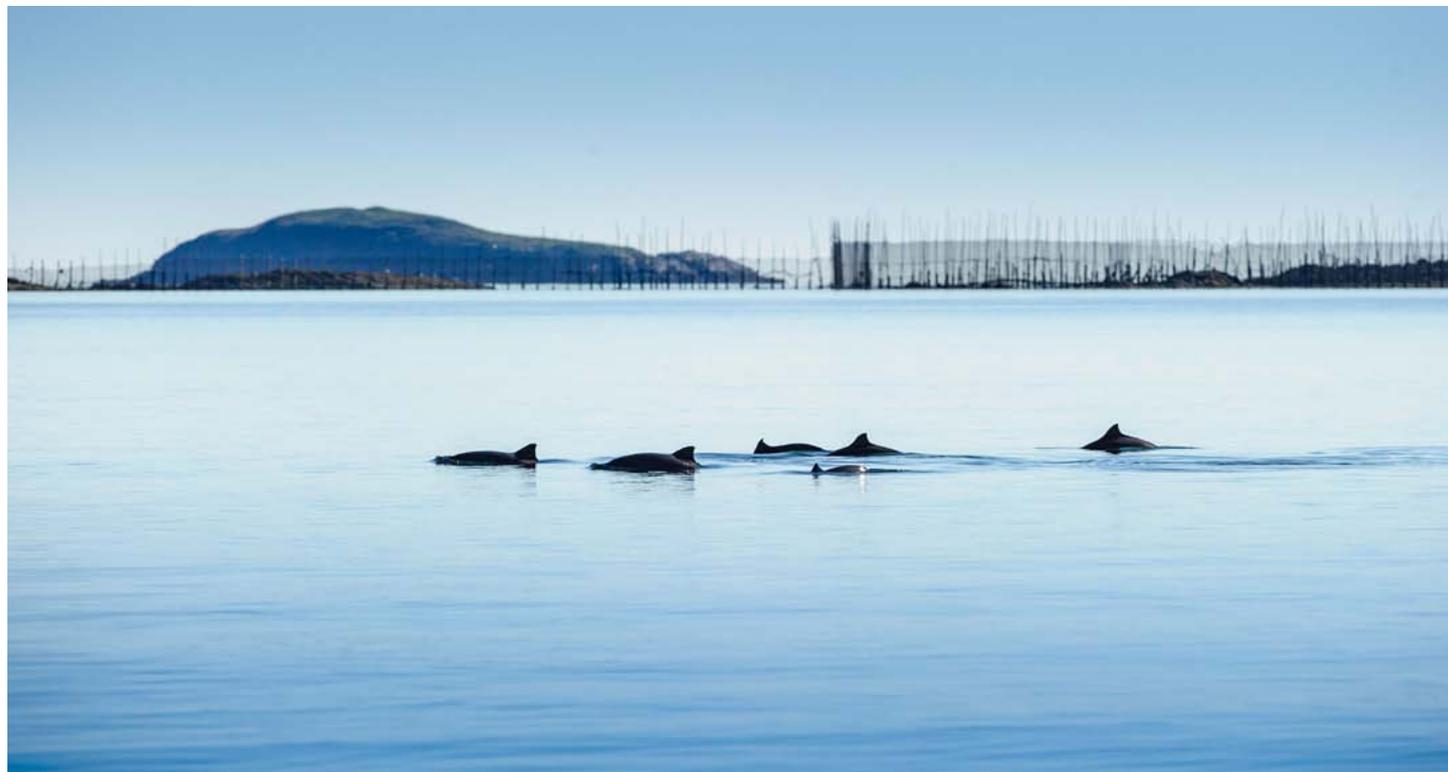


European Parliament event briefing

The Bycatch Threat in EU Waters



The bycatch problem

Bycatch – the unwanted entanglement of animals in fishing gears – is considered the greatest global threat to the conservation of cetaceans. In EU waters, incidental catches have serious impacts on whales, dolphins and porpoises, especially for vulnerable species like the Baltic harbour porpoise and the Bay of Biscay common dolphin.

Many Member States are not doing enough to prevent bycatch, particularly the governments of Belgium, Denmark, Estonia, Finland, France, Germany, Ireland, Latvia, Lithuania, the Netherlands, Poland, Portugal, Spain, Sweden, and the United Kingdom. However, a group of environmental NGOs (including Whale and Dolphin Conservation, ClientEarth and Seas At Risk, Coalition Clean Baltic, and the International Fund for Animal Welfare) has taken up the mantle by jointly calling on the European Commission to take legal action against

these governments for failing in their legal duty to protect cetaceans.

While the word ‘bycatch’ may sound innocuous, it masks a grim reality. When cetaceans are trapped in fishing nets, many die from asphyxiation or suffer significant injuries that can lead to death. The trauma of entanglement can also affect the animals’ behaviour and reproduction, which in turn has long-term effects on the survival of their populations. Nor is this disturbance limited to the individual cetaceans; it can have a knock-on effect for the transmission of ecologically important knowledge within a population. Cetaceans have complex social lives and different individuals within a population play specific roles, which can include sharing important information such as the location of food or safe places for rearing young.



The Failure of Member State Governments

The above-mentioned governments have systematically failed to implement conservation measures that ensure that bycatch does not have a significant impact on these species. They have also failed to establish and enforce monitoring systems to enable the necessary understanding of the impact of bycatch on many populations of cetaceans. This lack of monitoring has further impaired the ability of these governments to take the necessary measures to maintain or restore these populations at favourable conservation status.

European Union law mandates that all cetaceans are to be protected against bycatch. The Habitats Directive 92/43/EEC imposes a series of obligations on member states in relation to cetaceans:

- Obligation to establish a system to monitor the incidental capture and killing of cetaceans [Art. 12(4)];
- Obligation to, in light of the information gathered by the monitoring system, take further research or conservation measures as required to ensure that incidental capture and killing does not have a significant negative impact on the species concerned [Art. 12(4)];
- Obligation to establish a system of strict protection for cetaceans, prohibiting all forms of deliberate disturbance, capture and killing of cetaceans in the wild [Arts. 12(1)(a), 12(1)(b) and 12(3)].



The NGO complaint has argued that these governments are in breach of these obligations and that they have even failed to comply with Regulation 812/2004 – the minimum expected from Member States in relation to their duty to monitor and minimise the likelihood of killing, capture or disturbance to cetaceans by their fishing fleets. None of the governments of these Member States has implemented concrete, specific, coherent and coordinated measures that prevent the killing, capture or disturbance of cetaceans in their waters or by their fishing fleets.

These governments urgently need to take better conservation measures to prevent cetacean bycatch, including by implementing monitoring systems and improving their reporting in relation to bycatch. With this complaint, the Commission has been asked to take infringement action against the governments for these serious breaches of EU environmental law.