

Position paper

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# EU Fisheries Control Rules to protect the marine environment

Amending Council Regulation  
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Sensitive species such as seabirds, marine mammals, and sea turtles forage in highly productive areas of the ocean, which are also targeted by commercial fishing vessels. This overlap can cause them to be incidentally caught on hooks, or entangled in nets and cables, as well as being struck by vessels. For example, it is estimated that every year across Europe more than 200,000 seabirds die as bycatch in fishing gears

Knowing when and where bycatch of sensitive species takes place enables governments to better monitor this threat and establish effective solutions to tackle it. However, very few fishing vessels have on-board observers or other reliable methods to monitor bycatch. The reporting of bycatch is generally poorly enforced on fishing vessels. Although EU Regulation (EU) 2017/1004 defines rules for the collection of data on the impact of fisheries on the wider ecosystem, including on the bycatch of sensitive species, the implementation of this regulation is dependent on the Control Regulation – particularly for what concerns fishing logbooks, fishing monitoring systems and remote electronic monitoring (REM).

Furthermore, where scientific evidence shows that there is a decline in the population of sensitive species as a result of bycatch, EU Regulation (EU) 2019/1241 requires that measures are put in place to tackle the problem. For example, these measures can include technical and operational changes to vessels and spatio-temporal fisheries restrictions (e.g. area/period closures).

Therefore, the EU must update its Control regulation to ensure that i) data is collected and mitigation rules are followed; and ii) inspections of fishing activity are aligned with technical and operational rules that are set out to mitigate fishing impact on the wider environment.

## Collecting the data

Data collection is important for understanding the impact of fishing vessels on the wider environment. This collection should include on-board scientific observation, as well as comprehensive fishing records.

However, the current Control Regulation limits the information that fishing vessels record electronically, including bycatch of all sensitive species, as well as which types of fishing vessels are obligated to collect data electronically. Therefore, we believe that all fishing vessels should record their catch records electronically in logbooks, providing the level of detail necessary to properly assess impacts. Transitioning towards electronic collection of all bycatch records will substantially facilitate the process of collecting data more efficiently by national authorities.

This will also give national authorities the opportunity to evaluate the impacts of bycatch and define the needed immediate actions. Therefore, **Article 14** of the Control Regulation needs to be amended to ensure all electronic logbooks of all EU vessels, including those fishing beyond EU waters, are equipped with a system that allows them to electronically record bycatch of all sensitive species. The information recorded in electronic logbooks should include not only the number of individuals and species that were bycaught, but also other relevant information such as how the individuals were captured (e.g. during setting/hauling, gear type) and any particular features that might prompt the catch (e.g. type of bait).

Furthermore, monitoring systems and REM of fishing vessels are necessary to protect and restore ocean ecosystems. Monitoring systems keep track of where EU fishing vessels are at all times and help identify higher risks of interactions between sensitive species and fishing vessels. Where onboard monitoring presence is not possible, other forms of catch monitoring, such as REM (e.g. CCTV), should be implemented. Monitoring centres should also track fishing vessels and monitor (near) real-time compliance of fishing rules (e.g. spatio-temporal closures) that are applied to protect sensitive species.

Tracking fishing vessels is not only beneficial for enforcing bycatch mitigation measures where appropriate (see below), but it is also important for analysing the vulnerability of sensitive species to fishing activities. Tracking of all fishing vessels, including small-scale vessels, is needed for understanding the impact of fisheries on the marine environment. Several innovative methods exist already that allow for real-time tracking of all types of vessels, transmitting real-time data while vessels are at sea or when they are at port/landing sites (e.g. via satellite). Tracking is therefore possible for all EU fishing vessels (including those operating in non-EU waters) and those from third countries operating in EU waters.

The Commission Proposal already provides for the possibility to implement some of these actions and BirdLife supports changes to **Articles 4, 9 and 12**. However, further amendments are needed in Article **9** and **25a** to ensure that vessel monitoring data will be used to evaluate the impact of fishing vessels on sensitive species.

Data collected should be placed in an easily accessible database that provides transparency for endusers and citizens and the opportunity to understand the impact of fishing on nature, in line with the requirements of EU Regulation (EU) 2017/1004. Furthermore, where fishing takes place in third countries, the data should be exchanged with these countries. Therefore, further amendments are needed for **Article 78** and **Article 111**.

## Enforcing the rules

The detrimental effect fishing can have on the marine environment requires clear rules with adequate enforcement to ensure that the impacts from fishing activities are limited. Therefore, technical rules to mitigate bycatch of sensitive species require strict enforcement, including technical and/or operational changes that have been tested and proved efficient, as well as spatio-temporal restrictions of the activity (see e.g. [ACAP/BirdLife International guidelines](#)).

These measures should be implemented by enabling fishing vessels to apply the rules – in particular by conducting the needed research and establishing schemes for fishing vessels to be able to implement these measures. However, where rules are established these will also require control, and national inspectors need to be allowed to enforce these rules (e.g. this implies necessary resources and capacity building, for example, on verifying compliance with the use of mitigation measures). Rule enforcement will also need efficient coordination between all players involved, including coast guard and police, and real-time monitoring of fishing vessels. Therefore, monitoring the location of fishing vessels can also support the implementation of environmental legislation, such as implementing management measures in Natura 2000 sites. Further amendments are therefore needed in **Article 9** and **Article 74** to ensure this is possible.

Inspectors must also be granted authority to sanction environmental crimes at sea to incentivise low impact fishing and deter environmentally destructive fishing within the EU. They must also ensure that fishing vessels are complying with data collection rules including by accepting scientific observers on vessels. We believe that further amendments are needed in **Article 90** because breaking rules set to tackle fishing impacts on the wider ecosystem should be seen as a serious infringement.

Lastly, EU vessels fishing outside the EU have to also follow stringent rules. However, these vessels are inspected by third countries where knowledge of EU rules might be limited. Union Inspectors will need to be able to train inspectors in third countries where EU fishing vessels are active to ensure that EU vessels are complying with rules outside its own waters. We therefore foresee further amendments in **Article 79**.

## Contact

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