



Document title	Draft ToR for a joint OSPAR-HELCOM workshop for indicators for incidental bycatch
Code	9-1
Category	CMNT
Agenda Item	9 – Work on indicator development
Submission date	8.1.2019
Submitted by	Secretariat
Reference	HOD 54-2018 outcome §4.53, FISH 8-2018 Outcome §5.9 & 5.10

Background

FISH 8-2018 noted information on the ongoing process under OSPAR Meeting of the Biodiversity Committee (BDC), which in February 2018 had agreed that proposals should be developed for a workshop to examine needs and possibilities for developing indicators for incidental by-catch of birds, seals, cetaceans, turtles and non-commercial fish, linked to related work by HELCOM and ICES as relevant.

The meeting further noted that GEAR 18-2018 had supported organizing a joint HELCOM/OSPAR workshop on bycatch indicators, including fisheries data issues, supported the initiative and requested the Secretariat to be in contact with the OSPAR Secretariat accordingly. The meeting noted that other relevant organizations, such as ICES and ASCOBANS, could contribute to such a workshop. The Meeting further noted an initiative by EFARO on exploring synergies in data collection between MSFD and CFP, which could also be relevant to the workshop. Based on this, the meeting requested the Secretariat to inform both State and Conservation WG and Fish group on the initiative with the aim of having these groups contributing to the process.

HOD 54-2018 noted the initiative for a possible joint HELCOM/OSPAR workshop on by-catch indicators.

The attached draft Terms of Reference for a joint OSPAR/HELCOM bycatch indicator workshop have been drafted by the Secretariats of OSPAR and HELCOM. The draft Terms of Reference have been submitted also to CG FISHDATA 3-2018, STATE & CONSERVATION 9-2018 and GEAR 19-2018, as well as OSPAR ICG-COBAM for comments. The draft Terms of Reference are also to be considered by OSPAR BDC 2019 on 25-29 March 2019 before finalization by the HELCOM and OSPAR Secretariats based on the comments received from all relevant meetings. A date for the workshop has not yet been set.

Action requested

The Meeting is invited to review the attached draft Terms of Reference and provide comments and amendments as needed.

DRAFT terms of reference for a joint OSPAR-HELCOM workshop to examine possibilities for developing indicators for incidental bycatch of birds, seals, cetaceans, turtles and non-commercial fish

Background

OSPAR

1. During its 2018 meeting OSPAR's Biodiversity Committee (BDC) reviewed the sufficiency and orientation the current set of Common Indicators for biodiversity, including in relation to needs arising from the revision of the EU Commission MSFD GES Decision (2017/848/EU). The revised EU Commission Decision includes the primary criterion D1C1 which raises the need for improved data and operationalisable indicators on incidental bycatch of birds, seals, cetaceans, turtles and non-commercial fish.

Criteria elements	Criteria	Methodological standards
<p>Species of birds, mammals, reptiles and non-commercially-exploited species of fish and cephalopods, which are at risk from incidental by-catch in the region or subregion.</p> <p>Member States shall establish that list of species through regional or subregional cooperation, pursuant to the obligations laid down in Article 25(5) of Regulation (EU) No 1380/2013 for data collection activities and taking into account the list of species in Table 1D of the Annex to Commission Implementing Decision (EU) 2016/1251 (?).</p>	<p>D1C1 — Primary:</p> <p>The mortality rate per species from incidental by-catch is below levels which threaten the species, such that its long-term viability is ensured.</p> <p>Member States shall establish the threshold values for the mortality rate from incidental by-catch per species, through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i></p> <p>As used for assessment of the corresponding species or species groups under criteria D1C2-D1C5.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <ul style="list-style-type: none"> — the mortality rate per species and whether this has achieved the threshold value set. <p>This criterion shall contribute to assessment of the corresponding species under criterion D1C2.</p>

2. Of the current OSPAR common indicators, only M6 (By-catch of harbour porpoise) relates to criteria D1C1. In preparing the OSPAR Intermediate Assessment 2017 (IA2017) OSPAR noted concerns over the accuracy and reliability of the available estimates of harbour porpoise by-catch. Hence, no assessment against existing ASCOBANS thresholds for bycatch of harbour porpoise was made in IA2017. There are currently no operational Common Indicators for by-catch. Of other species of marine mammal as well as for birds and non-commercial fish. Candidate indicators for birds and chondrichthye fish species have been identified but are so far undeveloped. By-catch indicators for some species of marine reptiles were developed as part of the EMFF funded MISTIC SEAS project.

3. BDC 2018 agreed to develop a process on improving the correspondence/relation between OSPAR and MSFD in the North-East Atlantic and the EU DC-MAP for fisheries data with the aim to support assessment needs for incidental by-catch of mammals, birds, fish and turtles data where incidental bycatch data are scarce. As part of this, BDC 2018 asked ICG-COBAM to develop terms of reference for a workshop to examine needs and possibilities for developing indicators for incidental by-catch of birds, seals, cetaceans, turtles and non-commercial fish. This process should also seek to improve characterisation of incidental by-catch risk and the areas where these species groups are vulnerable to incidental by-catch. BDC asked that links should be made to related work by HELCOM and ICES as relevant (BDC 18/10/1).

