

## OPINION

### North Western Waters Regional Advisory Council

#### Response to Consultation on a EU Action Plan for Seabirds

##### 1. Background - Abstract

The NWWRAC welcomes the opportunity to respond to the Commission's consultation on an EU Action Plan for Reducing Incidental Catches of Seabirds in Fishing Gears.

The NWWRAC is aware that the incidental mortality of seabirds in commercial fisheries in EU waters may pose a significant threat to certain seabird populations, in some fishing areas and at certain periods, and contributes to declines in a number of populations, especially of the family Procellariiformes which includes the albatrosses (caught by EU vessels in external waters), petrels and shearwaters. The consultation document (p. 6) is correct in stating that: *'These species are generally long-lived and their populations are highly sensitive to changes in adult survival. The additional mortality induced by incidental captures in fisheries is therefore a significant danger to them.'* The NWWRAC would also emphasize that fishing should not be considered alone and that the Commission needs to take other threats into account in a more integrated approach.

Fishermen of course do not go to sea to catch birds, and the unwanted interaction of seabirds with fishing gears can also have an adverse effect on fishing productivity and profitability. The NWWRAC notes that, particularly in longline and trawl fisheries, there are simple and effective technical fixes, which, applied on vessels in the correct combination, can virtually eliminate seabird bycatch, to the benefit of seabird populations and vessel income. The NWWRAC also draws attention to the fact that there are no 'one-size-fits-all' solutions to this interaction between seabirds and fishing vessels, so action needs to be (a) tailored as appropriate to regional or local circumstances and (b) proportionate to the level of threat.

For the above reasons, and additionally because of the legal obligations of the Marine Strategy Framework Directive and the ongoing reform of the CFP, the NWWRAC fully supports the concept of a dedicated European Union Plan of Action (PoA).

To be effective and useful, the Commission needs to put in place the funding necessary and commit to coordination between Member States, in particular concerning research. Furthermore, the priority actions should be for the most threatened populations.

## **2. Need for Tailored solutions**

Bycatch of seabirds occurs in a variety of fishing gears, and although the consultation rightly highlights hotspots of interactions between seabirds and gears, and priority steps to be taken, this not a comprehensive treatment of all EU fisheries and gears which incur seabird bycatch, particularly given the lack of monitoring and obligation to report such data.

It is important that any knowledge gaps relating to seabird bycatch are filled as a matter of urgency [more on this under ‘Monitoring and data collection’].

Given the diversity of fisheries interacting with seabirds, the NWWRAC believes it is important that, should a bycatch problem be identified, solutions are tailored to local conditions and specificities. A vital element of this will be a collaborative approach, working with fishing communities to determine the best practice for their respective fisheries. Adaptive management, to trial and improve practices over time in the light of experience and dedicated research, will be a feature built-in to this consultative approach.

Crew safety is an essential element of any mitigation measures that are introduced, and all mitigation measures should be consistent with a safe working environment for fishermen.

## **3. Monitoring and data collection (including measuring efficacy of current measures in place)**

The ICES assessment for an EU PoA highlighted major gaps in data and its collection. A major barrier to improving this is that Member States are not obliged to collect or report seabird bycatch data under the current EU legislative framework (Consultation p. 5). The Data Collection Regulation should be amended accordingly; the success or otherwise of the EU PoA can not be properly measured without adequate monitoring and reporting.

However, any such new obligation on Member States needs to be framed in such a way as to ensure it is practical and capable of delivery, given that incidental bycatch of seabirds can be an occasional and unpredictable event.

Adequate monitoring will require reliable systems of data collection, particularly independent onboard observers, working to data collection protocols.

Observers (or equivalent remote recording) are essential to collect independently verifiable and robust data and need to be placed on a sufficiently representative sample of vessels, observing sufficient levels of fishing activity, to achieve a realistic estimate of bycatch. It is important that small-scale coastal fisheries are included in this approach; for these, however, observers may not be practicable and logbook recording may be more appropriate.

A pragmatic area based approach to data collection should be implemented. Observation effort and data collection obligation should initially be concentrated in key fishery-seabird interactions. The implementation of the Birds Directive should be used and should put a special onus on the need to ensure that fisheries are 'seabird-friendly' in Natura 2000 sites, since these areas are the 'most suitable territories' for protected bird species

#### **4. Investment**

Funding will be needed for, e.g., education, training and outreach, mitigation research and implementation of mitigation measures, and data collection. Member States can draw on the EFF to achieve progress in the implementation of an ecosystem approach by promoting measures such as the improvement of knowledge and fisheries management, training of fishers in low-impact fishing practices, and development of practices and technologies with low impact on the environment (e.g. COM (2008) 187 final<sup>1</sup>, p. 10). However, it will be challenging for EFF capacity to support measures under the EU PoA. Thus, sufficient central funding needs to be made available to support the development and implementation of an effective EU Plan of Action.

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<sup>1</sup> COM(2008)187 final: The role of the CFP in implementing an ecosystem approach to marine management.

## 5. Training

The NWWRAC believes that advocacy on mitigation measures with the industry needs to be preceded by awareness-raising about the rationale and justification for taking action to ensure buy-in. For example, any one vessel may inflict incidental mortality of only a small number of birds per trip, or spread over a number of trips, so the perception of damage may be slight. It is important, therefore, to create an understanding of the *cumulative* impact of vessels in their metier, which can be substantial on a species protected under EU law.

Education, training and outreach should not focus solely on the conservation benefits for seabirds but also, in longline fisheries, on the expected increased fishing efficiency through eliminating bait loss to seabirds and increasing the proportion of intact baited hooks sinking to their fishing depth.

## 6. The role of the NWWRAC

The NWWRAC supports the statement in the consultation that *'Action should aim at engaging cooperation with the different RACs and developing guidelines specific to the regional area covered by each'*. The NWWRAC believes that it is equally important that experience, knowledge and skills are shared between the RACs and Member States.

It may thus be appropriate for the Commission to set up a collaborative group comprising the fishing sector, scientists, NGOs and management authorities, with a remit to consider the efficacy of the PoA.

The NWWRAC takes note of the statement (Consultation, p. 6) that *'A survey on the Galician fleet operating at the Grand[sic] Sol fishery, in North East Atlantic, estimated a very high rate of incidental catches taking into account the global standards.'* The NWWRAC has access to the details of this problem in ICES Area VII through its NGO participation on the RAC and is willing to engage on the issue.

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