

## Recommendation GFCM/44/2021/13

### on the mitigation of fisheries impacts for the conservation of seabirds in the Mediterranean Sea

The General Fisheries Commission for the Mediterranean (GFCM),

*RECALLING* that the objective of the Agreement for the establishment of the General Fisheries Commission for the Mediterranean (GFCM Agreement) is to ensure the conservation and sustainable use, at the biological, social, economic and environmental level, of marine living resources in the GFCM area of application;

*RECALLING* the 2030 Agenda for Sustainable Development adopted in the context of the United Nations Sustainable Development Summit (New York, September 2015) and the United Nations Sustainable Development Goals (SDGs), in particular SDG 14 “Conserve and sustainably use the oceans, seas and marine resources” and Target 14.2 that specifically calls for sustainably managing and protecting marine and coastal ecosystems to avoid significant adverse impacts and taking action for their restoration in order to achieve healthy and productive oceans;

*REAFFIRMING* the principles of the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations (FAO) and recalling the precautionary and ecosystem approaches to fisheries management;

*TAKING INTO ACCOUNT* the FAO International Plan of Action for reducing incidental catch of seabirds in longline fisheries;

*RECOGNIZING* that the Mediterranean and the Black Sea are key global biodiversity hotspots and critical habitats for seabirds;

*CONSIDERING* that all measures formulated by the GFCM shall be based on the best scientific advice available, taking into account relevant environmental, economic and social factors;

*RECALLING* the recommendations by the second performance review of the GFCM to develop conservation measures and management plans, making full use of the science-policy interface provided by the Scientific Advisory Committee on Fisheries (SAC) and to initiate, within five years, appropriate interim management measures to conserve fisheries, stocks and habitats targeted by the different fisheries, comprising the small-scale fisheries sector;

*NOTING* that the signatories of the 2017 Malta MedFish4Ever Ministerial Declaration, specifically in its paragraph 37, urged all riparian states to comply with the management measures adopted by the GFCM and to ensure an adequate protection of vulnerable species, including seabirds;

*FURTHER NOTING* that the 2018 Sofia Ministerial Declaration on Black Sea fisheries and aquaculture, specifically in its paragraphs 27 and 47, calls upon Black Sea riparian countries to enhance multilateral cooperation and implement actions to improve the sustainability of resources, particularly with regard to data collection, scientific evaluation and implementation of an ecosystem-based fisheries management framework in the Black Sea;

*RECALLING* the GFCM 2030 Strategy for sustainable fisheries and aquaculture in the Mediterranean and the Black Sea, in particular its Output 1.3 “Efficient area-based conservation measures, technical and nature-based solutions strengthened to conserve biodiversity and enhance the productivity of marine living resources” that “also addresses the use of other area-based management measures as well as bycatch- and impact-reduction technical measures, such as those aimed at improving fishing selectivity, deterring depredation and decreasing the mortality of incidentally caught vulnerable species;

*CONSIDERING* that several seabird species are listed under Annex II: List of endangered or threatened species of the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean (SPA/BD Protocol) of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention), and that the Regional Activity Centre for Specially Protected Areas has implemented a regional action plan;

*FURTHER CONSIDERING* that the Red List of Threatened Species of the International Union for Conservation of Nature recognizes the impaired conservation status of all Mediterranean and Black Sea seabirds, such as the critically endangered Balearic shearwater (*Puffinus mauretanicus*), the vulnerable Yelkouan shearwater (*Puffinus yelkouan*) and the vulnerable Audouin's gull (*Larus audouinii*);

*CONSIDERING* the need to develop a common regional strategy to understand and significantly reduce the impacts of fisheries on seabirds, including based on information collected through unified protocols;

*RECOGNIZING* that most seabird bycatch and fishing mortality in the Mediterranean and the Black Sea falls upon longline and trawl fisheries, and that mitigation measures need to be adopted to minimize and mitigate such unwanted interactions;

