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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT AND THE COUNCIL**

**Action Plan for reducing incidental catches of seabirds in fishing gears**

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## Action Plan for reducing incidental catches of seabirds in fishing gears

### 1. INTRODUCTION

Interactions between fisheries and seabirds are frequent and widespread leading to levels of incidental seabird mortality which pose a serious threat to many seabird populations and which have an adverse effect on fishing productivity and profitability.

Current management measures to protect seabirds are contained in a wide range of fisheries and environmental legislation as well as a number of international Conventions and Agreements. These measures, however, have been largely ineffective in reducing seabird bycatch except in some isolated cases in external waters.

The Action Plan in this Communication (EU-PoA) seeks to provide a management framework to minimise seabird bycatch to as low levels as are practically possible. This is in line with the objectives of the reformed Common Fisheries Policy (CFP) of moving towards ecosystem management covering all components of the ecosystem including seabirds. It is also consistent with the framework of an International Plan of Action (IPOA) for Reducing the Incidental Catches of Seabirds in Longline Fisheries<sup>1</sup> adopted in 1999 by the UN Food and Agriculture Organisation (FAO) Committee on Fisheries (COFI).

### 2. BYCATCH AND ITS MITIGATION

Advice received from ICES in 2008<sup>2</sup> (updated in 2009 and 2010<sup>3</sup>) indicates that there is a paucity of data on the distribution of seabird species, threat vulnerability, overall conservation status and levels of incidental catches. This presents a challenge in assessing the impact of fisheries on these species and reflects the lack of systematic monitoring and reporting of seabird bycatch. However, the available data indicates seabird mortality is substantial in a number of areas within EU fisheries. Recent estimates<sup>3</sup> report bycatch by the EU fishing fleet at c.a. 200,000 seabirds annually in EU waters, while a report by Birdlife International<sup>4</sup> estimates global seabird bycatch in longline fisheries to be at least 160,000 and potentially 320,000 seabirds per year. At least 49 species (25 in EU waters and 24 in non-EU waters) are classified as being of conservation concern either globally or at a local population level. The

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<sup>1</sup> FAO. 1999. International Plan of Action for reducing incidental catches of seabirds in longline fisheries. Rome, FAO. 1999. pp 1-11.

<sup>2</sup> ICES Advice 2008, Book 1, 1.5.1.3 Interactions between fisheries and seabirds in EU waters  
ICES. 2008. Report of the Working Group on Seabird Ecology (WGSE), ICES CM 2008/LRC:05. 99pp.

<sup>3</sup> ICES. 2009. Report of the Working Group on Seabird Ecology (WGSE), 23-27 March 2009, Bruges, Belgium. ICES CM 2009/LRC:10.91 pp.

ICES. 2010. Report of the Working Group on Seabird Ecology (WGSE), 15-19 March 2010, Copenhagen, Denmark. ICES CM 2010/SSGEF:10.77pp.

<sup>4</sup> Anderson O.R.J., Small C.J., Croxall J.P., Dunn E.K., Sullivan B.J. Yates O. and Black A. 2011. Global seabird bycatch in longline fisheries. *Endangered Species Research* Vol. 14:91-106.

data also highlights longlines<sup>5</sup> and static nets<sup>6</sup> as the gears with the highest seabird bycatch although there are reports of incidental catches in trawl<sup>7</sup> and purse seine<sup>8</sup> fisheries.

## 2.1. Longlines

ICES reports that at least 20 species of seabirds interact with longline fisheries in EU waters, principally in the Mediterranean pelagic and demersal longline fisheries and the N.E. Atlantic (Gran Sol) demersal longline fishery, although ICES<sup>3</sup> reports bycatch of seabirds in almost all EU longline fisheries. Four species are notable for their high conservation status with moderate to high frequency of capture in longline gear relative to their populations. The Balearic Shearwater is classed by the IUCN as Critically Endangered, meaning it has been evaluated to have a very high risk of extinction in the wild. Three others, the Sooty shearwater, Yelkouan shearwater and Audouin's gull are classified as Near Threatened meaning the population is in moderately rapid decline globally.

In addition to these species a further five are listed in the Birds Directive<sup>9</sup> as having unfavourable conservation status requiring "*special conservation measures*" due to declines in localised populations. These include the Corys shearwater and Mediterranean gull in the Mediterranean and the Black-legged kittiwake, Black guillemot and Manx shearwater in the NE Atlantic<sup>10</sup>. For all of these species significant levels of bycatch are reported<sup>2,10</sup>.

