



EU Action Plan for Reducing Incidental Catches of Seabirds in Fishing Gears

The NSRAC welcomes the opportunity to respond to the Commission's consultation on the EU Seabird Plan of Action (EU PoA). We support the concept of a plan,

- in fulfilment of the FAO best practice technical guidelines for IPOA/NPOA-Seabirds,
- in keeping with the legal obligations of the Marine Strategy Framework Directive,
- and existing requirements under the CFP to progressively implement an ecosystem-based approach to fisheries management, as well as ongoing reform of the CFP.

Nevertheless, to be an effective and useful PoA, the Commission needs to put in place the funding necessary and commit to be responsible for coordination between Member States, in particular concerning research.

The NSRAC is aware that the incidental mortality of seabirds in commercial fishing gears may pose a significant threat to certain seabird populations, in some fishing areas at certain periods, and contributes to their decline, particularly in the case of some long-lived species with low reproductive rates. The NSRAC would also emphasize, however, that fishing should not be considered alone and that the Commission needs to take other threats into account in a more integrated approach. We would urge that the highest priority for action should be for the most threatened seabird species, but certainly that an EU PoA should be adopted by the Commission by April 2011, in keeping with its published work programme.

The implementation of the Birds Directive should take into account the issue of incidental catches of seabirds: monitoring and implementation of mitigation measures, should, if necessary, be conducted first in areas designated under Natura 2000.

Fishers do not want to catch seabirds, not just because of this environmental impact but also because bycatch of seabirds and other non-target species can be disruptive to fishing operations and can therefore have an adverse effect on productivity.

The NSRAC is aware that, from experience elsewhere in the world, simple tried-and-tested technical solutions already exist, alone or in combination, to mitigate such bycatch in longline and trawl fisheries, to the point of virtually eliminating the problem, to the benefit of both seabird populations and vessel profitability. However, the

NSRAC also draws attention to the fact that there is no ‘one-size-fits-all’ solution to this interaction with seabirds so action needs to be (a) tailored as appropriate to regional or local circumstances and (b) proportionate to the level of threat. Gill-nets are likely to be the main source of incidental catch of seabirds in the North Sea fisheries covered by the NSRAC. Compared with longlines, there is less evidence of the economic advantage of using mitigating measures to reduce seabird bycatch although certainly time (and therefore potential income) is lost through having to remove birds from gill-nets when no measures have been put in place to prevent them getting entangled. We also note that in at least one gill-net study, target fishing efficiency was shown not to suffer from a combination of experimental mitigation measures¹.

The North Sea RAC would further point out that:

- seabird bycatch in gill-nets occurs mainly in the eastern North Sea.
- there is little gill-netting beyond 12nm in the North Sea, rather gill-nets are used mainly by inshore fishers. Such fishers are less well catered for in the current stakeholder composition of the NSRAC and the issue therefore needs to be addressed by the relevant Member States as well as by the NSRAC.
- such seabird bycatch, especially inshore, arises not only in ‘professional’ fisheries but also, in some countries, from the unregulated (and often not best-practice) activity of substantial numbers of semi-professional fishers; these need to be integrated into the wider control regime (including through CFP reform) and to be subject to this EU PoA.
- seabird bycatch in gill-nets can be mitigated by a greater variety of measures than indicated in the consultation (Field of Action 2), e.g. by higher visibility netting along the top of the gill-nets (e.g. Melvin et al 1999).

Other key points:

1. The consultation identifies longlines and gill-nets as the gears which seabirds are traditionally thought to most commonly cause incidental mortality of seabirds in EU waters. However, the PoA should not exclude from scope other gears (notably trawls, drift nets, purse seines and trolling) which are also known to take incidental catch of seabirds elsewhere in the world, even if evidence for EU waters *per se* is lacking: absence of evidence is not evidence of absence.
2. As far as technically practicable, synergies should be sought with gear modifications that simultaneously mitigate bycatch of other non-target species, such as small cetaceans.
3. The NSRAC endorses that ‘*Action should aim at engaging cooperation with the different RACs and developing guidelines specific to the regional area covered by each*’ (Field of Action 5, p. 12). The NSRAC is also willing to cooperate, as appropriate, with other RACs to address this issue. In addition,

tailoring solutions to regional or (as appropriate) local conditions, as dictated by the particular fishery and gear, needs a collaborative approach with fishing communities and fishers' knowledge to determine the best practice for them. Adaptive management, to trial and improve practices over time in the light of experience and dedicated research, should be integral to this collaborative approach.

4. Whereas 'bottom up' collaboration with fishers should be the top priority approach, requiring mitigation measures to evolve and be subject to ground-testing, we do not discount the possibility that for certain situations, where best practice has been accepted and proven, legally binding technical conservation measures may be required for consistency and control.
5. The NSRAC urges that the necessary education, training and outreach are made available to fishers and other stakeholders to raise awareness about the problem of seabird bycatch and its practical solutions.
6. In pursuit of the FAO best practice guidelines, funding will be needed for such outreach, as well as for research on and implementation of mitigation measures, data collection etc. The current European Fisheries Fund (EFF) is already struggling to meet a high demand for projects and cannot be envisaged to meet this extra demand. Sufficient dedicated funding needs to be made available to support the development and implementation of an effective EU PoA.
7. Crew safety is an essential consideration, and any mitigation measures introduced should be consistent with a safe working environment on vessels at sea.
8. The scope of the consultation has little or nothing to say about observer programmes and data collection protocols. Data on seabird bycatch needs to be collected in key fishery-seabird interactions according to an agreed and consistent methodology, whether by observers or equivalent remote recording. This could be done initially on a pilot or trial basis in seabird-fishery 'hotspots' (i.e. where there is evidence or likelihood of significant seabird bycatch) to establish the scale of a perceived problem and to help inform its solution. Such targeting would be a more appropriate use of scarce resources. For small-scale coastal fisheries, observers may not be practicable, and logbook recording may be more appropriate. The NSRAC sees this pragmatic, area-based approach to data collection as the most likely to engage compliance from fishers and to yield best results.
9. The ICES assessment for an EU PoA highlighted major data gaps on fisheries-seabirds interactions. This is not surprising as the Data Collection

¹ Melvin, EF, Parrish, JK, and Conquest, LL (1999) *Novel tools reduce seabird bycatch in coastal gillnet fisheries*. Conservation Biology 13(6),

Framework (DCF) does not require Member States to collect or report data on seabird bycatch. If the PoA is going to make measurable progress, the DCF should be amended to fill this gap. However, any such new obligation on Member States needs to be framed in the DCF 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.