



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

POLICY DEVELOPMENT AND CO-ORDINATION

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Belgium

**Subject: Implementation of the Union Action Plan for reducing incidental catches of seabirds in fishing gears**

Dear Ms Brunner,

You recently wrote to Commissioner Vella on the Union Action Plan<sup>1</sup> for reducing incidental catches of seabirds in fishing gears. The Commissioner has read your letter and has asked me to reply on his behalf.

We share your concerns regarding the implementation of the Action Plan and your observation that not enough action is being taken to minimise incidental catches of seabirds. However, while it is true that Member States have been slow to react, we have made some progress at Union level, which we would like to highlight.

First, we have supported the introduction of monitoring and mitigation measures in the different Regional Fisheries Management Organisations (RFMOs) where the Union is a contracting party and we have resolutions/recommendations in place for such measures in ICCAT<sup>2</sup>, IOTC<sup>3</sup>, IATTC<sup>4</sup>, WCPFC<sup>5</sup>, CCAMLR<sup>6</sup>, SEAFO<sup>7</sup> and SPRFMO<sup>8</sup>. We will continue actively to promote the implementation of these measures through the RFMOs.

The European Maritime and Fisheries Fund (EMFF) also allows for pilot studies to develop and test mitigation and monitoring techniques and aid to offset the costs of bird scaring devices such as tori lines. Provisions for the monitoring of seabird bycatch have also been incorporated into the proposal revising the Data Collection Framework (DCF), we tabled earlier this year. Details of data collection in the new Multiannual Programme under the DCF are being further worked on. This Multiannual Programme is planned to be adopted early in 2016 and currently we are consulting experts in STECF on the

<sup>1</sup> COM (2012) 665

<sup>2</sup> International Commission for the Conservation of Atlantic Tunas (ICCAT)

<sup>3</sup> Indian Ocean Tuna Commission (IOTC)

<sup>4</sup> Inter-American Tropical Tuna Commission (IATTC)

<sup>5</sup> Western and Central Pacific Fisheries Commission (WCPFC)

<sup>6</sup> Convention on Conservation of Antarctic Marine Living Resources (CCAMLR)

<sup>7</sup> South-East Atlantic Fisheries Organisation (SEAFO)

<sup>8</sup> South Pacific Regional Fisheries Management Organisation (SPRFMO)

content, including the monitoring of incidental bycatch of marine mammals and other sensitive species.

In addition, the Commission will table soon a new proposal for technical measures. In this proposal we will address several of the points of the Action Plan through a combination of mandatory measures in specific fisheries and regions, allowing for the adoption of mitigation measures at regional level and also through national measures taken by Member States to address the issue of incidental catches of sensitive species including seabirds. Once the technical measures framework is adopted, we will encourage Member States to include nature conservation measures to mitigate against such catches in their joint recommendations as part of relevant multiannual plans.

Bycatch of seabirds and other marine species by fisheries is a key threat reported as affecting the conservation status of protected species under the Birds and Habitats Directives. It is the Member States responsibility to establish systems to monitor incidental capture and killing and on that basis implement effective mitigation measures. The Commission can also take legal action when evidence of inaction at Member State level is provided suggesting breach of the provisions of the Birds Directive. In that regard the Member States reports on level of seabird bycatch and related mitigation measures, due in November 2016, shall also be taken into account.

During 2016 we will further encourage Member States to adopt national plans of action under national legislation, and to follow up on Member States reports on the level of seabird bycatch observed by fishery and gear type, the implementation of any mitigation measures and the effectiveness of these mitigation measures which are due in November next year. We will also launch a study to investigate potential mitigation measures in gillnet fisheries in early January.

I hope this provides clarity and please do not hesitate to contact us if you have further questions.



Ernesto PENAS LADO  
Director