



CONSEIL CONSULTATIF POUR
LES EAUX OCCIDENTALES
SEPTENTRIONALES

NORTH WESTERN
WATERS
ADVISORY COUNCIL

CONSEJO CONSULTIVO PARA
LAS AGUAS
NOROCCIDENTALES

Draft minutes

ADG Cetaceans Bycatch

Virtual meeting

07.09.2020

Participants

Johnny Woodlock (JW)	Irish Seal Sanctuary	OIG	IE
Hugo Boyle (HB)	ISEFPO	IND	IE
Lydia Chapparro (LC)	Fundació ENT	OIG	ES
Puri Fernandez (PF)	ANASOL	IND	ES
Luis Francisco Marin (LFM)	OPPAO	IND	ES
Jésus A. Lourido (Chair) (JLG)	Puerto de Celeiro, OPP-77	IND	ES
Perrine Ducloy (PD)	CNPMEM	IND	FR
Jean-Marie Robert (JMR)	Pecheurs de Bretagne	IND	FR
Ursula Krampe (UK)	DG MARE		
Mo Mathies	NWWAC Secretariat		

Welcome (Jesús A. Lourido Garcia, Chair, Président, Presidente)

The Chair welcomed the participants, the agenda was adopted.

Minutes of last meeting

No comments. The Secretariat informed the members that information received from the MSG was limited and no copy of the original COM request was shared.

Update from DG MARE (Uschi Krampe, Policy Officer, MARE C.1)

The Commission's initiative regarding the accidental bycatch of cetaceans started with a letter from the NGOs to the Commission in 2019. The COM then sent invitations to the different sea basins (NWW and SWW) to do something to protect the common dolphin in the Bay of Biscay, request in November 2019 to the NWW HLG. The invitation included mention of closure areas, use of acoustic deterrent devices, application of the Technical Measures Regulations, and to ensure the establishment of Joint Recommendations.

The COM requested advice from ICES which was issued on 26 May 2020 for the Bay of Biscay, proposing a number of measures to protect the common dolphins. This advice proposed several



measures to protect common dolphins. The measures were established in an order of magnitude ranging from 2-week closures to 3-month closures and the use of pingers.

This ICES advice is being followed up by the SWW group who have already submitted a JR to the Commission. It would be good having coordination between the SWW and NWW as the problem extends to the whole French coast as well as Ireland. The Commission would like to avoid establishing emergency measures.

Measures for control and monitoring are also needed. A letter of formal notice was sent to FR, ES, Sweden concerning the Habitats Directive (DG ENV), calling upon the lack of monitoring and not fulfilling the requirements of Art 12 Paragraph 4.

The Thuenen Institute (DE) have tested alternative pingers which may be interesting for this group to look at. The work was carried out as part of the BALTFISH project and showed that these new particular pingers are better suited to scaring off harbour porpoises. They also developed an application to control activities at sea allowing to record start and finish of the journeys, when nets are deployed and taken in again and report this to the relevant MS.

For the SWW immediate measures are needed and the COM strongly encourages the NWW to submit recommendations. The NWW HLG has submitted draft recommendations already, the AC should request those.

JW: This COM request specifically was made regarding with common dolphins, but COM has also raised point on harbour porpoises. Should advice cover marine mammals not covered under the LO?

UK: The ICES request from the Commission was specifically on common dolphin and Baltic harbour porpoise. ICES proposes more extensive measures for the common dolphin in the Bay of Biscay.

JLG: This group is working specifically on the request by the COM.

PD: Precision is needed from DG MARE regarding the statement that Bay of Biscay goes further North and must be discussed in this AC, what is meant exactly by this? The common dolphin population is effectively in both the SWW and the NWW but the main problem is in the Bay of Biscay. What do we need to discuss specifically in the NWWAC?

UK: The ICES advice was requested for the Bay of Biscay based on the letter from the NGOs in 2019. In the meantime, the COM has realised that this problem is not only in the Bay of Biscay, and needs to be addressed in the long-term in the NWW as well. There is no imminent request to the NWWAC for the moment, but a letter has been sent on the unfavourable conservation status to the NWW HLG who has been working on draft advice. The AC should take position on what the HLG is working on.

LC: Is the COM aware that in August the Spanish government presented a draft order establishing measures in relation to the fishing activities to avoid bycatch in the Atlantic area?

UK: No, the COM has not been contacted regarding this yet. This should of course fit into the JR as the SWW has submitted their 2nd draft to the COM.



LC: NGOs are not very happy as the order does not mention temporal closures and other important measures. LINK: <https://www.mapa.gob.es/es/pesca/participacion-publica/ordencetaceos2720.aspx>

UK: The COM is aware that Spain was working on something, however, this does not seem to be based on the ICES recommendations. Long-term measures are needed as this problem will not disappear in 6 months. Urgent action must be taken as well as long-term measures. A regional approach is preferred as opposed to emergency measures.

