

## **The Need for Measures to Reduce Bycatch of Non-fish Marine Species (Marine Mammals, Birds and Turtles) Towards Zero.**

Response by the International Fund for Animal Welfare to the 2009 Green Paper:  
Reform of the Common Fisheries Policy.

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### Summary

The International Fund for Animal Welfare is concerned that little attention is given within the Green Paper to the broader environmental impacts of fishing. In particular, IFAW believes that the CFP reform should include substantive efforts to reduce bycatch of non-fish species including turtles, marine mammals and birds. In this document we focus on bycatch of marine mammals and particularly cetaceans (whales, dolphins and porpoises).

We are pleased to see that reducing fishing effort is seen as a key measure in reforming the CFP since reduction in effort should also benefit non-fish species that are bycaught. **When considering proposals for reduction in fishing effort, steps should be taken to identify those fisheries that have a high non-fish bycatch and fishing effort reductions should be targeted at those fisheries.**

## The need for measures to reduce bycatch of non-fish species towards zero

As an organisation with both a conservation and animal welfare remit, IFAW is particularly concerned about the bycatch of non-fish species in EU fisheries. This includes turtles, birds and marine mammals. In these comments we focus on cetacean bycatch because IFAW has had a long history of working on these issues<sup>1</sup>. Public concerns, including those buying fish products, reflect a view that bycatch of marine mammals should be reduced towards zero rather than just to levels that are considered safe from a conservation perspective. IFAW also believes that a fundamental aspiration of the CFP should be to minimise the ecological impacts of fishing including reducing bycatch of non-commercial species towards zero.

The Vision for European Fisheries by 2020 (section 1 of the document) fails to mention decreasing the ecological impact of fisheries and ensuring that the CFP takes into account other EU environmental requirements such as the Habitats Directive<sup>2</sup>. IFAW believes that the vision for 2020 should include a statement regarding the broader environmental impacts of fishing and particular an aspiration regarding phasing out bycatch of non-fish species.

From a fisheries perspective, the current situation regarding overcapacity and overfishing is clearly stated. However, the consequences of this situation for non-fish bycatch is not considered, The previous CFP reform in 2002 commitment to ensure the integration of environmental concerns into fisheries management is briefly mentioned. This commitment should be continued and strengthened.

Section 4.2 poses the question as to how the objectives regarding ecological, economic and social sustainability be defined in a clear prioritized manner. IFAW believes that ecological sustainability should be considered in a broad sense. In addition to the impact on target and non-target fish species, the impacts of fisheries on the marine environment should be minimized. This means, *inter alia*, working towards a zero bycatch of non-fish species, such as marine mammals, turtles and sea birds.

The Green Paper proposes a differentiated regime to protect small-scale coastal fleets (section 5.1). We urge that some caution be applied in taking this recommendation forward as it is likely that several such fleets will have high bycatch of non-fish species. Only small-scale coastal fleets with a low non-fish bycatch should be protected in this way and contingent on such protection, measures need to be implemented to further reduce such bycatch towards zero.

Section 5.5 considers the integration of the Common Fisheries Policy with other maritime sectors including environmental matters. The Marine Strategy Framework

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<sup>1</sup> See for example. Haelters, J and K.C.J. Camphuysen. 2009. The harbour porpoise in the southern North Sea: abundance, threats, research and management options. Report to IFAW. 56 pages. [http://www.ifaw.org/Publications/Program\\_Publications/Whales/asset\\_upload\\_file741\\_55396.pdf](http://www.ifaw.org/Publications/Program_Publications/Whales/asset_upload_file741_55396.pdf)

<sup>2</sup> With respect to cetaceans, Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora gives strict protection status to cetaceans and requires Member States to undertake surveillance of the conservation status of these species. Member States should also establish a system to monitor the incidental capture and killing of these species, to take further research and conservation measures as required to ensure that incidental capture or killing does not have a significant impact on the species concerned.

Directive is listed as the key Directive in this regard. However, there is no mention of other key environment legislation. These are discussed by Caddell (2005) and include Council Regulation (EC) No 812/2004<sup>3</sup>, the Habitats Directive, the Birds Directive and measures to restrict driftnet fishing in the Mediterranean and Baltic Seas.

Bycatch of cetaceans has been recognised as a serious problem for several EU fisheries including for critically endangered populations such as the harbour porpoise in the Baltic Sea. Specifically, Council Regulation 812/2004 states that '*The scientific information available and the techniques developed to reduce incidental capture and killing of cetaceans in fisheries justify additional measures being taken to further the conservation of small cetaceans in a consistent and cooperative manner at Community level*'. The Regulation lays down measures concerning incidental catches of cetaceans in fisheries including requirements to use acoustic deterrent devices, requirements to monitor bycatch and a ban on the use of drift nets in the Baltic Sea.

In 2008, the ICES study group for bycatch of protected species<sup>4</sup> noted a lack of comprehensive information on the bycatch of harbour porpoise in fisheries in EU waters and no recent estimates of total bycatch for harbour porpoise or any other marine mammal species in the North Sea. Hence it was unable to evaluate whether or not the OSPAR Ecological Quality Objective for the North Sea of a bycatch of less than 1.7% of the best population estimate had been achieved for harbour porpoises. The ICES group also identified a number of problems with implementing Regulation 812/2004 including widespread failure to introduce the use of pingers into the identified problem fisheries.

IFAW supported the introduction of Regulation 812/2004 as a step towards addressing the problem of cetacean bycatch. However, it is clear that the Regulation on its own will not fully address the bycatch problem even for the cetacean populations it is specifically aimed at. Reducing fishing effort is a key measure in the Green paper and this has the potential for being one of the most effective measures to also reduce bycatch of non-fish species. Effort reductions should be targeted in a way that takes into account the potential to reduce bycatch. In addition, the CFP should require the implications for bycatch of changes in fisheries practices to be considered in advance.

## Reference

Caddell, R. 2005. By-catch mitigation and the protection of cetaceans: recent developments in EC law. *Journal of Wildlife Law and Policy*, 8:2, 241-259.

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<sup>3</sup> Council Regulation (EC) No 812/2004 of 26.4.2004 laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) No 88/89

<sup>4</sup> ICES. 2008. Report of the Study Group for Bycatch of Protected Species (SGBYC) 29-31 January 2008. ICES, Copenhagen, Denmark. 88 Pages. Downloaded 30 December 2009.  
[http://www.ices.dk/reports/ACOM/2008/SGBYC/SGBYC\\_2008.pdf](http://www.ices.dk/reports/ACOM/2008/SGBYC/SGBYC_2008.pdf)