Several other species - the Yellow-legged gull in the Mediterranean and the Northern fulmar, Great shearwater and Northern gannet in the N.E. Atlantic have high incidental catches and ICES reports that the sheer scale of the numbers caught in longline fisheries is cause for concern even though the populations of these species are relatively stable<sup>2,3</sup>.

## 2.2. Static nets

Static nets, encompassing gillnets, entangling nets and trammel nets are widely used in EU waters. Static net fisheries tend to be seasonal and a wide range of seabird species can interact but most likely to get caught in nets are coastal species that either forage on the bottom or shallow dive to pursue prey through the water column. Many of the fishing grounds in the Baltic and North Sea are important feeding, resting, moulting and overwintering areas for seabirds which are present only during the non-breeding period (winter time). This means the impact of incidental catches on seabird populations is directly dependent on the temporal overlap of static net fisheries with these species.

The information available on incidental catches of seabirds in static nets is not complete enough for a comprehensive understanding of the magnitude of the impacts on seabird

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<sup>5</sup> Longlines mean a number of connected lines, either set at the bottom or drifting bearing a large number of baited hooks.

<sup>6</sup> Static nets mean nets for which the catch operation does not require an active movement of the nets. Such nets consist of one or more separate nets which are rigged with top, bottom and connecting ropes, and may be equipped with anchoring, floating and navigational gear.

<sup>7</sup> Trawl means gear which is actively towed by one or more fishing vessels and consisting of a net having a cone or pyramid-shaped body closed by a bag or codend.

<sup>8</sup> Purse seine means encircling gear made up of a net where the bottom is drawn together by means of a purse line at the bottom of the net, which passes through a series of rings along the groundrope, enabling the net to be closed.

<sup>9</sup> Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds

<sup>10</sup> [http://ec.europa.eu/fisheries/documentation/studies/indez\\_en.htm](http://ec.europa.eu/fisheries/documentation/studies/indez_en.htm)

populations at an EU-wide level. A recent review<sup>11</sup> of seabird bycatch in the Baltic Sea and (predominantly eastern) North Sea provided a cumulative annual bycatch estimate (made up mainly of divers, grebes, sea ducks, diving ducks, auks and cormorants) of between 90,000-200,000 birds killed in static net fisheries in the region each year. Several of the species at risk are rare in the region and subject to international legal protection. Steller's eider is listed as Vulnerable by IUCN and is in Annex 1 of the EU Birds Directive as are the red-throated diver, black-throated diver, Slavonian grebe and smew. A number of others are listed in the Birds Directive and assessed by Birdlife as being "*species of European concern*"<sup>10</sup>.

In other areas outside the Baltic and North Sea there are several static net fisheries where seabird mortality has been reported as being problematic. In northwest Spain in ICES Subarea IX, high mortality of European shags and Iberian guillemot<sup>3</sup> has been observed, while in the Mediterranean available information suggests that static nets pose a threat to subspecies of the European shag and several species of shearwater<sup>3</sup>.

### **2.3. Other Gears**

For gears such as trawls and purse seines, few reliable estimates of bycatch levels within EU waters are recorded. One study did estimate around 780 northern gannets to have been caught in pelagic trawl fisheries operating off the north and north-east coasts of Scotland<sup>3</sup> while there are several other anecdotal reports of bycatch occurring in trawl fisheries.

Evidence is emerging that purse seines can take significant bycatch of species such as shearwaters. A questionnaire survey carried out in 2008/2009 in Portuguese ports showed purse seines to have taken the highest proportion (45%) of Balearic shearwaters compared to any other fishing gears, including longlines and static nets in this region<sup>3</sup>.

### **2.4. Bycatch in non-EU waters**

In external waters longlines and trawls are responsible for a high number of incidental catches of seabirds leading to widespread concern on the long-term ecological effects on populations. Currently of 61 species which interact with fisheries, it is estimated that nearly half are threatened with extinction, including 17 species of albatrosses worldwide with an estimated 100,000 albatrosses reportedly killed annually<sup>4</sup>. A further 7 species of petrels listed under the Agreement on the Conservation of Albatrosses and Petrels (ACAP) face similar threats<sup>12</sup>.

