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DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

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**Subject: Advice 141 from SWWAC on the by-catch of common dolphins in the Bay of Biscay**

Dear Mr. Bilbao Barandica,

Thank you for your contribution relating to the ICES advice on the by-catch of common dolphins in the Bay of Biscay.

As you know, each year, hundreds of these small cetaceans end up stranded on beaches, particularly in the Bay of Biscay, but also further north. During the period 1990-2017, an average of 890 cetaceans ended up stranded on the French Atlantic coast<sup>1</sup>. During the last three winters, 2016-2017, 2017-2018 and 2018-2019, the number of strandings was estimated at 950, 700 and 1,127 respectively<sup>2</sup>. According to ICES (2018)<sup>3</sup>, the total by-catch of common dolphins in the Bay of Biscay in 2016 and 2017 was 1,607 and 4,355 respectively. These figures correspond to about 1.6% of the common dolphins present in this area. This estimate, which is greater than 2% in the Bay of Biscay, exceeded the limit set at 1.7% by ASCOBANS, above which the catch level reached is considered to have an impact on the population concerned.

The Commission is mindful of the very difficult economic situation of fishermen this year, due to the dramatic consequences of Covid 19 and the uncertainties created by Brexit. The measures mentioned by ICES in its advice dated 26<sup>th</sup> May range from a two-week closure to a four-month closure and advocate the use of

<sup>1</sup> French Cetacean Strandings Investigation Programme (CSIP). 2017. Annual Report for the period 1<sup>st</sup> January – 31<sup>st</sup> December 2017.

<sup>2</sup> Peltier, H., Authier, M., Deaville, R., Dabin, W., Van Caney, O., Daniel, P., Ridoux, V., 2016. cetacean bycatch as estimated from stranding schemes: The common dolphin case in the northeast Atlantic Genetic evidence highlights potential impacts of by-catch to Cetacean. doi:<http://dx.doi.org/10.1016/j.envsci.2016.05.004>. Elsevier Ltd.

<sup>3</sup> <https://www.ices.dk/sites/pub/Publication%20Reports/Advice/2018/2018/byc.eu.pdf>

pingers for pelagic trawls. The advice also underlines the importance of control and monitoring measures.

The measures necessary to reduce dolphin by-catch in the Bay of Biscay, which may receive EU funding, will have to be taken whilst also considering socio-economic aspects. But we also need fishermen to get on board with their support. Brittany's fishing committee has set a good example. They launched a voluntary campaign to promote the use of pingers and to improve monitoring, even before this was made mandatory by law in France. We commend you for the proposed measures announced in your Advice 141 and we ask that you continue to work with the Western Waters Member States Group to find sustainable and urgent solutions in line with the ICES Advice of 26<sup>th</sup> May 2020. However, I would ask you to consider the possibility of extending the closure period beyond two weeks. Indeed, ICES has stated that a two-week closure is a measure that would entail a "high risk" of not achieving the desired objective. The Commission considers that a six-week fishing closure would be preferable. I would also encourage you to review your capacities for monitoring conservation measures, to ensure compliance with said measures, and to gather precise information about by-catch cases, locations and seasonality, and the implicated fishing gear.

The Commission favours a regional cooperative approach between SWWAC and the Western Waters Member States Group. The aim is to drastically reduce dolphin by-catch and at the same time ensure that the fishing industry remains profitable. Urgent action is required so that the necessary measures are in place for this winter. We have therefore informed the Member States concerned that a joint recommendation, which should be in line with scientific opinions and provide for adequate control measures, is to be completed as soon as possible.

We fully agree with the industry's concrete proposals, namely the installation of pingers on pair and pelagic trawlers. Industry contribution to research is obviously very positive. We are very interested in adopting an ambitious at-sea observation target. We also commend the NGOs for their committed work and their recognition of the urgency to introduce protective measures before next winter.

I would like to thank SWWAC for the work it has accomplished and its commitment, and I invite you to contact Ms Pascale Colson, Coordinator of the Advisory Councils (pascale.colson@ec.europa.eu, +32.2.295.62.73) for any additional information on this answer.

Yours sincerely,

Charlina Vitcheva