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E-002811/2019

Answer given by Mr Vella
on behalf of the European Commission
(18.11.2019)

The Commission is aware of the reports in question. All cetaceans are strictly protected under the Habitats Directive¹, 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 Regulation² requires Member States to collect scientific data on incidental catches of sensitive species, and if there is scientific evidence, validated by ICES³ or STECF⁴, or in the framework of GFCM⁵, 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) 1380/2013⁶ (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 ASCOBANS⁷ 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.

¹ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora OJ L 206, 22.7.1992, p. 7–50

² Annex XIII points 2 and 3, Regulation (EU) 2019/1241 of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005, OJ L 198, 25.7.2019, p. 105–201.

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

⁶ Regulation (EU) No 1380/2013 of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC OJ L 354, 28.12.2013, p. 22–61.

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.