The Commission is aware of the reports in question. All cetaceans are strictly protected under the Habitats Directive\(^1\), and the Commission is currently assessing the compliance of Member States with its provisions, in particular Article 12, with respect to absence of monitoring and mitigation measures. Furthermore, under the Common Fisheries Policy, the new Technical Measures Regulation\(^2\) requires Member States to collect scientific data on incidental catches of sensitive species, and if there is scientific evidence, validated by ICES\(^3\) or STECF\(^4\), or in the framework of GFCM\(^5\), for negative impacts of fishing gear on sensitive species, to submit joint recommendations for additional mitigation measures for the reduction of incidental catches of the concerned species or in a concerned area. The Commission is following the matter closely.

Emergency measures under Regulation (EU) 1380/2013\(^6\) (Art. 11(4) and Art. 12) can be taken on the basis of up-to-date scientific advice indicating imperative grounds of urgency to adopt such measures. The Commission is in contact with relevant scientific bodies to obtain updated advice. As soon as updated advice becomes available, the Commission will assess the appropriate actions.

Meanwhile, the Commission urges Member States to use the tools provided in the new Technical Measures Regulation and to improve the collection of cetacean bycatch data. Advice from ICES, STECF and ASCOBANS\(^7\) indicates that more monitoring by embarked observers or by video camera recording is needed and more sampling coverage is necessary for vessels under-15m using gillnets. Member States must develop their sampling programmes to address these issues as required by Annex XIII of Regulation (EU) No 1241/2019.

\(^3\) International Council for the Exploration of the Seas.
\(^4\) Commission's own Scientific Technical and Economic Committee for Fisheries, evaluates scientific advice from ICES and other scientific bodies.
\(^5\) General Fisheries Commission for the Mediterranean
\(^7\) The International Council for the Exploration of the Sea, the Scientific, Technical and Economic Committee for Fisheries and the Agreement on the Conservation of Small Cetaceans of the Baltic, Northeast Atlantic, Irish and North Seas.