

Recommendation GFCM/36/2012/2 on mitigation of incidental catches of cetaceans in the GFCM area

The General Fisheries Commission for the Mediterranean (GFCM),

RECALLING that the objective of the Agreement establishing the General Fisheries Commission for the Mediterranean is to promote the development, conservation, rational management and best utilization of living marine resources;

RECALLING the Johannesburg Declaration on Sustainable Development of 2002 and in particular its Plan of Implementation;

REAFFIRMING the principles of the FAO Code of Conduct for Responsible Fisheries and recalling the precautionary and ecosystem approach to fishery management;

CONSIDERING that the incidental catch of cetacean species in relation with fishing activities may seriously affect cetacean populations in the GFCM Area;

RECOGNIZING that some fishing operations carried out in the GFCM Area, including the risk of unaccounted catches of cetaceans due to the loss of these gears at sea (so called "ghost fishing"), can adversely affect cetaceans and there is a need to better understand the phenomenon to conceive and implement measures to mitigate these adverse effects;

RECALLING the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS) whose objectives include the mitigation of negative impacts between cetaceans and fishing activities;

RECALLING the Protocol concerning the Specially Protected Areas and Biological Diversity in the Mediterranean (hereinafter SPA/BD Protocol) of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) and the listing of several cetaceans species occurring in the Convention Area therein;

RECALLING the Recommendation GFCM/2005/3(A) prohibiting the use of driftnet for fisheries of large pelagic species;

AIMING to reduce cetaceans by-catch in the GFCM Competence Area, thus contributing to improve the conservation status of these animals in line with an ecosystem approach to fisheries management;

TAKING INTO ACCOUNT the SAC advice on the need to endorse measures for the reduction of the by-catch of cetaceans;

RECOGNIZING, also, the need to collect more data and technical information in order to fully assess the advantages and risks associated with the possible adoption of other types of measures modifying the characteristics of fishing gear, as well as any other potential impacts on fisheries activities;

ADOPTS in conformity with the provision of Article III, Paragraph 1 (b) and (h) and Article V of the GFCM Agreement that:

1. Contracting Parties and Cooperating non-contracting Parties of the GFCM (hereafter referred to as CPCs) shall take actions to study, monitor, prevent, mitigate and, to the extent possible, eliminate incidental taking of cetaceans during fishing operations.
2. For the purpose of mitigating the by-catch of cetaceans during fishing operations, the CPCs shall:
 - a) prohibit, not later than 1st January 2015, gillnet fisheries using monofilament greater than 0.5 mm;
 - b) require vessels flying their flag to promptly release alive / unharmed to the extent practicable cetaceans that have been incidentally caught and brought alongside the vessel.
3. The CPCs shall collect and forward to the GFCM Secretariat, both through their national reporting to SAC and the Task 1.4, information on by-catch rates of cetaceans taking into account, amongst other relevant information: fisheries concerned, characteristics of gear type, times, locations (either by GSA or statistical rectangles) and affected cetacean species.
4. The SAC, in coordination with the GFCM Secretariat and relevant partner organizations, shall compile all available data and other relevant information from commercial fisheries and scientific literature with a view to assess, from a scientific, environmental and socio-economic perspective, the conservation benefits, feasibility, alternative solutions and potential impacts of measures such as:
 - restricting/prohibiting the use of inoxidable steel hooks and metallic branch lines (snoods) in bottom and demersal longlines fishing;
 - limiting the maximum dimensions, both in terms of drop and length overall, of bottom-set nets towards ranges of common values considered adequate at subregional level to tackle the problem of cetacean incidental taking;
 - limiting the soaking time for bottom-set net fishing including the implementation of time-data logger, taking also into consideration subregional specificities of fisheries.
 - assess the impact of using bottom set-gillnets with twine diameter equal or smaller than 0.5 mm on the fisheries, from a biological and socio-economic point of view.
5. The SAC, in coordination with the GFCM Secretariat and relevant partner organizations shall assess the feasibility of other possible mitigation measures, such as the use of pingers and acoustically reflective nets for the remediation of cetacean by-catches in fishing gear.
6. The SAC shall report back to the GFCM in 2015 in time for its 39th session.
7. Taking into account the possible technical interactions between different fishing gear in fisheries, the GFCM Secretariat is requested to coordinate, whenever appropriate, with the Secretariat of ICCAT with a view to properly address the items identified in Paragraph 4.

8. Upon receipt of advice from the SAC, the GFCM will consider, if appropriate, the adoption of further measures to mitigate incidental catches of cetaceans in the fisheries concerned.

9. The provisions of this recommendation are without prejudice to additional or stricter measures adopted or that could be adopted by the CPCs, in particular for what concerns measures in Paragraph 2.a) above.