A notable exception is in the Antarctic, where a comprehensive assessment of the problem, carried out annually by CCAMLR<sup>13</sup>, has shown bycatch to have been reduced by over 99% since measures were introduced. In other longline fisheries, while improvements have been noted and the instances of IUU fishing reduced considerably, there are indications that bycatch still remains at unsustainable levels in some longline fisheries. Recent recommendations adopted by ICCAT<sup>14</sup> and IOTC<sup>15</sup> which strengthen existing mitigation measures in tuna longline fisheries are welcome and need to be extended to other Regional Fishery Management Organisations (RFMOs).

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<sup>11</sup> Żydelis, R., Bellebaum, J., Österblom, H., Vetemaa, M., Schirmeister, B., Stipniece, A., Dagys, M., van Eerden, M. and Garthe, S. 2009. Bycatch in gillnet fisheries- An overlooked threat to waterbird populations. *Biological Conservation*, 142: 1269-1281.

<sup>12</sup> ACAP 2009. Species Assessments. Available at [www.acap.aq/acap-species](http://www.acap.aq/acap-species).

<sup>13</sup> Commission for the Conservation of Antarctic Marine Living Resources

<sup>14</sup> International Commission for the Conservation of Atlantic Tunas

<sup>15</sup> Indian Ocean Tuna Commission

In trawl fisheries, seabird mortality has been increasingly reported in the Southern and Northern Hemispheres. For example, data collected in the South African hake fleet from 2004–2005, indicated an annual bycatch of around 18,000 birds<sup>3</sup>. No known data exists regarding the level of seabird bycatch in other gears such as purse seines in external waters.

## 2.5. Mitigation measures

A range of mitigation measures has been developed. Some of these have been shown to be highly effective at reducing seabird bycatch. These measures can be split between specific measures by fishing method and measures with broad applicability across multiple fishing gears. Most have been developed to reduce bycatch in longline fisheries and these can be divided into four main categories:

- (1) Avoidance of fishing in areas and/or at times when seabird interactions are most likely and intense (night setting, area and seasonal closures).
- (2) Limiting bird access to baited hooks (weighted lines and side-setting).
- (3) Deterring birds from taking baited hooks (streamer (bird-scaring) lines and acoustic deterrents).
- (4) Reducing the attractiveness or visibility of the baited hooks (dumping of offal and artificial baits).

Research<sup>16</sup> has shown that benefits can accrue from using these measures in longline fisheries through reductions in direct costs from reduced bait loss to seabirds; damage to fish catches from depredation by seabirds; and direct gear damage caused by seabirds. There are also indirect cost benefits from reducing catches foregone from seabirds being caught on baited hooks that could otherwise have yielded catch.

Mitigation measures tested in static net fisheries are fewer in number. Two methods have been proposed and tested to alert seabirds to the presence of static nets and thereby avoid collision<sup>17</sup>. One method is to increase the visibility of the net (visual alerts), and the other method is to attach acoustic deterrents (pingers) to nets. Encounters with static nets may also be reduced by setting nets deeper than the diving depth of seabirds. None of these methods are widely used currently.

Streamer lines, adapted from longline fisheries in association with the management of offal discharge during shooting and hauling, have been demonstrated to be effective at reducing seabird interactions and mortality in trawl fisheries. Reducing entanglements in trawls is more difficult, but in CCAMLR it has been demonstrated that seabird mortality from entanglement can be almost eliminated by simple measures such as net binding<sup>18</sup>.

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<sup>16</sup> [http://ec.europa.eu/fisheries/documentation/studies/index\\_en.htm](http://ec.europa.eu/fisheries/documentation/studies/index_en.htm)

<sup>17</sup> Melvin, E.F., Parrish, J.K. and Conquest, L.L. 1999. Novel tools to reduce seabird bycatch in coastal gillnet fisheries. *Cons. Biol.* 13: 1386-1397.

<sup>18</sup> Sullivan, B. J., Clark, J. Reid, K, Reid E (2009). Development of effective mitigation to reduce seabird mortality in the icefish (*Champscephalus gunnar*) trawl fishery in Subarea 48.3. WG-IMAF-09-15. CCAMLR, Hobart, Australia

## 2.6. The policy framework

### 2.6.1. *The CFP*

The EU-PoA is aligned with the overarching objective of the CFP<sup>19</sup>, which points to the need to minimise the impacts of fishing activities on marine ecosystems (including seabirds) and progressively implement an ecosystem based approach to fisheries management. Under the reform of the CFP<sup>20</sup>, currently being undertaken, the Commission has re-affirmed this commitment and aims to achieve this objective measures through several elements of the reform package:

