



To:
Directorate-General for Maritime Affairs and Fisheries
European Commission
1049 Brussels
Belgium

V/ Reference	V/ Communication	N/Reference	Date
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Subject: Contribution to the report on technical measures (Art. 31 (1) of EU Regulation 2019/1241)

Dear. Lena Andersson Pench,

In response to the request for contribution to the report on technical measures (Art. 31 (1) of EU Regulation 2019/1241) and after consulting our members, the Advisory Council for the Outermost Regions (CC RUP) hereby sends its contribution, answering each of the questions raised (in blue).

1. Even though the Regulation on Technical Measures has only entered into force recently, the Advisory Council's views are welcome on whether technical measures both at regional level and at Union level have contributed to achieving the objectives set out in Article 3 and reaching the targets set out in Article 4 of that Regulation.

The Advisory Council for the Outermost Regions considers it premature to assess the success of the implementation of the Regulation. It must be ensured that the Commission and the Member States carry out appropriate data collections to monitor the impact of the Regulation, including in the outermost regions.

2. Does the Advisory Council consider that the list in Annex I (Prohibited species) is adequate? If not, what should be amended? (please provide a brief explanation)

CC RUP considers the list to be adequate, allowing to deliver objective c) of article 3, point 2.

3. Does the Advisory Council consider that the measures in place are adequate to ensure that species referred to in Art 11 are not harmed and promptly released?

In addition to the measures provided for in the mentioned article, we suggest that a training program should be designed for the fleet crews most likely to make incidental catches of the species referred to in Article, in order to provide training on how to manage and release captured individuals to increase their chances of post-release survival.

4. Has the Advisory Council been involved in any scientific research envisaging the use of accidentally caught marine mammals, seabirds?

If by “use” what is meant is scientific research on specimens caught accidentally, such as necropsies to analyze stomach content or others, no research of this nature has been undertaken by this Advisory Council or any of its members.

However, some of our members are partners in technical/scientific researches that help to avoid the accidental catch of marine mammals, seabirds, etc. Like:

- The Federation of Fisheries of the Azores collaborates, and the Association of Tuna Producers and Similar of the Azores is a partner of the POPA program (<http://www.popaobserver.org/>). This program besides the data collection of tuna catches, also provides data for scientific use, namely for the certification “Dolphin Safe” (<http://www.popaobserver.org/como-surgiu-o-dolphin-safe/>), for the “COSTA” program (<https://costapopa.wixsite.com/costa>) and for projects related to seabirds protection (<https://www.spea.pt/projetos/life-ip-azores-natura/>).

- In Guyana, the first project that aimed at reducing incidental catches of marine turtles concerned shrimp trawlers and was launched on the initiative of WWF in collaboration with the CRPMEM Guyana and the support of Ifremer and NOAA. Thanks to this initiative, since 2010, every trawler is now equipped with a TTED device (Trash and Turtle Excluder Device), and bycatch of large vertebrates by this fleet has been significantly reduced.

- Regarding coastal fishing, the CRPMEM Guyana has been collaborating with WWF Guyana on environmental issues around gillnetters since 2005. In 2008, the committee was therefore asked by WWF to carry out a series of observations on board the *Tapouilles* based in Cayenne. This work is part of the logical continuation of efforts by the same partners to reduce bycatch by the shrimp fleet and to assess fishing in the Maroni estuary. This work has given good indications as to the nature of the interactions that this fleet may have had on the large vertebrates present in Guyanese waters, in particular about leatherback turtles during the spawning season. This first work, the results of which are presented in the 2008-2009 observations report, highlighted the need to better identify the parameters involved in these interactions. In 2009, the CRPMEM Guyana carried out a second phase of observations, this time aimed at understanding the difference between 2 segments of coastal fishing. In 2014/2015, on-board observations continued, still within the framework of the partnership project between WWF Guyana and the Regional Committee for Maritime Fisheries and Marine Breeding (CRPMEM) of Guyana on "Improving knowledge on catches of large vertebrates by gillnetters in Guyana with a view to their limitation" with out-of-season monitoring of turtle spawning. It is in this context that the two organizations supported the PALICA project (Active Fisheries for the Limitation of Interactions and Accidental Catches) in 2017 funded by the European Maritime and Fisheries Fund (EMFF). Thanks to a year devoted to interviews with a large panel of fishermen and volunteer shipowners in Guyana, a consensus has emerged around four technical innovations that could reduce the potential for interactions between coastal fishing nets and large marine vertebrates.