HELCOM

4. HELCOM has initiated a process to review its indicator catalogue and map existing indicators against relevant policy documents. This will include the Baltic Sea Action Plan and the MSFD, also encompassing the EU Commission MSFD GES Decision (2017/848/EU). This process will address the indicator related needs and assign priority for future development work, to ensure the needs of Contracting Parties are met.

5. HELCOM has developed a core indicator 'Number of drowned mammals and waterbirds', which provides descriptive evaluation of whether the number of incidentally by-caught marine mammals and waterbirds are below mortality levels that enable reaching good environmental status. Currently no quantitative threshold values have been defined for the core indicator. Only concepts for determining the threshold values based on removal- and conservation targets have been described and are proposed to form the basis of future core indicator threshold setting activities.

6. Further, HELCOM is in the process of identifying data gaps in the current collection of fisheries data and indicating where new data collection may be necessary. The draft roadmap developed by the HELCOM correspondence group for fisheries data (CG FISHDATA) defines the aim, scope and further steps in the process under HELCOM Fish and CG FISHDATA aimed at identifying options for making fisheries data available to operationalize two HELCOM indicators 'Number of drowned mammals and waterbirds in fishing gear' and 'Cumulative impact on benthic biotopes'.

The process should strive to identify possible synergies between the data collection processes under the Common Fisheries Policy for EU Member States (e.g. through the Data Collection Framework, EU 2017/1004, and the control regulation, EC 1224/2009), and the MSFD, particularly in view of the potential benefits to both policies in collecting data for ecosystem-based management, and in order to achieve the best cost-effectiveness possible. The process will take note of related developments that could be of use such as the revision of the control regulation of the common fisheries policy, related work within ICES and the initiative of the European Fisheries and Aquaculture Research Organization (EFARO) to ensure effective and efficient use of resources for data collection at the regional scale to meet CFP and MSFD needs, as presented to the meeting of EU Marine Directors (Malta, June 2017).

7. The HELCOM GEAR 18-2018 and FISH 8-2018 meetings noted with interest information on the ongoing process under OSPAR BDC and supported organizing a joint OSPAR-HELCOM workshop on bycatch indicators, involving also the State & Conservation Working Group. It was also noted that other relevant organizations, such as ICES and ASCOBANS, could contribute to the workshop.

Objectives

8. The main objective of the workshop is to identify approaches for assessing incidental by-catch of birds, seals, cetaceans, turtles and non-commercial fish that could be used as a basis for regionally-harmonised indicators. This should include proposals for approaches that are suitable for setting thresholds. Proposals on which assessment method to use with different levels of data availability should also be developed.

9. The workshop should also aim to develop proposals for approaches to identify areas of increased risk of incidental by-catch. As relevant, different methods may be considered for birds, seals, cetaceans, turtles and non-commercial fish.

10. To ensure indicators are operational attention should be given to identifying the data needed to carry out assessments and current data availability. If monitoring programmes are currently not generating data in a suitable format, the objective of the workshop would be to develop proposals for improved monitoring approaches and data collection in order to move towards operational assessments.

11. During the workshop the following tasks should be the main focus:

- a. Assessment methodologies for indicators on by-catch, how to use data, what kind of data products can be developed
 - Identify methodological approaches for assessing incidental by-catch of birds, seals, cetaceans, turtles and non-commercial fish that could be suitable for regional indicators
 - compare methods for threshold setting, such as Catch Limit Algorithm (and data needs in relation to these methods)
 - consider the relevant 'resolution' of data needed to make relevant indicator based assessments, e.g. is it sufficient to gather data on 'number of birds' or 'number or by-caught seagulls' or would species specific data need to be gathered
- b. Approaches for identifying areas of increased risk of by-catch
 - discuss methodologies for identifying incidental bycatch high risk areas

- discuss the possible need for different methods for different ecosystem elements, and or different types of fisheries
- consider spatial and temporal aspects of identifying areas of high risk and needs for definitions to delimitate high risk areas, for example in terms of whether an area is a high risk area only during a certain month of the year, during a season or throughout the year.

c. Data

- monitoring data availability for assessing incidental by-catch for conservation purposes and possible additional data sources
- identify data needs based on assessment methodologies in proposed indicators
- proposals for data gathering guidelines
- proposals on how to address data gaps (related to costs)

There should be an identification/approximation of costs incurred by any proposals for monitoring/data collection guidelines developed during the workshop.

The workshop should look for synergies between species groups and, where possible, identify methodologies (or elements of methodologies) that can be relevant across species groups.