- A new regionalised approach to technical measures to allow mitigation measures to be tailored to specific fisheries. This approach will take time to be developed and the final content is dependent on the outcome of the reform but should be in place by 2016. In the meantime, where appropriate and urgently required, already available and proven mitigation measures may be incorporated into multiannual management plans.
- The new EU Multiannual Programme for Data Collection (DCMAP) planned to be introduced in 2014. Discussions are currently on-going regarding whether to include the monitoring of other ecosystem components including seabirds. Input from experts and a costing of such an extension of the current Data Collection Framework are still needed. Nevertheless, systematic collection and reporting of data on seabird bycatch remains essential to tackling seabird bycatch.
- Financial support for new measures provided under the current European Fisheries Fund (EFF) and the new European Maritime and Fisheries Fund (EMFF)<sup>21</sup>. The new EMFF is scheduled to be introduced in 2014 and would provide aid for the development and use of mitigation measures, pilot projects and the testing of alternative monitoring technologies such as CCTV.
- The commitment given by the Commission in the recent Communication on the External Dimension of the CFP<sup>22</sup> to take a more pro-active role in the RFMOs and try to remedy the current situation of poor compliance with conservation and management measures.

### 2.6.2. *Environmental Legislation*

The EU-PoA depends on parts of the EU environmental acquis, in particular the Birds<sup>9</sup> and Habitats Directives<sup>23</sup> and the Marine Strategy Framework Directive (MSFD)<sup>24</sup>. The full implementation of these Directives is part of the EU's response to its commitments under the UN Convention on Biological Diversity<sup>25</sup>, and is reinforced by the commitment made by EU Heads of State "to halt the loss of biodiversity [in the EU] by 2010"; it is further reiterated in the EU Biodiversity Strategy to 2020<sup>26</sup>.

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<sup>19</sup> OJ L 358, 31.12.2002, p.59.

<sup>20</sup> COM(2011)425.

<sup>21</sup> COM(2011)804.

<sup>22</sup> COM(2011)424.

<sup>23</sup> OJ L 206, 22.7.1992, P. 7-50

<sup>24</sup> OJ L 164, 25.6.2008, p.19-40

<sup>25</sup> OJ L 309, 13.12.1993, p. 1.

<sup>26</sup> COM(2011) 244.

The key measure established by the Birds Directive is a general scheme of protection for all wild birds prohibiting various acts including, most relevant to fisheries, deliberate killing or capture by any method<sup>27</sup>. The Birds and Habitats Directives also establish the Natura 2000 network of protected areas, which embraces sites designated under any of the Directives concerned – Special Protection Areas (SPAs) established under the Birds Directive and Special Areas of Conservation (SACs) established under the Habitats Directive. As of February 2011, under the Birds Directive, a total of 936 SPAs covering an area of 122,000km<sup>2</sup> have been established in marine areas.

The MSFD aims to bring coherence between different policies and foster the integration of environmental concerns into other policies, such as the CFP. Under the MSFD protection of seabirds is recognised as a requirement that will contribute towards the achievement of Good Environmental Status (GES). Its implementation is a legal requirement under the TFEU and dedicated measures to protect seabirds are implicitly required in compliance with the Directive. In the context of the MSFD and also the EU-PoA, the issue of seabird bycatch is also covered within the framework of Regional Sea Conventions on marine environment, in particular OSPAR<sup>28</sup>, HELCOM<sup>29</sup> and the Barcelona Convention<sup>30</sup>.

#### 2.6.2.1. External Policy

In external waters the RFMOs remain key for conservation and management of seabirds with RFMOs having been given explicit responsibilities under the UN Fish Stocks Agreement (UNFSA)<sup>31</sup> for minimising bycatch in their fisheries. To date, the majority of RFMOs have adopted some form of mitigation measures aimed at avoiding seabird mortality in longline fisheries. As a contracting party to many RFMOs, the EU is bound to implement those measures.

The EU has also made a number of commitments related to the principles of sustainable development and others more specifically related to the management of the shared ocean resources, including species at conservation risk which are relevant to the EU-PoA. These include:

- United Nations Convention on the Law of the Sea (UNCLOS)<sup>32</sup>
- The United Nations Convention on Biological Diversity (CBD)<sup>33</sup>
- The Convention on the Conservation of Migratory Species of Wild Animals (also known as CMS or Bonn Convention)<sup>34</sup>

Under the auspices of CMS there is an Agreement on the Conservation of Albatrosses and Petrels (ACAP)<sup>35</sup>. This is a legally binding international treaty whose objective is to achieve

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<sup>27</sup> In the light of case law of the Court of Justice of the European Union, C-221/04, paragraph 71.

