

### 16.3.3.2 Basis for the advice on “Bycatch of small cetaceans and other marine animals”

The Administrative Agreement between the EU and ICES requests ICES to provide advice on: “...the state of marine ecosystems and human impacts, the present state and development of the marine living resources....”

Most of the information that constitutes the background for ICES advice on “Bycatch of small cetaceans and other marine animals” derives from Member State (MS) reports required under [Council Regulation \(EC\) No. 812/2004](#). The Regulation, under its article 4, obliges Member States to design and implement monitoring schemes for incidental catches of cetaceans using observers on board vessels using the fishing gears described in Annex III of the Regulation (i.e. pelagic trawls/high opening trawls/ bottom-set gillnets/driftnets). Reports from the majority of the MS that are affected by the Regulation (numbering 17 countries in 2014; including Mediterranean countries such as Italy or Greece) are received annually by ICES from the European Commission and are reviewed by the Working Group on Bycatch of Protected Species (WGBYC). The reports received by ICES in a given year Y correspond to the reports produced by Member States in the year Y-1, where the data reported correspond to the year Y-2. There is thus a two-year lag between the data being gathered and them being analyzed by WGBYC.

Besides Regulation 812/2004 MS reports, additional information from specific research projects, national pilot studies, regional stranding networks, or Data Collection Framework (DCF) sampling schemes is also gathered by WGBYC and can contribute to the body of the final advice. Nonetheless, not all countries provide additional information, and that which is provided is usually not standardized between countries or years. Regulation 812/2004 is due to be repealed, and consequently, ICES is now preparing for the transition away from using MS Regulation reports as the primary source of data on the bycatch of cetaceans (and other protected and endangered species). In future, data will be provided through the ICES Regional DataBase and Estimation System (RDBES) as a result of Commission Implementing Decision (EU) 2016/1251<sup>1</sup> (EU MAP). In 2018, ICES issued an [official data call](#) with the aim of improving consistency in the reporting of bycatch data at a regional scale. ICES acquisition of fisheries sampling and protected species bycatch data, will aid the transition from Reg 812/2004 to EU MAP and improve the ability of ICES to advice on the impact of fisheries on non-target species.

A database has been developed through collaboration between WGBYC and the ICES Data Centre. It includes total and dedicated observer effort, as well as a number of bycaught individual Protected Endangered and Threatened Species (PETS) by fishing gear covering the period 2005–2016 (noting the two-year time lag, see above). In addition to cetaceans, the database includes information on the number of bycaught birds, marine turtles and protected fish species (i.e. extra taxa not required under [Council Regulation \(EC\) No. 812/2004](#)) by fishing gear. Reporting on bycatch of many of these species is required under the EU Habitats and Birds Directives. This time-series of data has served as basis for Bycatch Risk Assessments of harbour porpoise (*Phocoena phocoena*) and common dolphin (*Delphinus delphis*) bycatch developed in 2015 and 2016 respectively (WGBYC, 2015; WGBYC, 2016). These analyses were incorporated in previous advice on Bycatch of small cetaceans and other marine animals given by ICES (ICES, 2015, 2016). Bycatch-Risk-Assessments aim to identify sea areas or fisheries that may pose the greatest threat to non-target species in the absence of reliable data that would be needed to quantify the bycatch of that species in a statistically rigorous manner.

### Sources and references

ICES. 2015. Bycatch of small cetaceans and other marine animals – Review of national reports under Council Regulation (EC) No. 812/2004 and other published documents. *In* Report of the ICES Advisory Committee, 2015. ICES Advice 2015, Book 1, Section 1.6.1.1

ICES. 2016. Bycatch of small cetaceans and other marine animals – review of national reports under Council Regulation (EC) No. 812/2004 and other information. *In* Report of the ICES Advisory Committee, 2016. ICES Advice 2016, Book 1, Section 1.6.1.1

<sup>1</sup> EU, 2016. Commission Implementing Decision (EU) 2016/1251 of 12 July 2016 adopting a multiannual Union programme for the collection, management and use of data in the fisheries and aquaculture sectors for the period 2017–2019 (notified under document C(2016) 4329).