JLG: The Spanish approach is complementing the JR.

LFM: The draft order is referring only to the SWW, not to the NWW. Also, as far as we know the COM asked the MS to send a new JR as the COM didn't deem the first draft suitable, the deadline was in the summer. Was this sent?

UK: The new draft JR arrived 02 September with the COM and are currently being evaluated. The problem was that the first JR had been sent before the ICES recommendation had been published and thus could not take those into account which led to the COM requesting a redraft. Apparently, there are common dolphin strandings along the French coast.

PF: Is the COM expecting to put forward a special request as regards their recommendations to the NWW? This would be useful as a basis for the NWWAC's advice. Are there any specific recommendations for the NWW?

UK: For the moment this is not planned, however, it may happen in the future. It depends on the unfavourable conservation status of the common dolphin in the NWW. Indeed, there is no imminent request at the moment, it is more of a request regarding how the AC would approach this topic.

JW: Early in 2019 and into the winter 2019 a lot of common dolphins washed up in the Bay of Biscay which was the basis for the COM request to ICES. In Ireland there is a cetaceans strandings group and there are clusters in Ireland of bodies washing in on the South coasts which have been attributed to the fishing industry, rightly or wrongly.

PD: T2nd draft of the JR is still a draft as there is no consensus at this time between the MS of the SWW HLG which may be why the ACs have not been consulted. There seem to be some major disagreements between France, Spain and Portugal so the draft is with the COM for feedback.

ACTION: Secretariat to contact HLG regarding draft advice and the SWWAC regarding the draft JR.

Discussion of documents and comments received

The Secretariat received no comments.

Terms of Reference



PF: The ToR need to be modified according to what the COM discussed. Not sure if this is going to be an advice doc or a different type of document. How can the AC work further on the recommendations without all the necessary documentation available. The AC needs to ask for a special petition for research on the NWW cetaceans, and following completion of same collaborate with the MS.

Secretariat: Should this take the form of a non-recurrent request to ICES? These need to be very specific, and an example of this can be seen on the [NWWAC website](#) in relation to seismic impacts.

HB: I support Puri's proposal, but in general not in favour of asking ICES for recommendations. Common dolphins are a highly mobile species and it is not clear if a lot of mortality is due to fishing activity. So it would be better to see more science instead of anecdotal evidence.

JW: Without mandatory reporting it is hard to say where the mortalities are coming from. This must be based on science and all cetacean bycatch must be recorded. I would rather see this request expanded to marine mammals or for example reptiles which may become more common with climate change.

JLG: Data collection is very important. Spain have been requested to fulfil their legal obligation on the monitoring of cetaceans.

PD: The request from COM is specifically for common dolphins, it would be difficult to extend this if all marine mammals need to be considered.

Secretariat: change deadline to 31/12/2020

JM: DG MARE told NWWAC that it would be useful to do something but looking at the ICES report the problem is with dolphins in the Bay of Biscay, not in the NWW. This group needs to respect the competencies of the various ACs and it is the SWW MSG that must act. The ICES advice is only talking about the Bay of Biscay so NWW is in a less problematic situation. The NWWAC should request better information and possibly an assessment by metier in the NWW. Is there an acceptable number of bycatch dolphins and/or should the number of bycaught dolphins reduce year on year? The NWWAC must liaise with its MSG and identify what needs to be done.

LC: Of course common dolphins are a protected species so bycatch should be avoided as much as possible. More scientific information is needed, but we also need data collection and monitoring. As mentioned by JW bycatch reporting should be mandatory. Fishing needs to be carried out in the most sustainable manner and there are ways to prevent all these bycatches.

JLG: For the NWW there are regulations stating minimum requirements regarding data collection and monitoring.

JW: Marine mammals are protected species and ideally there should be zero bycatch. The recording of bycatches should be mandatory so that data is being collected. The industry may think that the bycatch is anecdotal, however, bodies wash up on beaches.

JLG: It is important to know that these are accidents with dolphins, no fishermen want to catch dolphins. The NWWAC must insist on minimum data collection by MS.

PF: It is necessary to change the order of ToR objectives.



Secretariat made the necessary change.

ACTION: Secretariat to assist in drafting letter for request to ICES.

Drafting of advice document

ACTION: Group members to review discussion document and send comments to Secretariat.

PD: I agree that members need to comment on the draft discussion document but for recommendations the group will need to await information from MSG.

Timeline and summary of action points agreed

ACTION: Secretariat to contact HLG regarding draft advice and the SWWAC regarding the draft JR.

Update 07/09: Secretariat contacted member of DAFM and was told that there is no draft JR but that this is high on the priority list. A copy of the original COM letter has been requested.

ACTION: Secretariat to assist Puri Fernandez in drafting letter for request to ICES.

ACTION: Group members to review discussion document and send comments to Secretariat.

Next meetings: one week after document from MS is received.