

RESOLUTION 8.16
INTERACTIONS BETWEEN FISHERIES AND CETACEANS

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area:

Recalling the provisions of Article II, paragraph 3, of the Agreement, inviting Parties to implement, within the limits of their sovereignty and/or jurisdiction and in accordance with their international obligations, appropriate measures for the assessment and management of human-cetacean interactions and stressing that measures concerning fisheries activities shall be applied in all waters under their sovereignty and/or jurisdiction and, outside these waters, in respect of any vessel under their flag or registered within their territory,

Recalling the following Resolutions:

- Resolution 2.12 on guidelines for the use of acoustic deterrent devices,
- Resolution 2.13 on pelagic gillnets,
- Resolution 2.21 on assessment and mitigation of the adverse impacts of interactions between cetaceans and fishing activities in the ACCOBAMS Area,
- Resolution A/3.1, amending Annex 2 to the ACCOBAMS, as regards the use of drift nets,
- Resolution 3.8 strengthening collaboration with the General Fisheries Commission for the Mediterranean (GFCM),
- Resolution 4.9 on fisheries interactions with cetaceans,
- Resolution 7.11 on interactions between fisheries and cetaceans,

Taking into consideration Recommendation 14.5 of the Scientific Committee on “Bycatch”,

Reiterating that bycatch in fishing gear is a widespread and significant threat to cetaceans across the Agreement area, although precise estimates are lacking for most areas and the region as a whole,

Recalling that it is essential that an improved understanding of bycatch levels is developed as soon as possible and that, together with the results of ACCOBAMS Survey Initiative, this will allow a better determination of bycatch rates and thus help determine the levels of bycatch reduction necessary to allow ACCOBAMS conservation objectives to be met,

Expressing great concern over the results of the project “Support MSFD implementation in the Black Sea through establishing a regional monitoring system of cetaceans (D1) and noise monitoring (D11) for achieving GES” (CeNoBS), as well as of other recent local surveys that have, even under conservative assumptions, highlighted the significant link between turbot fishery bycatch and high seasonal mortality of harbour porpoises in the Black Sea, which threatens the viability of this sub-species,

Fully aware of the complexity of the interactions between fisheries and cetaceans and their negative impacts on cetacean populations, as well as of their socio-economic implications in some zones of the ACCOBAMS Area, in particular the situation of conflicts generated between fishermen and dolphins due to the damages caused by the latter to fishing gear,

Conscious of the related work underway under the Convention on the Conservation of Migratory Species of Wild Animals (CMS), and *recalling* related decisions, in particular CMS Resolution 12.22 on “Bycatch”,

Conscious of the related work underway under the Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS), and *recalling* relevant decisions, in particular ASCOBANS Resolution 8.5 (Rev.MOP9) on “Monitoring and Mitigation of Small Cetacean Bycatch”,

Endorsing the recommendations on monitoring and mitigation from the first Meeting of the ACCOBAMS-ASCOBANS Joint Bycatch Working Group, organized in February 2021, and *urging* the Parties to implement them as soon as possible,

Recognizing that Cetaceans Stranding Networks (CSNs) are an important source of data to determine cetacean causes of death, including bycatch events, and *taking note* of the results of the review of available data on cetacean bycatch in stranding databases from the ACCOBAMS Area,

Commending the collaboration established between the Secretariats of ACCOBAMS and the General Fisheries Commission for the Mediterranean (GFCM), in particular regarding the mitigation of the adverse impacts of interactions between cetaceans and fishing activities in the Agreement area,

Recalling with appreciation the recommendations adopted by the GFCM on the mitigation of incidental catches of cetaceans in the GFCM area (Recommendation GFCM/36/2012/2) and on the establishment of a set of minimum standards for bottom-set gillnet fisheries for turbot and conservation of cetaceans in the Black Sea (Recommendation GFCM/37/2013/2), as well as the guidelines included in the manual “Monitoring incidental catch of vulnerable species in the Mediterranean and Black Sea: Methodology for Data Collection”, developed by the GFCM in collaboration with other partners,

Noting with appreciation the recently adopted resolution on enhancing the conservation of cetaceans in the GFCM area of application (Resolution GFCM/43/2019/2), and the two recommendations recently adopted by the GFCM on the mitigation of fisheries impacts for the conservation of cetaceans (Recommendation GFCM/44/2021/15) and on abandoned, lost or otherwise discarded fishing gear (Recommendation GFCM/44/2021/14), and the FAO Voluntary Guidelines on the Marking of Fishing Gear (2019);

Noting with appreciation the translation into several languages of the ACCOBAMS Area of the FAO/ACCOBAMS good practice guides for the handling of vulnerable species caught incidentally in Mediterranean fisheries, developed in collaboration with SPA/RAC,

Greatly appreciating the financial support provided by MAVA Foundation for projects aimed at addressing the issues of interactions between fisheries and cetaceans,

Recalling the Action Plan for the Conservation of cetaceans in the Mediterranean Sea (IG25/13),

1. *Encourages Parties* to produce a realistic estimation of cetacean and other megafauna species bycaught in different types of legal fishing activities, taking into account the ongoing work of ECAP/IMAP, but also in result of

illegal, unreported and unregulated (IUU) fishing, and ghost net fishing, and to align by catch thresholds with those developed by other ongoing processes;