Workshop participants

12. The workshop will be open to all Contracting Parties and observers of OSPAR and HELCOM. There would be a specific relevance to:

- experts on indicators and species groups from the OSPAR and HELCOM expert groups i.e those under ICG-COBAM and State and Conservation;
- representatives from fisheries authorities and authorities responsible for collecting bycatch data
- representatives working with EU DC-MAP including relevant regional cooperation meetings/groups;
- chairs of ICES Working Group on Bycatch of Protected Species (WGBYC) and a representative from the ICES Data Centre;
- representatives from DG Mare and DG Environment working on CFP and MSFD;
- representatives from other relevant international organisations and/or projects, e.g. ASCOBANS, IWC, Barcelona Convention, MISTIC Seas project;

Preparation

Tasks to be completed prior to the workshop:

13. ICG-COBAM expert groups and HELCOM experts for fish, birds and mammals, as well as the ICG-POSH turtle taskforce should collate information on the following items for the workshop to consider and build on:

- collate any existing national or regional indicator assessment methods of threshold setting for the species group, such as Catch Limit Algorithm advised by ICES for marine mammals.
- collate possible risks for species groups associated with specific gears
- collate any existing national or regional proposals for high risk areas based on species occurrence/density and occurrence/effort of gears associated with risk including the methods used to identify the areas
- collate and list information on already existing data sources related to by-catch numbers and fishing effort

14. In advance of the meeting an overview on the EU legal framework related to bycatch should be collated including MSFD and CFP, Reg. 1224/2009, 404/2011(Control regulation), Reg. 199/2008 (DCF), Implementing Decision 2016/1251 (DC-MAP)

Outcome

15. The outcomes of the workshop should be:
 - a. A proposed common approach for incidental bycatch monitoring and/or data collection guidelines, to be considered for forwarding towards appropriate data collection actors, including proposals on which threshold-setting method to use based on current data availability as well as a recommendation on the methods if data gaps were filled (i.e. the best available method)
 - b. A proposed common approach for identifying hot-spot areas where there is an increased incidental by-catch risk
 - c. Recommendations on the feasibility and cost-efficiency of proposal for the monitoring of different fisheries
 - d. A proposal for an action plan to implement the workshop recommendations, feeding in i.e. to the HELCOM Roadmap.
 - e. A framework/platform from which operationalisation of relevant indicators can be rapidly achieved.

7. Within OSPAR the outcomes of the workshop should be delivered to ICG-COBAM and BDC to allow coordination of the work across all relevant groups under BDC. The outcomes should be communicated to the OSPAR Coordination Group. Within HELCOM the outcome of the workshop should be communicated to HELCOM Fish Group, State and Conservation Working Group, and Gear Group.

Organisation

8. The workshop will be organised by [to be defined]
9. It is suggested to hold the workshop over 2-3 days in [late spring 2019].

Background and contextual material

- OSPAR Common Indicator report M6
- HELCOM core indicator report 'Number of drowned Mammals and Waterbirds in Fishing Gear'
- OSPAR/HELCOM ICES JWGBIRD review of EU Action Plan in 2016, http://ices.dk/sites/pub/Publication%20Reports/Expert%20Group%20Report/acom/2016/JWGBIRD/JWGBIRD_2016.pdf (and also reports from JWGBIRD's predecessors dealing with marine bird by-catch)
- ICES 2013 Request from EU concerning monitoring of bycatch of cetaceans and other protected species (Advice on special request April 2013 Version 2, 17-12-2013)- http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2013/Special%20requests/EU_bycatch%20of%20cetaceans%20and%20other%20protected%20species.pdf
- (ICES Advice regarding Catch limit algorithm): ICES 2014 Report of the Working Group on Marine Mammal Ecology (WGMME). 10–13 March 2014 Woods Hole, Massachusetts, USA. ICES ADVISORY COMMITTEE. ICES CM 2014/ACOM:27.
- http://www.ices.dk/sites/pub/Publication%20Reports/Expert%20Group%20Report/acom/2014/WGMME/wgmme_2014.pdf
- Report of the Workshop to Review and Advise on Seabird Bycatch (WKBYCS), http://www.ices.dk/sites/pub/Publication%20Reports/Expert%20Group%20Report/acom/2013/WKBYCS/wkbycs_final_2013.pdf
- Outcome of HELCOM CG FISHDATA 1-2017: <https://portal.helcom.fi/meetings/CG%20FISHDATA%201-2018-513/MeetingDocuments/Outcome%20of%20CG%20FISHDATA%201-2018.pdf>

- Outcome of HELCOM CG FISHDATA 2-2018: <https://portal.helcom.fi/meetings/CG%20FISHDATA%202-2018-542/MeetingDocuments/Outcome%20of%20CG%20FISHDATA%202-2018.pdf>
- Draft HELCOM Roadmap on collection of fisheries data in order to assess incidental by-catches, fisheries impact on benthic biotopes in the Baltic Sea

Please also note original references in abovementioned reports.

16. The draft ToR will be submitted to the following OSPAR and HELCOM meetings for a request for review and contributions:

- SEAL 12-2018, 10-12 October
- STATE & CONSERVATION 9-2018, 22-26 October
- CG FISHDATA 3-2018, November 2018
- GEAR 19-2018, 7-8 November 2018
- ICG-COBAM 27-29 November, 2018
- FISH 9-2019, 30-31 January 2019
- BDC 2018, 25-29 March, 2019