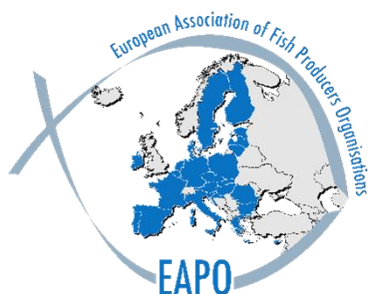


European Association of Fish Producers Organisations

Association Européenne des Organisations de Producteurs dans le secteur de la pêche



EAPO / AEOP

H. Baelskaai 20 – 8400 OOSTENDE (Belgium)

Tel: +32 59 43 20 05

e-mail: info@eapo.com

website: www.eapo.com

Letter by e-mail attachment to:

Ms. Charlina VITCHEVA: Directorate-General for Maritime Affairs and Fisheries
(Charlina.Vitcheva@ec.europa.eu)

EAPO23-43

Oostende, 16 June 2023

EU Transparency Register number: 46491656228-65

Dear Ms. Vitcheva,

Subject: Measures to reduce Dolphin bycatches in the Bay of Biscay

EAPO, aware of the issue and its European dimension, wishes to discuss **ICES' advice¹ and report² on mitigation measures to reduce bycatch of common dolphin in the Bay of Biscay and Iberian coast and highlight all the work in progress around data collection and bycatch reduction devices.**

Dolphins in the North-East Atlantic are considered as a single population ranging from Northwest Africa to Norway. Pending the results of the SCANS IV survey in 2022 and information provided by modelling work carried out as part of the European project Cetambicion, ICES has not observed any major changes since the last state of knowledge in 2020: Increase in size from 1990 to 2010 and stabilization since then. The population is estimated to be around 635 000 individuals.

Moreover, in the winter of 2021, an aerial survey within Atlantic waters of the French EEZ was completed (SAMM - Suivi Aérien de la Mégafaune Marine), the first campaign having taken place in 2011-2012). The main result of this campaign, when compared to the 2011 one, is that the distribution of small delphinids (mainly common dolphins) was more dispersed in 2021 than in 2011-2012: sightings of small delphinids over the shelf area of the Bay of Biscay were very numerous. Common

¹ ICES. 2023 (b). EU additional request on mitigation measures to reduce by-catches of common *dolphin* (*Delphinus delphis*) in the Bay of Biscay. In Report of the ICES Advisory Committee, 2023. ICES Advice 2023, sr.2023.01. <https://doi.org/10.17895/ices.advice.21946634>

² ICES. 2023 (a). Workshop on mitigation measures to reduce bycatch of short-beaked common dolphins in the Bay of Biscay (WKEMBYC2; outputs from 2022 meeting). ICES Scientific Reports. 5:3. 66 pp. <https://doi.org/10.17895/ices.pub.21940337>

dolphin abundance in winter in the surveyed area (including the shelf area of the Bay of Biscay) was estimated to be stable at 181,620 individuals (95% confidence interval 128 600 – 258 050; Laran et al., 2022).

This change of distribution could explain the increase in dolphin strandings, as the fishers' practices (mesh size, fishing grounds) have not changed.

Regarding estimates of accidental bycatch, through observations at sea, ICES 2023(a) notes an increase in 2019-2020 (5.938 [IC 95% 3.081-9.700]) compared to estimates from 2016-2018 (3.973 [IC 1.998-6.598]). However, it believes that this increase could be due to a methodological bias relating to the determination of fishing effort reported by different Member States for certain types of fishing (a very significant increase). The estimates of accidental bycatches are correlated to the estimate of the population. The results of the SCANS IV survey will enable an update of both the overall population and the bycatch estimates. At this stage, it is important to highlight that ICES does not recommend conservation objectives. This is left to the Member States.

In its 2023 advice, ICES highlights uncertainties in knowledge of the extent and the dynamics of the species' distribution area and abundance, as well as the availability of reliable bycatch estimates for the entire range of the species distribution area. Moreover, *“Given the low observation rates in several métiers of concern, ICES reiterates the issues of data quality, representativity and coverage. ICES recommends enhanced monitoring to assess the effectiveness of management measures (including pinger use) and to augment precision in bycatch mortality estimates of common dolphin.”*



To address the shortcomings identified by ICES in its advice, a new French Marine Mammals Action Plan has been implemented to increase monitoring and compliance. This will in turn ensure better data coverage, representativity and quality. These are the measures that have been set up:

- 100 vessels will be using on board CCTVs
- Obligation to embark observers for all vessels over 15m, using pelagic trawls or nets in ICES area 7 & 8
- Mandatory installation of VMS for all netters and pelagic trawlers under 12 m.
- More than 200 vessels will have to try a technical mitigation device (for more details, please find attached technical documents in Annex)

As an important sidenote, the recent decision of the French jurisdiction (“Conseil d’Etat”) published on the 20th of March, will impact the implementation of the Marine Mammals Action Plan.