5. Is the Advisory Council aware of any mitigation measures or restrictions on the use of certain gear that Member States have put in place aimed at minimizing or where possible eliminating the catches of mammals, seabirds and marine turtles?

No. However, the Federations of Fisheries of the Azores and the Regional Federation of Fisheries Associations of Canarias referred that trawling is prohibited in their regions and in the Azores, there are also incentives for the decommissioning of gillnet and traps, which were also implemented for this purpose.

Also, in French Guiana, semi-industrial shrimp fishing, which is carried out by bottom trawling, respecting a ban on trawling below the 30-meter depth line; shrimp trawlers are required to be equipped with a TTED device. Curtain fishing is also

prohibited in Guyana. Regarding coastal gillnets, they must use straight nets while respecting the maximum authorized length and the minimum authorized mesh size.

6. Is the Advisory Council involved in any proposal to amend Annex II (Closed areas for protection of sensitive habitats)? If so, please provide a brief explanation.

No. However, CCRUP is aware that the Federation of Fisheries of the Azores is a partner of the Blue Azores program which focuses on conservation and sustainable use of resources, and also involves the areas of education, economics and fisheries management, as well as several local, regional, national and international partners, and is based on the following main actions: Declare 15% of the Exclusive Economic Zone (EEZ) of the Azores as new marine protected areas; Produce and implement management plans for new marine reserves and all existing marine protected areas; Develop and legally adopt a marine spatial planning plan; Develop studies and innovative approaches that contribute to sustainable fisheries management; Identify new areas of interest for conservation, supporting scientific processes; Implement a blue literacy program for schools and the community.

7. Is the Advisory Council involved in any pilot project for the avoidance of unwanted catches? If so, please provide a brief explanation.

No. However, CCRUP is aware that some of its members are involved in projects of this nature, namely:

- The Fisheries Federation of the Azores is a partner of the SOSTubaProf program. Within the scope of the Investment Support Scheme for the development of partnerships between scientists and fishermen, this project aims to assess the sustainability of unwanted deep-sea shark catches and promote joint work between fishermen and scientists to collect data on deep-sea sharks, assess the abundance of these species and study measures to alleviate the impacts of interactions with sharks. With this project they aim to find the best compromise between exploitation of demersal resources and conservation of deep-sea shark biodiversity.

- At the French level, the TOPASE project (TOrtues and Accidental Fishing towards Efficient Reduction Solutions) started in November 2020 and is funded by the EMFF. This project is supported by the CNRS (Le Center National de la Recherche Scientifique) in partnership with Ifremer (Brest center / Martinique station) and

Guadeloupe National Park. Accidental catches of marine turtles have a negative impact both for fishing professionals (damage to equipment, repair costs and time, fears, etc.) and for the conservation of these species. The project therefore has the following 4 specific objectives: Establish a lasting partnership with professional fishermen; Offer innovative fishing gear to limit the impact of fishing on marine turtles and their habitat; Propose innovative fishing practices to reduce the incidence of accidental catches of sea turtles; Ensure a commitment to these practices over time, at the scale of the two territories; Innovative alternative solutions and practices making it possible to reduce these accidental captures will therefore be sought and provided thanks to this work.