2. *Encourages* Parties to assess the level of cetacean bycatch arising from their fisheries using a combination of methods, following the guidelines included in the manual “Monitoring incidental catch of vulnerable species in the Mediterranean and Black Sea: Methodology for Data Collection”, developed by the GFCM in collaboration with other partners, such as:
 - a. trained observers on board fishing vessels, where possible,
 - b. fishermen interview surveys,
 - c. self-sampling by fishermen, where possible,
 - d. strandings data collection,
 - e. remote electronic monitoring;
3. *Urges* that, despite the need for more precise estimates, mitigation efforts be immediately intensified by both Parties and non-Party Range States throughout the region and especially in areas hosting populations identified as Critically Endangered or Endangered in the IUCN Red List;
4. *Requests* the Secretariat to share the results of the review of available data on cetacean bycatch in stranding databases from the ACCOBAMS Area with Parties and relevant organizations, and *encourages* further studies investigating the use of stranding data to assess bycatch mortality, including the use of carcass drifting models, whilst recognising that analyses of strandings data almost always underestimate bycatch to an unknown degree;
5. *Urges* the Scientific Committee to review studies on the behavior of animals during interactions with fisheries, including on their mortality caused by the ingestion of fishing gear, with a view to developing effective mitigation measures;
6. *Urges* the Parties to enhance fishing gear identification and traceability, as well as the retrieval of abandoned, lost or otherwise discarded fishing gears, to eliminate bycatch of cetaceans in ghost gears;
7. *Invites* the Parties and the Secretariat to disseminate amongst relevant organizations, in particular fishery professional organizations, the FAO/ACCOBAMS good practice guides for the handling of vulnerable species caught incidentally in Mediterranean fisheries, developed in collaboration with SPA/RAC;
8. *Encourages* the Parties that socio-economic studies be conducted on the extent of depredation caused by cetaceans, where appropriate at regional level, in order to elaborate possible mitigation measures;
9. *Asks* the Secretariat to provide assistance to the Parties in addressing the issue of interactions between *cetaceans* and fisheries, including in the context of IUU fishing, ensuring that all activities are in line with the ACCOBAMS objectives, and considering the mutual benefits of mitigation measures;
10. *Invites* the Secretariat to pursue its collaboration with the Secretariats of GFCM, Barcelona Convention / SPA-RAC and Bucharest Convention, and to strengthen its involvement in their relevant work and initiatives;
11. *Further invites* the Secretariat to strengthen its collaboration with the Secretariats of the CMS and ASCOBANS, as well as with the International Whaling Commission (IWC) and other relevant organizations, with a view to

investigating approaches for achieving a significant decrease in cetacean bycatch levels, using, as appropriate, the recommendations of the Scientific Committee;

12. *Encourages* the Secretariat to provide technical assistance and support to Parties engaged in the assessment and reduction of depredation caused by cetaceans in fisheries;

The Black Sea

13. *Asks* that the relevant authorities implement, as a matter of urgency, continuous action to develop and apply measures to reduce bycatch levels, improve mandatory monitoring schemes, such as those run under the Data Collection Framework set out in the European Union Regulation 2017/1004 of 17 May 2017, and make available the official fishing effort data of turbot fishery, with a view to allow, *inter alia*, estimates of the fleet size and total length of nets involved, enabling the refinement of estimates of total bycatch in the Black Sea;
14. *Calls for* an enhanced cooperation of the relevant authorities with fishers and for an improved overall bycatch monitoring through the use of onboard observers, questionnaires to fishers, as well as available technical means, such as remote electronic monitoring (REM);
15. *Urges* the relevant authorities to enforce existing laws and regulations in the region to minimize IUU fishing;
16. *Asks* that the relevant authorities encourage the retrieval of bycaught animals from vessels, with a view to *obtaining* biological data, including tissue samples, for undertaking analyses to understand the status and demographic characteristics of the affected populations;
17. *Encourages* the further testing and development of bycatch mitigation measures, without delaying the implementation of immediate mitigation actions, including the use of pingers;
18. *Stresses* the need to carefully consider also any potential long-term negative effects of pingers, such as habituation and displacement of animals from their original habitats, as well as any ecological and economical costs and benefits of other mitigation measures, such as spatio-temporal closures of fishing where other mitigation measures are not possible, which should be identified in collaboration with fishers;
19. *Urges* the Parties in the Black Sea to facilitate the creation of an Emergency Task Force with the full participation of *the* European Commission, the ACCOBAMS Secretariat and the Scientific Committee, the GFCM and the Secretariat of the Black Sea Commission, to identify and implement the best fishery management measures;

The Mediterranean Sea

20. *Reiterates* its great concern for cetacean bycatch levels in some areas of the Mediterranean Sea;
21. *Requests* the Scientific Committee to review the results of the MedBycatch project, which has been implemented in five Mediterranean countries since 2017 and includes more than two years multi-taxa (including cetacean) bycatch data collection and science-based bycatch mitigation trials;

22. *Notes* that, to date, few models of pingers have been tested in some Countries and *stresses* that more research is needed on the effectiveness of such mitigation tool on both the short- and long-term basis;
23. *Recommends* the continuation of such studies in the Mediterranean Sea to monitor and assess bycatch and depredation and ensure that mitigation measures are effective;
24. *Decides* that the present Resolution replaces Resolution 7.11.