The Spanish administration has also set up its own *“Plan nacional para la reduccion de las capturas accidentals en la actividad Pesquera”*. This national plan addresses bycatches of Marine birds, marine mammals, and marine turtles.

The plan will work towards ensuring that at risk fleets are equipped with monitoring devices and that they can report all accidental bycatches. Moreover, a specific ministry decree will be set up to make mitigation devices mandatory onboard. The Spanish Administration will also work to equip Spanish vessels with CCTVs to improve monitoring.

These measures alongside mandatory bycatch declaration will improve data on bycatch, observation rates on all high risks métiers, increase coverage and representativity.

All these actions are a part of an important program of actions, which have been put in place since 2017 in France, and also in other countries affected by accidental bycatches of cetaceans, aiming to

1/ Quantify bycatches 2/ Understand interactions between cetaceans and fishing gears 3/ develop mitigations solutions.

Thus, more than 10 projects have been developed and are still ongoing:

[LICADO](#), [DOLPHINFREE](#), OBSENPECHE, [DELMOGES](#), [PIC](#), [PIFIL](#), [OBSCAME](#), [CETAMBICION](#),...

Before listing the efforts made in terms of Bycatch mitigation, we would like to address the issues around bycatch reporting in the recent years. Producer Organizations have worked hard, in coordination with national administration and other fishers' organizations to ensure bycatches are reported by fishers as required since 2018 and encouraged them to do so. From the fishers' Atpoint of view, this could be seen as a damned if you do, damned if you don't situation. Declaring bycatches would lead to area closures and increased pressures from NGOs and social networks but not declaring would lead to closures for the whole Bay of Biscay.

Moving back to issues around bycatch mitigation, according to ICES's "EU additional request on mitigation measures to reduce bycatches of common dolphin (*Delphinus delphis*) in the Bay of Biscay and Iberian Coast", "there is presently limited, but promising, evidence of the effectiveness of pingers in mitigating common dolphin bycatch". Fishers in the Bay of Biscay have been working since 2017 to prove that pingers can be effective in reducing common dolphin bycatch. In 2022, pingers have been used by all Bay of Biscay Spanish bottom trawlers and on-board observers have observed a significant reduction in Common Dolphin bycatch. A table summarizing the bycatch mitigation of these devices is available in annex 1.

Moreover, French research project PIC has been able to assess the effectiveness of Dolphin Deterrent Device to a 65 % reduction in bycatch rate. Data from the UK, that needs to be further explored has also shown that DDD-03 was effective at reducing common dolphin bycatch in bass pair trawl fishing. Similar projects are being carried out on netters, using net reflectors on gillnets as well as pingers on the nets or on the Hull of the vessel. For more details on the trials made, and the results, please find attached a summary, which is extract from the WKEMBYC2 Scientific report (ICES. 2023 (a)).

It is important to note that ICES 2023 (a) says spatial closures are the most effective management measures in the short term to reduce dolphin bycatches but it does not say these measures are necessary in the short term.

EAPO would like to insist that full spatial closures are not the only short-term management measure that exist and that in advising spatial closures, ICES 2023 (a) does not consider the socio-economic impacts.

Finally, an ongoing discussion is taking place on the need for partial spatial closures. The lack of scientific data showing the existence of dolphin hot spots makes such areas useless.

We wish to highlight the perceived issues resolving from recommending closures when more real-life conditions tests need to be carried out. The main goal of the fishers impacted by accidental bycatches is to achieve a sustainable cohabitation between their practices and the cetacean's, despite climate change impacts. We would also like to highlight the need for a more progressive approach as suggested by ICES. This would give fishers time to effectively test and provide results on new pingers. In a new advice, with new data on the effectiveness of pingers, we could see a mandatory use be implemented instead of a full zone closure.

Increased compliance through increased monitoring and increased testing of promising pingers and common dolphin bycatch mitigation devices has been identified as the way forward for the sector.

The recently published Marine Action Plan set 2024 as the deadline to adopt National measures and Joint Recommendation to minimise bycatch of Common Dolphin in the Bay of Biscay. The infringement procedures set the deadline to set measures in 2024. As research projects and the French marine mammals action plan will be giving results in 2024, we request that spatial closures be postponed until these results are known.

We hope that with this letter, we have highlighted all the measures and projects led by the industry to address the issues relating to common dolphin bycatch. In our view this clearly identifies the need to wait for improved data and results before setting up area closures. EAPO is keen to meet and further elaborate on this issue at your convenience.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'ES' followed by a stylized name.

Esben Sverdrup-Jensen

President of the European Association of fish Producer Organisations

Annex 1: Table summarising different mitigation trials and their characteristics carried out on midwater pair trawlers in France (PIC project), on purse-seiners in southern Portugal (iNOVPESCA project), and on bottom pair trawlers in Spain (Miticet project).

