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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: By-catch of common dolphins, harbour porpoises and other protected
species in fishing gear – a call for urgent action
- Information from the Commission

Delegations will find in the Annex an information note from the Commission on the above subject, to be dealt with under 'Any other business' at the Council (Environment) meeting on 5 March 2020.

**By-catch of common dolphins, harbour porpoises and other protected species in fishing gear
- a call for urgent action**

- Information from the Commission -

Strandings of common dolphins marked by fishing gear along the shores of the Bay of Biscay have reached record levels both this and the previous winter. Last year some 1200 dolphins were found dead on the beaches of the Bay of Biscay, and many more are estimated killed in fishing activities. This winter, similar figures are being reported. By-catch is also one of the main pressures on the critically endangered Baltic Sea harbour porpoise - which is facing extinction. Public concern about these issues is high and is building.

The problem of by-catch (capture of non-target species in fishing gear) not only affects marine mammals, but also sea turtles and seabirds. It is estimated that each year 200,000 seabirds and 70,000 sea turtles are captured by the EU fishing fleet. This is despite the strict protection obligations that exist under EU legislation.

The Birds and Habitats Directives provide a comprehensive conservation framework and require strict protection of these species, including prevention of deliberate capture and killing, monitoring of incidental capture and killing and measures ensuring that there is no significant effect on the species concerned. Under the Marine Strategy Framework Directive, Member States need to ensure that by-catch of birds, mammals, reptiles and non-commercially-exploited species of fish and cephalopods is below levels, which threaten the species or their long-term viability. Similar measures are required for other sensitive species like sharks protected under international conventions. Rules exist under the common fisheries policy, notably under the fisheries data collection framework, the Control Regulation and the Technical Measures Regulation, that require the establishment of robust data collection systems and the implementation of effective mitigation measures, especially through regional cooperation of the Member States.

The Commission is taking this issue very seriously. As announced in the European Green Deal, the forthcoming EU Biodiversity Strategy will call for concrete actions to address the main causes of biodiversity loss, including in the marine environment. This means, as a first step, ensuring better data collection on by-catch, enhanced control, and full implementation of existing conservation legislation.

The Commission reminds Member States of their obligations to fully implement EU fisheries and environmental legislation, including through close cooperation of environment and fisheries authorities and regional coordination between the Member States. Urgent action is needed, in particular, in fisheries at risk of taking common dolphins and Baltic harbour porpoises, to reduce and where possible eliminate such by-catches. Urgent action is also needed concerning by-catches of other sensitive species such as large sharks, seabirds and turtles.

The Commission is considering possible actions to promote compliance, including further engagement with and support to Member States and their regional groups and requesting scientific advice. Where necessary, emergency measures and/or enforcement action will be taken.