

Conservation of fish resources: reduction of the quantity of by-catches of cetaceans

2003/0163(CNS) - 26/04/2004 - Final act

PURPOSE : to curb the accidental capture of cetaceans such as dolphins and harbour porpoises in fishing gear, as this is threatening the conservation of these species. **LEGISLATIVE ACT :** Council Regulation 812/2004/EC laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation 88/98/EC. **CONTENT :** the Council reached political agreement by qualified majority on the Presidency compromise on this proposal. The Commission endorsed the compromise. The Italian and Spanish delegations voted against. The main elements of the compromise tabled by the Presidency with regard to the initial proposal of the Commission are as follows: 1) Concerning the mandatory use of acoustic deterrent devices ("pingers"): - vessels below 12 meters shall not be subject to the use of pingers (vessels of all sizes were initially included in the proposal); - fisheries using pingers shall not be subject to the on-board observer scheme; - the dates for implementing the mandatory use of acoustic deterrent devices have changed, depending on the fishing areas and the gear used; the new dates are 1 June 2005, 1 January 2006 and 1 January 2007 (initially 1 July 2004 was proposed for all areas and fisheries). Different dates apply within area VII, and an additional fishing area (Baltic Sea subdivision 24) will be covered by the mandatory use of pingers from 1 January 2007; - in a statement the Commission declared that, in the framework of its proposal on the amendment of the FIFG Regulation, it would consider providing for a possibility for Member States to support the purchase of acoustic deterrent devices for commitments made in the years 2005 and 2006. 2) as regards the on-board observer scheme for the fisheries: - vessels below 15 meters shall not be subject to an on-board observer scheme for fisheries (vessels of all sizes were initially included in the proposal); - monitoring schemes will be based either on a sampling strategy designed to allow the estimation of the by-catch rates for cetaceans to achieve an accuracy rate of 30%, or on pilot monitoring schemes when there is a lack of information on the variability of by-catch. The sampling strategy will be based on existing information concerning previous by-catch observations. The pilot schemes will cover a minimum fishing effort mostly expressed in percentages; - the implementation date will vary from 1 January 2005 to 1 January 2006 (instead of 1 July 2004 in the initial proposal), depending on the scientific advice for the areas and fisheries concerned. 3) Concerning the initial proposal to phase out drift-nets in the Baltic Sea from 1 January 2007, after an immediate length limitation of drift-nets to 2.5 km: - the date set for completion of the phasing-out of drift-nets in the Baltic Sea is now 1 January 2008; - the phasing-out of drift-nets will start on 1 January 2005 (1 July 2004 in the initial proposal); - instead of the length limitation of drift-nets planned for the phasing-out, drift-nets will be subject to a fishing effort limitation scheme and will be gradually reduced from 40% of the fleet in 2005, 60% in 2006, 80% in 2007 and 100% on 1 January 2008. **ENTRY INTO FORCE :** 01/07/04.