	PIC project	iNOVPESCA project	Miticet project
Métier	Midwater pair trawlers (PTM)	Purse-seiners (PS)	Bottom pair trawlers (PTB)
Country	France	Portugal	Spain
Area	Bay of Biscay (mainly ICES divisions 8.a–b)	Southern Portugal (Algarve)	Bay of Biscay (ICES divisions 8.b–c)
Year	2018 (winter)	2020–2021 (May to October)	2021 (spring) and 2022 (winter)
Pinger	DDD-03H	DDD-03H	DDD-03H
Vessels (n)	3 vessel pairs (20% of the fleet)	9 vessels (30% of the fleet)	1 vessel pair (7% of the fleet)
Protocol	1 FO with pinger/1 FO without pinger	1 FO with pinger/1 FO without pinger	1 FO with pinger/1 FO without pinger
Monitoring	1 observer and the rest self-sampling	Observers and self-sampling	Remote electronic monitoring
Fishing operations (FO)	134 without pinger/84 with pinger	228 without pinger/233 with pinger	244 without pinger/223 with pinger
Bycatch	55 dolphins in 19 FO without pinger 6 dolphins in 5 FO with pinger	38 dolphins in 15 FO without pinger no bycatch with pinger	25 dolphins in 14 FO without pinger 1 dolphins in 1 FO with pinger
Efficiency	Reduction of 65% (CI95% [15-98])	Close to 100%	95%
Used in scenarios	Yes, both in earlier (ICES, 2020a) and current advice. Also for PTB with the same efficiency of 65%	No. Results are promising but still preliminary.	No. Results are promising but still preliminary.
Source	Rimaud <i>et al.</i> (2019)	ICES (2023)	ICES (2023)

Source : ICES. 2023 (b), p15 : EU additional request on mitigation measures to reduce by-catches of common dolphin (*Delphinus delphis*) in the Bay of Biscay. In Report of the ICES Advisory Committee, 2023. ICES Advice 2023, sr.2023.01. <https://doi.org/10.17895/ices.advice.21946634>

Annex 2 : Abstract of a Presentation at 2021 WGBYC meeting by *Thomas Rimaud (Producer Organization Les Pêcheurs de Bretagne)* and *Aurélien HENNEVEUX (Producer Organization Pêcheurs d'Aquitaine)*. on mitigation devices for Dolphin bycatches

In France, the issue of incidental catches of common dolphins in the Bay of Biscay has increased in recent years with an intensification of the phenomenon since the Winter 2016/2017. In this context, since 2018, fishermen are truly involved on the important program of actions has been put in place in France to 1/ **Quantify bycatches**; 2/ **Better understand the interaction between common dolphins and fishing gears**; 3/ **Develop and experiment technological devices to limit and reduce accidental catches**.

To quantify bycatches, observation on board is the first step towards achieving it. Thus, there has been an increase of observers onboard for 3 years with dedicated programs (From 15/12/2020 to 30/04/2021, 500 Days at sea (DAS) were observed on static netters, for 13 common dolphins' and 2 harbour porpoises' bycatches, and 76 DAS were observed on midwater pair trawlers (PTM) for 23 common dolphins' bycatches (including 12 bycatches during the test of another kind of pinger). Furthermore, an experimentation of REM for cetaceans' bycatch (OBSCAME Project) is carried out by the French Office of the Biodiversity. 5 static netters have been equipped of cameras since February 2021 (1 Bycatch on Harbour porpoise observed from February to June), and 15 more static netters will be equipped by the end of 2021. Then, to refine the relations between stranding and bycatches, which is the second way to quantify bycatches, more and more fishermen have tagged carcasses with classic marks from Pelagis (During Winters 2018; 2019; 2020 and 2021: respectively 17; 25; 40 and 66 carcasses were tagged, for tagged carcasses stranding rate of 53%; 12%; 45% and 15%) and/or with telemetric tags (including BALPHIN project). The third way to quantify bycatches is by mandatory reporting of bycatches which has been in force since 2019 in France and 2021 in Spain.

To better understand the interaction between common dolphins and fishing gears especially, passive hydroacoustic devices will be used (APOCADO projects carried out by French Office of Biodiversity, SEAPROVEN campaign expected in Autumn 2021, dedicated actions of DELMOGES project which will start in 2022).

To Develop and experiment technological devices to limit and reduce accidental catches, in the PIC project, pingers DDD-03H were tested on PTM in 2018, and, after scientific analyses, efficiency of this device is estimated to a 65 % of bycatch reduction (https://www.pecheursdebretagne.eu/wp-content/uploads/2019/03/20190214_rapportPIC_VF.pdf). Nonetheless, for PTM, experimentations have still been continuing to improve pingers. For static netters, after a scientific benchmark on available commercial deterrents, the scientists considered that it was more relevant to develop a specific adapted device for the common dolphin rather than testing commercial pingers unsuited to this species. That is why some devices were elaborated and tested for midwater pair trawlers and static netters in the LICADO and DOLPHINFREE projects (for more information, please go to the LICADO project presentation).