*RECALLING* the potential impacts of illegal, unreported and unregulated fishing on many seabird species;

*CONCERNED* that despite measures adopted at the international level, including through Recommendation GFCM/35/2011/3 on reducing incidental catch of seabirds in fisheries in the GFCM area of application, many populations of seabird species breeding and foraging in the GFCM area of application, including the critically endangered Balearic shearwater, continue to decline and such reductions very seriously threaten the survival of these species;

*CONSIDERING* that synergies on issues of reciprocal interest shall be sought among regional fisheries management organizations, including by considering Recommendation 07-07 on reducing incidental by-catch of seabirds in longline fisheries of the International Commission for the Conservation of Atlantic Tunas as well as Conservation Measure 24-02 on longline weighting for seabird conservation, Conservation Measure 25-02 on the minimisation of the incidental mortality of seabirds in the course of longline fishing or longline fishing research in the Convention Area and Conservation Measure 25-03 on the minimisation of the incidental mortality of seabirds and marine mammals in the course of trawl fishing in the Convention Area of the Commission for the Conservation of Antarctic Marine Living Resources;

*TAKING* into account the advice of the Scientific Advisory Committee on Fisheries (SAC) on the incidental catch of seabirds and especially the conclusions of the second meeting of the Working Group on Fishing Technology (online, April 2021) on the need to increase the selectivity of fishing gear in order to reduce bycatch and ensure a better conservation status of seabirds;

*ADOPTS*, in conformity with Articles 5 b), 8 b), and 13 of the GFCM Agreement, the following recommendation:

## **PART I**

### **General objectives and scope**

#### ***General objectives***

1. This recommendation engages contracting parties and cooperating non-contracting parties (CPCs) to develop mechanisms ensuring that additional data are collected on the incidental catch of seabirds in fishing activities.

2. This recommendation also establishes measures to improve the conservation status of seabirds and minimize, mitigate and, where possible, eliminate the unwanted interactions between fishing operations and seabirds, particularly for species listed under Annex II to the SPA/BD protocol of the Barcelona Convention.

3. This recommendation engages the CPCs to develop conservation measures in high-risk areas defined by the SAC, ensuring that the incidental catch of the critically endangered Balearic shearwater in fishing activities is monitored and eliminated where possible and taking into consideration national measures.

#### **Scope**

4. This recommendation shall apply to all commercial fishing activities in geographical subareas (GSAs) 1 to 27 where, according to the SAC advice, the bycatch of seabird species listed under Annex II to the SPA/BD Protocol of the Barcelona Convention occurs, mainly when seabirds are caught incidentally during fishing operations.

### **PART II**

#### **Specific objectives**

5. This recommendation shall contribute to the objectives mentioned in Article 2 of the GFCM Agreement and align with the principles listed in Article 5 therein.

6. In particular, the recommendation shall aim to:

- a) improve the scientific, technical and socio-economic knowledge of fisheries where the bycatch of seabirds occurs by applying the measures provided for in Recommendation GFCM/35/2011/3;
- b) evaluate and develop mitigation measures for areas with high incidental catch of Balearic shearwater in order to ensure that these are recorded and monitored and solutions are developed to keep it at the lowest possible level;
- c) develop, if necessary and upon the SAC advice, a protocol for the collection of data and the reporting of the incidental bycatch of seabirds during fishing activities;
- d) develop transitional mitigation measures for areas with high incidental catch to ensure that bycatch events are recorded and monitored and solutions are developed to keep such incidental catch at the lowest possible level; and
- e) develop pilot projects for seabird species with impaired conservation status in the Mediterranean and the Black Sea, such as the critically endangered Balearic shearwater (*Puffinus mauretanicus*), the vulnerable Yelkouan shearwater (*Puffinus yelkouan*), the vulnerable Audouin's gull (*Larus audouinii*) and Scopoli's shearwater (*Calonectris diomedea*).