- In French Guiana, the CRPMEM Guiana and a wide variety of actors are concerned by the issue of marine turtles. The "Marine Turtles Guyana Network" involves research organizations that develop scientific programs, NGOs monitoring populations or raising awareness, communities that increasingly take conservation issues into account in their development policy, socio-professional (fishermen or professional guides, for example) who interact with the presence of marine turtles, tourism stakeholders who wish to promote the presence of these species or even civil security stakeholders who actively participate in their preservation, many stakeholders are directly or indirectly involved in the conservation of sea turtles. This network meets within the framework of the implementation of the national action plan in favor of marine turtles, steered by the General Directorate of Sea Territories and coordinated by the French Office for Biodiversity. The National Action Plan for Marine Turtles in Guyana (PNATMG) was developed in 2014 with the support of all partners of the Marine Turtles of Guyana network for a period of ten years. The PNATMG is a strategic planning document to improve the conservation status of the three main species of marine turtles found in Guyana: the leatherback turtle (*Dermochelys coriacea*), the green turtle (*Chelonia mydas*) and the olive ridley turtle (*Lepidochelys olivacea*).

- Also, an innovative Guyanese project called PALICA 2 was approved by the committee allocating European funds to support the development of sustainable fishing in January 2020. PALICA 2 will test the profitability of the alternative fishing techniques envisaged. The tests carried out will focus on the various flotation systems, as well as the size of the nets and the elements that make them detectable by sea turtles (color of buoys, lights, etc.). A complementary project to PALICA 2, called ARRIBA (Alert to Risks Relating to Interactions Blocking Arribadas) concerns the modulation of fishing effort

according to the zones and periods targeted. It specifically concerns the reduction of accidental catches of olive ridley turtles, whose behavior in the middle of the egg-laying season is very particular: the latter group together off the island of Cayenne, to then move in a massive and simultaneous manner to lay eggs on the beaches

8. Does the Advisory Council consider there is a need for additional closed or restricted areas other than in Part C of Annexes V to VIII and X and Part B of Annex XI to protect juveniles and spawning aggregations? If so, provide a brief explanation.

No further action is needed in this area.

9. Does the Advisory Council consider the current minimum conservation reference sizes for commercial species as in Part A of Annexes V to X adequate? If not, please provide a brief explanation why not and whether the Advisory Council sees a need to amend established sizes or introduce additional ones.

The Regional Federation of Fishery Associations of Canary Islands referred that they do not know with the certainty and scientific rigor that this point should be due.

10. Does the Advisory Council consider there is a need to align the minimum conservation reference size between recreational fisheries and commercial fisheries? If so, please provide a brief explanation.

The CC RUP considers that the minimum conservation reference size, conditions control, and absolute dating must be the same, both for recreational and commercial fishing. This equality must extend also to the conservation and transport conditions.

11. Does the Advisory Council consider there is a need for real-time closures and moving-on provisions? If so, please provide a brief explanation.

CC RUP refrains from responding, as it has not obtained information from its members.

12. Does the Advisory Council consider there is a need to adopt measures regarding innovative fishing gear, taking into account the recent ICES advice on innovative gear? If so, please provide a brief explanation.

Yes. The implementation of innovative fishing gear may play an important role

in reducing by-catches of sensitive species, in addition to helping to minimize negative impacts on marine habitats. However, the widespread use of innovative fishing gear will need to be preceded by scientific tests to ensure that the intended objectives are met and that no different problems are created with new fishing gear.

13. Does the Advisory Council consider there is a need for additional technical nature conservation measures for the protection of sensitive habitats? If so, which measures for which habitats?

Yes, sensitive habitats must take additional measures, for example by increasing the protection of sensitive coastal habitats by prohibiting bottom trawling in these areas.

14. Does the Advisory Council consider there is a need for additional technical nature conservation measures for the protection of sensitive species? If so, which measures for which species?

