

Recommendation GFCM/44/2021/15

on the mitigation of fisheries impacts for the conservation of cetaceans

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;

CONSIDERING that the incidental catch of cetacean species in relation to fishing activities may seriously affect cetacean populations in the GFCM area of application;

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;

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

RECALLING 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 the listing of several cetacean species occurring in the convention area therein;

RECALLING Recommendation GFCM/29/2005/3 prohibiting the use of driftnets for fisheries of large pelagic species, Recommendation GFCM/36/2012/2 on the mitigation of incidental catches of cetaceans in the GFCM area of application, Recommendation GFCM/37/2013/2 on the establishment of a set of minimum standards for bottom-set gillnet fisheries for turbot and the conservation of cetaceans in the Black Sea and Resolution GFCM/43/2019/2 on enhancing the conservation of cetaceans in the GFCM area of application;

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;

RECALLING that the 2017 Malta MedFish4Ever Ministerial Declaration requires, in the context of establishing an ecosystem-based fisheries management framework, to ensure adequate protection of vulnerable species and sensitive habitats;

AIMING to reduce the bycatch of cetaceans in the GFCM area of application, thus contributing to improve the conservation status of these animals, in line with an ecosystem approach to fisheries management;

TAKING INTO ACCOUNT the advice of the SAC on the need to endorse measures to reduce the bycatch of cetaceans;

RECOGNIZING 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 impact on fishing activities;

TAKING INTO ACCOUNT the conclusions of the second meeting of the Working Group on Fishing Technology (online, April 2021) and, in particular, the need to increase the selectivity of fishing gear to reduce bycatch and ensure a better conservation status of cetaceans;

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

PART I General objectives

1. Contracting parties and cooperating non-contracting parties (CPCs) shall encourage further actions to improve the conservation status of cetacean species and make every effort to support global and regional actions to investigate on the most appropriate measures to mitigate bycatch and depredation and implement them, as necessary, in close collaboration with the fishing communities and other relevant stakeholders.

2. The CPCs shall further enhance the collection and monitoring of data and the reporting of information on the incidental catch rates of cetaceans, in line with the FAO technical manual on *Monitoring incidental catch of vulnerable species in the Mediterranean and Black Sea fisheries: methodology for data collection* and the Data Collection Reference Framework (DCRF), with the aim to support regional monitoring programmes.

PART II Conservation and management measures

3. The CPCs are invited to expand bycatch mitigation measures to minimize and eliminate, where possible, the incidental catch of cetaceans during fishing operations in fisheries with a high risk of bycatch identified by the SAC. Such mitigation measures shall be accompanied by an appropriate monitoring to establish the efficacy of the actions and may include, *inter alia*:

- fishing gear modifications and alternative fishing gear types;
- improvements in fishing gear marking and detection;
- time-area fishing restrictions or closures, if appropriate;
- implementation of maximum potential bycatch thresholds;
- use of acoustic deterrent devices; and
- modifications in fishing behaviour and strategies.

4. The CPCs are invited to identify areas with a high risk of interactions between fisheries and cetaceans and, based on the existing pressures, may consider modifying the national legislation in force.

5. The CPCs may also consider, on a voluntary basis, other types of management such as incentive-based management, rewarding low-impact operators while simultaneously driving poorly performing operators to adopt better practices or leave the industry, or market-based incentive management employing, for example, dolphin-safe or dolphin-friendly labelling in fisheries with a medium to high risk of interactions with cetaceans.

6. The CPCs are encouraged to facilitate the implementation of measures to avoid entanglement during depredation and to reduce post-release mortality, through appropriate guidelines¹ and training.

7. In 2026 at the latest, the CPCs shall notify to the GFCM Secretariat, at least two mitigation measures adopted pursuant to paragraphs 3, 4, 5 and 6 in order to improve the conservation status of cetaceans, mitigate and, where possible, eliminate the risk of incidental catch of cetaceans in fishing operations and the associated mortality.

8. The SAC may recommend additional measures to be examined at the forty-eighth annual session of the GFCM.

PART III

Scientific monitoring, adaptation and revision

9. The SAC and the Working Group on the Black Sea (WGBS) shall compile, assess and evaluate all available data and information collected under the DCRF pursuant to Recommendation GFCM/36/2012/2 as well as any source of additional information including, but not limited to, scientific literature, surveys at sea and research projects.

10. Upon request of CPCs and with the assistance of the GFCM Secretariat, the GFCM shall develop, in 2023 at the latest, a pilot project with a view to establishing an observation and monitoring programme to collect additional data and ensure compliance with the conservation and management measures contained in this recommendation.

11. The twenty-sixth session of the SAC in 2025 and the thirteenth session of the WGBS shall report to the GFCM on the progress accomplished thereon and on the identified knowledge gaps as well as on socio-economic studies on the depredation by cetaceans, in order to elaborate appropriate compensation and bycatch mitigation measures, which may help to prevent fishers' reactions. The SAC and the WGBS shall provide the necessary elements for the set-up of a bycatch management framework that will also include reflections on conservation objectives and targets and a timescale for their achievement, the maximum potential bycatch thresholds, the coverage of onboard scientific observer and, if possible, the best estimates of population size. Based on the data collected, the SAC shall adapt, if need be, on a fishery-by-fishery basis, the measures listed in Part II to minimize, mitigate and, where possible, eliminate bycatch and complement them with appropriate guidelines¹ and training.

12. The advice of the SAC and the WGBS in 2025 should facilitate area- and threat-based² conservation efforts to contribute to the conservation management of cetaceans.

13. At its forty-eighth session, in 2025, upon receipt of advice from the SAC and the WGBS, the GFCM shall consider, if appropriate, the adoption of further measures allowing for the achievement of the objectives set in this recommendation.

PART IV

Final provisions

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

¹ FAO and ACCOBAMS. 2019. *Good practice guide for the handling of cetaceans caught incidentally in Mediterranean fisheries*. Leaflet. (available at: <http://www.fao.org/3/ca0015en/CA0015EN.pdf>)

² ACCOBAMS threat-based management approach based on pressures such as: interactions with fisheries (all), pollution including marine litter, anthropogenic noise, ship strikes, cetacean watching, captivity-related issues, climate change impacts, others.