<sup>28</sup> <http://www.ospar.org/>

<sup>29</sup> <http://www.helcom.fi/>

<sup>30</sup> <http://www.unepmap.org/index.php?module=content2&catid=001001004>

<sup>31</sup> <http://www.tuna-org.org/Documents/TRFMO2/19%20ANNEX%205.11%20ENG.pdf>

<sup>32</sup> OJ L 179, 23.6.1998, p. 3-134

<sup>33</sup> OJ L 309, 13.12.1993, p. 1.

<sup>34</sup> <http://www.cms.int/about/intro.htm>

<sup>35</sup> <https://www.acap.aq/>

and maintain a favourable conservation status for albatrosses and petrels by addressing threats on land and at-sea, bycatch is arguably the primary threat for this group of species.

### **3. THE EU-PoA**

The objective of the EU-POA is *to minimise and, where possible, eliminate the incidental catches of seabirds, with priority action focussing on individuals belonging to at least 49 threatened seabird populations by EU vessels operating in EU and non-EU waters, as well as by non-EU vessels operating in EU waters. For other seabirds where the populations are stable but bycatch are at levels that are cause for concern, bycatch should be reduced as a first step towards bycatch elimination.*

Additional specific objectives are to:

- (1) Identify and rectify weaknesses and incoherencies in current management measures both in EU and non-EU waters.
- (2) Consolidate and collect data critical to establish the extent and threat posed by seabird bycatch particularly to the populations of species identified as being of conservation concern.
- (3) Minimise bycatch of seabird species of conservation concern to levels that eliminate the threat to the populations of these species through the implementation of appropriate mitigation measures.
- (4) Address the lack of acceptance by fishermen that seabird bycatch is a problem as well as the lack of incentive for fishermen to adopt mitigation measures.
- (5) Resolve outstanding difficulties with existing mitigation used in longline fisheries and address the absence of effective mitigation measures for other fishing gears, particularly static net fisheries.

#### **3.1. Scope and Structure**

The EU-PoA will follow an adaptive management approach, recommending actions in areas and fisheries identified as having incidental catches of seabirds. It provides a framework to develop a clear and comprehensive picture of the scale of incidental seabird bycatch in EU fisheries and identify the action required to introduce mitigation and management measures that will achieve a coherent and effective approach to minimising the problem.

The scope of the EU-PoA covers all EU vessels operating in Union waters and to EU flagged vessels in external waters. In EU waters actions under the EU-PoA will be supported by the increased implementation of fishery management measures in Special Protection Areas created under the Birds Directive (Article 4). Member States will be encouraged to adopt similar measures within the network of Important Bird Areas (IBA)<sup>36</sup>. Demonstrable use of seabird friendly gear should be a pre-condition for access to fishing opportunities in such areas where seabirds are a qualifying feature and where bycatch threatens their favourable conservation status.

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<sup>36</sup> Birdlife International (2011). Important Bird Areas factsheets. <http://www.birdlife.org>



In order to ensure a coherent approach between the internal and external EU fisheries policy for seabirds, the Union will seek that the relevant international bodies enhance these measures by facilitating their adoption by fishermen, integrating seabird bycatch monitoring into observer programmes (where this has not already been achieved) and promoting best practice to non-EU fleets. The Long Distance Fleet Regional Advisory Council (LDRAC) has a clear role in assisting with this task.

### **3.2. Defining the problem**

One of the biggest challenges in implementing the EU-PoA is to define the existence of an incidental seabird bycatch problem in the first place. Current information such as IUCN listings and reporting under the Birds Directive are the most reliable sources to identify fisheries where measures are needed urgently but are limited. They do not allow accurate and realistic assessments of seabird populations and the impact of bycatch on these populations. This means defining clear management targets is problematic in most fisheries.

The FAO IPOA-Seabirds<sup>1</sup> does not define what constitutes a seabird bycatch "problem" generically, but recommends undertaking an assessment based on the following components:

- (a) the magnitude of seabird bycatch (rate or number);
- (b) species that are incidentally caught, and their conservation status;
- (c) spatial and temporal overlap of fishing effort with seabirds; and
- (d) population trends of seabirds likely to be impacted by bycatch.

