

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 measures¹.

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)² 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.

¹ 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.

² 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

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