Bulgaria
Dr Fiona Read	University of Aberdeen, UK Whale and Dolphin Conservation, UK Member, ICES WGMME
Dr Randy Reeves	Chair, IUCN Species Survival Commission, Cetacean Specialist Group
Professor Vincent Ridoux	Observatoire Pelagis, Université de La Rochelle-CNRS, France
Dr Meike Scheidat	Wageningen Marine Research, The Netherlands Dutch delegate for IWC Scientific Committee
Mark Simmonds, OBE	Humane Society International
Dr Renaud de Stephanis	Conservation Information and Research on Cetaceans (CIRCE), Spain
Dr Nick Tregenza	Chelonia Limited University of Exeter, UK
Dr Adriana Vella	Conservation Biology Research Group, University of Malta, Malta
Dr Els Vermeulen	Mammal Research Institute Whale Unit, University of Pretoria, South Africa Belgian delegate for IWC Scientific Committee