Yes. It is necessary to reduce and control exhaustively and transparently the use of FAD (Fish Aggregating Devices), as this activity puts at risk juveniles of several sensitive species and of high commercial value. We also consider that should be implemented a minimum catch size for these fisheries.

The CRPMEM Guyana also recommends a ban on trap fishing in the Guyana EEZ because the loss of these gear is destructive and causes ghost fishing.

15. Does the Advisory Council consider there is a need for the establishment of pilot projects to develop a system of full documentation of catches and discards based on measurable objectives and targets, for the purpose of a results-based management of fisheries?

Yes. It is necessary to know better the volume of catches and discards, through scientific studies, allowing to better understand the population mass of the different species, but not only the volumes of catches and discards of legal vessels but also of illegal foreign vessels to have a total estimate of the volume taken (especially in the Guyana EEZ, where IUU fishing has a strong impact on resource).

16. Does the Advisory Council consider there is a need for additional measures in relation to species and size selectivity of fishing gear and mesh size specifications? If so, why and how?

For the Azores and Canary Islands, no, as they use sustainable fishing gear.

In the Azores they also have minimum catch sizes established for several species, and the size of the meshes is also determined considering the selectivity of catches of the target species.

17. Is the Advisory Council involved in the preparation of a Joint Recommendation in order to further define the term 'directed fishing' for relevant species in Part B of Annexes V to X and Part A of Annex XI? If so, please describe.

No.

18. Does the Advisory Council consider that additional regional mitigation measures are needed for the reduction of incidental catches for sensitive species? If so, what measures?

Most of the CC RUP members believe that there is no need of additional regional mitigation measures, but Sciaena believes that more detailed data on incidental catches of sensitive species in the outermost regions are needed in order to establish whether or not additional measures are necessary.

19. Does the Advisory Council consider there is a need for additional steps to collect scientific data on incidental catches of sensitive species as set out in Annex XIII? If so, why and what steps?

Yes. When and where possible, animals should be preserved for scientific sampling, although we understand the impediment that may arise in certain fisheries with small scale vessels. There may be different levels of sampling, but the minimum level should include taking photographs to identify / confirm the species and record the sex and length of the individuals.

We also support the implementation of observation programs such as POPA for all fisheries that have a high probability of accidentally catching mammals, reptiles and seabirds in order to obtain more detailed scientific data that will allow appropriate measures to be taken in the regions where they are needed and based on hard data.

Additionally, we support the creation of a new section in this annex regarding shark species. Although not generally considered sensitive, many species have long life cycles, slow growth rates and, in many cases, special conservation statuses. Fishing directed at various shark species is prohibited and the development of by-catch mitigation plans has been recommended and adopted in several regulations. The fisheries to be monitored and targeted for mitigation measures should be longline fisheries in general, but especially in ICES area 10, both pelagic and demersal, and particularly deep-sea fisheries.

20. Does the Advisory Council consider there is a need for additional steps to sufficiently monitor and assess the effectiveness of mitigation measures as set out in Annex XIII? If so, why and what steps?

CC RUP refrains from responding, as it has not obtained information from its members.

21. Has the Advisory Council identified difficulties in the implementation of the Technical Measures Regulation? If so, please indicate the relevant Article(s) and the difficulties encountered.

CC RUP refrains from responding, as it has not obtained information from its members.

Final notes:

The Chamber of Agriculture, Fishing and Aquaculture of Mayotte issued an unfavorable opinion on the contribution to this report, as it considers that the demands of fishing professionals in relation to the protection of their Exclusive Economic Zone, namely the prohibition of the entry of seiners in its 100 nautical miles have not been taken into account.

The CRPMEM Guyana also requested a delegation of authority to supervise fishing in waters located less than 100 nautical miles from the baselines of Guyana for the sake of reasoned management of the resource. To date, no response has been formulated by the French authorities on this legitimate request.

Best regards,

The President of the Executive Committee of CC RUP,

(David Pavón Gonzalez)

Praia da Vitória, 11th of february of 2021