An assessment should be based on all available data including *inter alia*, bycatch data collected by at-sea observers, seabird data and other anecdotal information which may be the first sign of a more generalised problem. Observer programmes are the best source of data but it is not realistic to establish specific seabird bycatch programmes for EU fisheries, except perhaps in those fisheries in external waters where it is already a mandatory requirement. Therefore other approaches as well the criteria used to define what constitutes a 'problem' need to be developed. As an action under the EU-PoA, the Commission will request the relevant scientific body to update existing information and also to explore the criteria and whether biological indicators (e.g. PBR<sup>37</sup> or BPUE<sup>38</sup>) could be used for defining a problem and setting management targets.

### **3.3. Research, Training, Education and Awareness-Raising**

In their Best Practice Technical Guidelines<sup>39</sup>, the FAO stress the importance of research, particularly into the development of mitigation measures, as part of any Plan of Action. Such research should encourage innovation through collaboration of the fishing industry, scientists, environmental NGOs and resource managers. It must be scientifically robust but also consider how most effectively to convert the results into uptake of mitigation measures.

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<sup>37</sup> PBR is a measure of the maximum number of animal/birds, not including natural mortalities, which can be removed from a population, while still allowing that stock to reach or maintain its optimum sustainable population level.

<sup>38</sup> BPUE is the bird bycatch per unit effort.

<sup>39</sup> FAO 2008. Report of the Expert Consultation on Best Practice Technical Guidelines for IPOA/NPOA-Seabirds. Bergen, Norway, 2-5 September 2008. 46pp.

The FAO also highlight the need to establish education and training programmes to raise awareness among fishermen, fisheries representative organisations and other relevant groups about the need to address the problem of seabird bycatch. At EU level the RACs have a vital role play in developing these programmes, while at international level the EU will support the establishment and strengthening of outreach and education programmes to fishermen in priority seabird bycatch areas. Research, training, education and awareness-raising measures are all included as integral parts of the EU-PoA.

### **3.4. Actions under the EU-PoA**

Annex I lists the actions under the PoA by specific objectives; the responsible parties for each action; and also the anticipated timeline for completing these actions.

### **3.5. Reporting and evaluation**

Under the EU-PoA, the intention is that Member States should report biennially to the Commission 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. The Commission working with the relevant scientific body will develop a standard reporting format to facilitate Member States to submit information to the Commission and which could also be used to facilitate data access to the wider public.

On the basis of these reports, the Commission will carry out an interim assessment of the EU-PoA after the second of these reports and then produce a Communication for the Parliament and Council on the implementation of the plan based on this information.

The relevant scientific body as appropriate would be requested to input into this review. In particular ICES would be asked to supply population and bycatch estimates for the species of concern. Such population data is reviewed routinely by the ICES Working Group on Seabird Ecology (WGSE). This would provide a benchmark of populations to be compared against bycatch levels and allow evaluation of the extent of the problem by seabird species and fishery.

The Commission would carry out a full review and evaluation of the EU-PoA after the fourth report (eight years) of implementation and update the EU-PoA accordingly. This review would be timed to coincide with the obligation under the MSFD to reach GES for marine ecosystems by 2020.

Under Article 12 of the Birds Directive Member States must report every three years on the implementation of national provisions taken under the Directive. Where relevant, Member States could also use these reports as a data source (e.g. seabird population estimates) for use in evaluating the effectiveness of the PoA.

## **4. CONCLUSIONS**

The EU-PoA entails a wide range of elements including recommended actions, strengthening existing provisions and incorporation of certain elements into future Regulations. Some of these measures can be implemented at Union level while others need action by Member States or must be endorsed by RFMOs. Furthermore, the EU-PoA foresees both actions that can be implemented immediately while others that need a longer term commitment based on available evidence and scientific advice. The timing of the implementation of the EU-PoA

will therefore depend on the contributions of all actors involved. The Commission presents this EU-PoA to the Council and Parliament and encourages them to endorse it fully.