### **PART III**

#### **Monitoring and data collection**

7. In accordance with Recommendation GFCM/35/2011/3, the CPCs shall systematically report information on incidental catch rates of seabirds in line with Task 3 of the technical manual of the DCRF, as listed in Annex 1.

8. From 2022 onwards, all CPCs shall be involved in data collection to fully characterize the bycatch of seabirds in fisheries, including the incidental catch of the critically endangered Balearic shearwater. Therefore, in addition to the reporting obligations stemming from the DCRF, the CPCs shall report, by 30 April each year, on the basis of the SAC advice, the information listed in Annex 2.

9. Upon request of the CPCs and with the assistance of the GFCM Secretariat, the GFCM shall establish, in 2023, pilot projects with a view to strengthening existing observation and monitoring programmes in order to collect additional data and ensure compliance with the conservation and management measures contained in this recommendation.

10. The SAC shall compile and assess, in 2025, all available information collected pursuant to Recommendation GFCM/35/2011/3 on the incidental bycatch of seabirds in fisheries in the GFCM area of

application, available under the DCRF or stemming from any other source of additional information, including, but not limited to, scientific literature, surveys at sea, research projects, etc. Based on the data collected, the SAC shall adapt, if need be on a fishery-by-fishery basis, the measures listed in Annex 3 to minimize, mitigate and, where possible, eliminate bycatch as well as to reduce post-release mortality and complement them with appropriate guidelines<sup>1</sup> and training.

11. In 2022, the current GFCM workshop on vulnerable and sensitive marine species shall identify the areas of high risk of incidental catch. A follow-up workshop building on additional data collected by pilot projects shall be conducted in 2025 in order to complete the provisional mapping and adapt the transitional conservation measures. All results shall be presented to the SAC in 2025 for the provision of advice on conservation measures.

#### **PART IV** **Conservation measures**

12. In addition to GFCM Recommendation 35/2011/3, the CPCs shall evaluate, by 2024 at the latest, the effectiveness of at least two transitional mitigation measures contained in Annex 3 to improve the conservation status of seabird species, mitigate and, where possible, eliminate the risk of incidental catch of seabirds in fishing operations and associated mortality. In areas where the above GFCM workshop has identified a high incidental catch of Balearic shearwater, provided that there are no national measures established, two of the mitigation measures contained in Annex 3 shall be evaluated by the end of 2023 at the latest in order to reduce the incidental mortality of this species in longline and trawl fisheries by minimizing the attraction of individuals of the species to fishing vessels and by preventing them from attempting to seize baited hooks, particularly during line setting, and from accessing trawl cables.

#### **PART V** **Final provisions**

13. In 2022, based on all the data collected and available in the literature, the SAC shall:

- a) map the areas with a high risk of incidental catch for each seabird species covered by this recommendation;
- b) adapt and complete, if necessary, the list of possible mitigation measures for these areas; and
- c) evaluate scenarios of fishing behaviour, fishing gear and other variables where incidental catch is more likely to occur, for example in areas already protected and in feeding areas during the breeding/nesting seasons, and develop recommendations on actions that would improve the prevention of seabird bycatch. In doing so, the SAC shall take into account the socio-economic and environmental impacts of such scenarios.

14. At its twenty-sixth session in 2025, the SAC shall report on the progress accomplished thereon and on identified gaps in knowledge and provide the necessary elements for setting out future measures to enhance the conservation of seabirds in the GFCM area of application. The SAC and the Compliance Committee shall review the implementation of this recommendation on a biennial basis.

15. At its forty-eighth session in 2025, the GFCM shall review the SAC advice and consider adopting long-term mitigation measures to achieve the objectives of this recommendation.

16. The provisions contained in this recommendation are without prejudice to additional or stricter measures adopted or that could be adopted by the CPCs.

