



<b>Document title</b>	Letter from the EU Commissioner addressing by-catch in EU waters
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## Background

This document contains information on a letter from the EU Commissioner for Environment, Oceans and Fisheries to the Fisheries and Environment Ministers of the EU Member States, addressing the matter of by-catch of cetaceans, including the harbour porpoise in the Baltic Sea, and other protected species in EU waters and outlining possible solutions.

## Action requested

The Meeting is invited to take note of the information.

**VIRGINIJUS SINKEVIČIUS**  
Commissioner for Environment Oceans  
and Fisheries



Brussels, 25/02/2020  
Ref. Ares (2020)

To the attention of the Fisheries and Environment Ministers from MS<sup>1</sup>

Dear Minister,

I urgently need to draw your attention to the by-catch in fishing gear of cetaceans and other protected species in EU waters. This issue affects all European fisheries and all European seas to a greater or lesser extent. It is a serious threat to these important and emblematic elements of our marine biodiversity and addressing it requires urgent action.

I would in particular like to highlight the problem of by-catches of the short-beaked common dolphin in the western waters of the EU, notably the Bay of Biscay and the Celtic Sea; and the by-catches of the harbour porpoise in the Baltic Sea. Very high numbers of several species of dolphins, but predominantly of common dolphins, are being found stranded each winter on the beaches of the Bay of Biscay. Some 1200 were recorded in 2018-2019 and I have received reports of similar numbers this winter. Most of these dolphins carry markings linked to fishing gear, strongly indicating that they most likely died in fishing nets. The overall impact on populations can be even higher as it is estimated that thousands of dolphins are dying at sea without being found on beaches.

In the Baltic Sea, a critically endangered sub-population of the harbour porpoise is suffering harm and drowning in static fishing nets and gill-nets. The survival of this population is at risk.

These levels of by-catch, which can result in the extinction of local populations of animals, are not acceptable. The species in question are strictly protected under the Birds and the Habitats Directives, which require Member States to take preventive measures and to monitor incidental capture and killing. Furthermore, there are obligations to monitor and tackle by-catch linked to the operation and management of marine fisheries under the fisheries data collection framework and the “Technical Measures” Regulation<sup>2</sup>, as well as under the Marine Strategy Framework Directive.

I am seriously concerned about this issue and as European Commissioner for the Environment, Oceans and Fisheries it is my responsibility to ensure that EU legislation is upheld and enforced. That is what European citizens are expecting from us.

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<sup>1</sup> This letter is sent to the following MS : PT, FR, ES, IE, BE, NL, DE, DK, SE, FI, EE, LV, LT, PL, IT, HR, MT, CY, SI, EL, BG, RO.

<sup>2</sup> Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fishery resources and protection of marine ecosystems through technical measures (...) OJ L198 25.7.2019 p 105

I urge you and your counterpart ministers in nearby states to implement the necessary measures to tackle by-catch under the common fisheries policy, the EU nature legislation and the Marine Strategy Framework Directive. While the Commission can introduce emergency measures – and we will use that possibility if necessary - I think it better to work out long-term solutions of the local and regional level between marine conservationists, fishers and administrators.

Scientists have examined the problem and have identified possible solutions.

Firstly, all appropriate technical means must be used to avoid by-catch. We know for example that “pingers” (acoustic deterrent devices) can successfully scare harbour porpoises away from the gill-nets that can drown them. Effective and scientifically-validated technical solutions must be put in place for other protected by-caught species.

Secondly, fishing vessels have to be properly monitored and by-catches properly reported. This will also allow to better understand the extent of the by-catch issue, the fleets and fisheries involved and ultimately develop solutions. The information available to date suggests that a very tiny proportion of the cetaceans by-catches is reported in logbooks. It is therefore essential that Member States step up their control and monitoring efforts and put in place the appropriate means to ensure full compliance with the legislation, if necessary through the deployment of observers and/or the installation of closed-circuit television (CCTVs).

If no technical solution can be found to prevent by-catch, then it will be necessary to consider suspending damaging fishing in areas and at times when the presence of protected species would lead to such harm. Particular attention needs to be put to preventing by-catch within Natura 2000 sites designated for marine species.

I call on you to use all available opportunities to discuss and to agree on how these measures can be put in place as soon as possible. In particular, I am looking forward to receive sound and effective joint recommendations from the regional high-level working groups that have been already asked to address this issue.

I intend to raise this matter in the next Environment Council, and once the most recent data have been evaluated by the International Council for the Exploration of the Sea, foreseen for the end of May, also in the Fisheries Council in June. Meanwhile I would like to invite you to give your full attention to the issue and to ensure close cooperation between fisheries and environment administrations in your country as well as regional coordination.

Cc: Permanent Representations

Your sincerely,

Virginijus Sinkevičius