**Annex I**  
**List of actions in the EU-PoA**

<b><i>Specific Objective 1:</i></b>		
<b><i>Identifying and addressing weaknesses and incoherencies in current management measures both in EU and non-EU waters.</i></b>		
<b>Action</b>	<b>Responsible Party</b>	<b>Timetable</b>
Explore the criteria that could be used to define a seabird bycatch problem	COM in conjunction with scientific bodies	1 <sup>st</sup> Quarter 2013
Progress designation of the SPA network, including by using IBAs to identify candidate SPAs	MS, COM	Continuous
Progress the development and implementation of fisheries management measures to protect seabirds in designated SPAs under the Birds Directive, in other MPAs, including those established in overseas countries and territories as well as in IBAs and extend these to the wider seas where required	MS, COM	Continuous
Review current monitoring and mitigation measures to protect seabirds in RFMO and assess levels of compliance with current measures	MS, COM, RFMOs, LDRAC	Continuous
Encourage RFMOs, both through direct request and via the FAO, to develop their own National/Regional Plans of Action, consistent with the FAO Best Practice Technical Guidelines	COM, RFMOs	Continuous
Ensure, to the extent possible, that mitigation measures used by EU vessels fishing in external waters, are also used by vessels flagged to non-EU States but owned or controlled by owners and operators based in the MS	COM, MS, RFMOs, LDRAC	Continuous
Propose a specific recommendation(s) in the Coastal States agreement for non-EU vessels operating in EU waters to adopt mitigation measures and report on seabird bycatch	COM	By the latest end of 2013
<b><i>Specific Objective 2:</i></b>		
<b><i>Collecting data critical to establishing the extent of seabird bycatch, particularly in fisheries/areas in EU and no-EU waters where the information is limited, only anecdotal and/or not available.</i></b>		
<b>Action</b>	<b>Responsible Party</b>	<b>Timetable</b>
Review available bycatch data, validate sources of information and identify fisheries where appropriate follow up actions with more detailed investigations are required	MS, COM in conjunction with scientific bodies	By the latest end of 2013
Adopt a precautionary approach where information is lacking or uncertain on seabird bycatch and undertake more extensive monitoring of fisheries falling into this category (A minimum 10% observer coverage in the short term should be aimed for)	MS	Following from initial assessment
Ensure that observers routinely deployed on vessels operating in external waters accurately record seabird bycatch.	MS, RFMOs	Continuous

Ensure that observer data is routinely submitted to the Secretariat of the respective RFMO and the Commission to facilitate analysis of observer programme data	MS, RFMOs, COM	Continuous
Establish a standard reporting format for recording seabird bycatch on a voluntary basis and to maintain a database of seabird bycatch in EU fisheries based on the information supplied by MS	COM in conjunction with ICES	End of 2012
Consider the feasibility of incorporating the monitoring of seabirds under the new DCF	COM	Beginning of 2014
<b>Specific Objective 3:</b>		
<b>Implementation of mitigation measures where information indicates occurrence of seabird bycatch.</b>		
<b>Action</b>	<b>Responsible Party</b>	<b>Timetable</b>
<p>Implement proven mitigation measures in longline fisheries in the Gran Sol, Mediterranean and non-EU waters (where not already required to do so). In these fisheries at least two of the following mitigation measures should be used:</p> <ul style="list-style-type: none"> <li>– Night setting with minimum deck lighting</li> <li>– Bird-scaring lines (Tori lines)</li> <li>– Line weighting</li> </ul> <p>Mitigation measures should comply with minimum technical standards as set out in Birdlife and ACAP guidelines<sup>40</sup></p>	COM, MS, RFMOs	By the latest end of 2013
Promote the adoption of mitigation measures at international level, where appropriate and not already applicable.	COM	Continuous
Assess and implement mitigation measures applicable in static net fisheries in the Baltic, eastern North Sea and western waters where incidental catches of seabirds are well-documented	MS	By the latest end of 2013
Recommend that all vessels implement on-board management of offal/discards according to best practice guidelines <sup>41</sup>	MS	By the latest end of 2013
On the basis of a review of RFMOs bring forward proposals for additional mitigation measures and improved monitoring in RFMOs	COM, MS, RFMOs, LDRAC	Continuous
Propose the incorporation of relevant mitigation measures under the technical measures regulation being developed in the context of the reform of the CFP and also ensure the inclusion of specific measures under multiannual plans, as a matter of priority where appropriate and urgently required.	COM	From 2016 following adoption of a new technical measure regulation and the development of multiannual plans

<sup>40</sup> <http://www.rspb.org.uk/ourwork/policy/marine/international/advocacy/mitigationfactsheets.aspx>