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<sup>1</sup> FAO and ACCOBAMS. 2019. *Good practice guide for the handling of seabirds caught incidentally in Mediterranean pelagic longline fisheries*. Leaflet. (available at: <http://www.fao.org/3/i8937en/I8937EN.pdf>)

**Annex 1**

Task 3 of the technical manual of the DCRF requires each CPC to report annually on the following elements:

- year;
- fleet segment;
- fishing gear;
- group of vulnerable species;
- family;
- species (when possible);
- total number of individuals caught;
- total weight of dead individuals caught;
- number of individuals released alive;
- number of dead individuals; and
- number of individuals released in unknown status.

**Annex 2**

In addition to the elements listed in Annex 1, CPCs shall report each year, possibly by 30 April, the following information:

- International Maritime Organization (IMO) number of the fishing vessel, date, time and location of the catch, measured size of individuals caught dead and estimated size of individuals caught alive;
- calculation of the rates of incidental mortality of seabirds associated with each fishery, details of the seabird species involved and estimates of total seabird mortality (at GSA or GFCM statistical rectangle level, if possible);
- measures to reduce or eliminate incidental mortality of seabirds that are in place in each fishery and the extent to which any of these are voluntary or mandatory, together with an assessment of their effectiveness; and
- scientific observer programmes that may provide additional spatial and temporal coverage of fisheries to allow statistically robust estimation of incidental catch of seabirds associated with each fishery.

### Annex 3

The mitigation measures may comprise, *inter alia*, the following elements to be adapted according to the specificities of each fishery:

- Set fishing gear at night preferably (one hour after dusk and one hour before dawn).
- Use a modified gear with increased weighting. Vessels should be encouraged to develop gear configurations that minimize risks of seabird interaction with parts of the net, lines and hooks to which they are most vulnerable. This can include increasing the weighting or decreasing the buoyancy of the fishing gear to ensure that it sinks faster.
- Use a modified gear with at least a single tori line and coloured streamers. Brightly coloured streamers may be either short or long, or both. It is recommended that short streamers are attached at 1 m intervals and long streamers at 5 m intervals along the aerial extent of the line. For fishing vessels below 35 metres length overall, the tori line should be attached at a height of at least 6 metres and should include an aerial extent of 75 metres, with streamers reaching the surface of the water every 5 metre along the first 55 metres of the line. A suitable towed device should be used to drag, maximize aerial extent and maintain the line behind the vessel during crosswinds.
- Prohibit the discharge of offal and discards during the shooting and hauling of fishing gear. Nets and other types of fishing gear should be cleaned prior to setting in order to remove any item that might attract seabirds. Additionally, vessels should adopt shooting and hauling procedures that minimize the floating time of the fishing gear on the water surface. The maintenance of nets and other types of gear should not be carried out, to the extent possible, when the nets or gear are in the water.
- Ensure regular capacity-building (i.e. training) for an appropriate and safe release of caught individuals<sup>2</sup>.
- Conduct fishing operations in such a way that hooklines or cables sink as soon as possible beyond the reach of seabirds once they are set in the water.
- Deploy a streamer line during the setting of the fishing gear to deter seabirds from approaching the hookline or trawling cables.
- Encourage the use of bird exclusion devices<sup>2</sup> to discourage seabirds from foraging on baits during the hauling of longlines.
- Make every effort to ensure that seabirds captured alive during fishing operations are released alive and hooks are safely removed, if necessary, without endangering their life<sup>2</sup>.

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<sup>2</sup> FAO and ACCOBAMS. 2019. *Good practice guide for the handling of seabirds caught incidentally in Mediterranean pelagic longline fisheries*. Leaflet. (available at: <http://www.fao.org/3/i8937en/I8937EN.pdf>)

<sup>2</sup> Examples of bird exclusion devices can be found at: <https://www.ccamlr.org/en/fisheries/bird-exclusion-devices-use-ccamlr-longline-fisheries>