<sup>41</sup> [http://www.birdlife.org/seabirds/downloads/FS\\_13\\_Trawl\\_fisheries\\_warp\\_strike\\_final.pdf](http://www.birdlife.org/seabirds/downloads/FS_13_Trawl_fisheries_warp_strike_final.pdf)

Encourage Member States to transpose the EU-PoA into national legislation	COM, MS	By the latest end of 2013
Provide sufficient resources, notably supporting funding through the EFF and the new EMFF for the development, testing and implementation of mitigation measures	MS	Immediate action for the EFF. By the latest end of 2014 for the EMFF.
<b>Specific Objective 4:</b>		
<b><i>Providing education and training to fishermen in the use and benefits of mitigation measures and accurate identification of seabirds for reporting purposes.</i></b>		
<b>Action</b>	<b>Responsible Party</b>	<b>Timetable</b>
Organise a workshop(s) to inform stakeholders on the EU-PoA	COM	1 <sup>st</sup> quarter 2013
Promote the adoption of mitigation measures to reduce seabird bycatch and assist in the development of training programs addressed to fishermen and fisheries observers, the preparation and distribution of seabird identification guides and other relevant materials	MS, NGOs, RACs	Continuous
Provide sufficient resources, notably supporting funding through the EFF and the new EMFF for delivery of education and awareness raising measures	MS	Continuous
Continue to provide training, education and awareness-raising measures to vessels operating in external waters	NGOs, RFMOs	Continuous
Extend awareness-raising measures to other stakeholders and the general public	COM, NGOs	Continuous
<b>Specific Objective 5:</b>		
<b><i>Instigating research into practical and effective mitigation measures for all fishing gears which impact on seabirds.</i></b>		
<b>Action</b>	<b>Responsible Party</b>	<b>Timetable</b>
Instigate research through EU funding programmes (e.g. FP7, LIFE) into the development of practical and efficient mitigation measures, evaluation of the effectiveness of those measures and evaluation and improvement of technologies and practices already in place. Emphasis should be placed on developing mitigation measures for static net fisheries in the short-term	COM, MS, RACs, NGOs	Continuous
Continue research on the development of alternative fishing gear aiming to overcome adverse fishery-induced impacts on SPAs so as to facilitate access to fishing opportunities	MS, RACs, NGOs	Continuous
If monitoring of bycatch of seabirds is included in the EU Multiannual Programme for Data Collection 2014-2020, assess how novel electronic monitoring technologies can be used to monitor seabird bycatch and, as appropriate, ensure their implementation	MS, RACs, NGOs	2014

Provide sufficient resources, notably supporting funding through the EFF and the new EMFF to facilitate uptake and testing of mitigation measures and also additional monitoring of fisheries with suspected bycatch issues	MS	Immediate action for the EFF. By the latest end of 2014 for the EMFF.
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**Annex II**  
**Latin Names of Seabird Species Mentioned**

Balearic shearwater	<i>Puffinus mauretanicus</i>
Sooty shearwater	<i>Puffinus griseus</i>
Yelkouan shearwater	<i>Puffinus yelkouan</i>
Audouin's gull	<i>Larus audouinii</i>
Corys shearwater	<i>Calonectris diomedea</i>
Mediterranean gull	<i>Larus melanocephalus</i>
Black-legged kittiwake	<i>Rissa tridactyla</i>
Black guillemot	<i>Cepphus grylle</i>
Manx shearwater	<i>Puffinus puffinus</i>
Yellow-legged gull	<i>Larus michahellis</i>
Northern fulmar	<i>Fulmarus glacialis</i>
Great shearwater	<i>Puffinus gravis</i>
Northern gannet	<i>Morus bassanus</i>
Divers	<i>Gaviidae spp.</i>
Grebes	<i>Podicipedidae spp.</i>
Sea ducks	<i>Merginae spp.</i>
Diving ducks	<i>Aythinae spp.</i>
Auks	<i>Alcidae spp.</i>
Cormorants	<i>Phalacrocoracidae spp.</i>
Steller's eider	<i>Polysticta stelleri</i>
Red-throated diver	<i>Gavia stellata</i>
Black-throated diver	<i>Gavia arctica</i>
Slavonian grebe	<i>Podiceps auritus</i>
Smew	<i>Mergellus albellus</i>
Iberian guillemot	<i>Uria aalge ibericus</i>
European shag	<i>Phalacrocorax aristotelis</i>
Albatross spp.	<i>Diomedeidae spp.</i>
Petrel spp.	<i>Procellaria and Macronectes spp.</i>