



# Stichting DLO Centre for Fisheries Research (CVO)

## Annual report on the implementation of Council Regulation (EC) No 812/2004 – 2010

### Netherlands

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# Annual report on the implementation of Council Regulation (EC) No 812/2004<sup>1</sup> – 2010

**Member State: Netherlands**

**Reference Period: 2010**

**Date: 17 June 2011**

**Authors: A.S Couperus**

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<sup>1</sup> Council Regulation (EC) No 812/2004 of 26.4.2004 laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) No 88/98.

Article 6 of the Regulation,

*1. Each year, Member States shall send the Commission, by 1 June, a comprehensive annual report on the implementation of Articles 2, 3, 4 and 5 during the previous year. The first report shall cover both the remaining part of the year following the entry into force of this Regulation and the entire year that follows.*

*2. On the basis of the observers' reports provided according to Article 5(3) and all other appropriate data, including those on fishing effort collected in application of Council Regulation (EC) No 1543/2000 of 29 June 2000 establishing a Community framework for the collection and management of the data needed to conduct the common fisheries policy, the annual report shall include estimates of the overall incidental catches of cetaceans in each of the fisheries concerned. This report shall include an assessment of the conclusions of the observers' reports and any other appropriate information, including any research conducted within the Member States to reduce the incidental capture of cetaceans in fisheries. When reporting on the results of scientific studies or pilot projects as provided for in Articles 2(4) and 4(2), Member States shall ensure that sufficiently high quality standards are reached in their design and implementation and shall provide detailed information concerning those Standards to the Commission.*

## **1. SUMMARY**

This report contains the results of the ongoing monitoring programme on the incidental bycatch of cetaceans in Dutch pelagic fisheries in 2010. EU Council Regulation 812/2004 requires observer coverage in ICES areas VI, VII and VIII in the period 1 December – 31 March (fleet segment LND003 and NLD005) and outside this area in all areas year round (fleet segment LND004 and NLD006). In the Dutch situation the monitoring is integrated with the collection of discards data under the EC Data Collection Regulations 1543/2000 and 1639/2001.

In 2010, during 5 fishing trips, 55 days and 112 hauls were observed in fleet segment NLD003 and NLD005; 33 days and 103 hauls were observed in fleet segment NLD004 and NLD006. With a total number of fleet days of 625 in fleet segment NLD003 and NLD005 and 890 in fleet segment NLD004 and NLD006, the coverage was 8.8% and 3.7% in segment respectively. Thus the targets of the Pilot Monitoring Scheme of 10% and 5% have not been fulfilled.

Within this Dutch programme, 39 days and 89 hauls have been observed on trawlers under English flag; 15 days and 31 hauls have been sampled on trawlers under German flag. The data collected during these trips have been send to the institutes carrying out the regulation in their countries.

No bycatch of cetaceans were recorded. The observed bycatch rate of 0.00 dolphins per day is in line with the findings in 2006 - 2009 when the bycatch rate was also 0.00 dolphins per day.

## ACOUSTIC DETERRENT DEVICES

### 2. GENERAL INFORMATION

The EU regulation obliges the use of pingers in certain fleet segments. According to the criteria mentioned in the regulation, the Dutch fishery includes no fleet segments in which pingers are mandatory. Pingers were used in none of the studied fleet segments.

## OBSERVER SCHEMES

### 3. GENERAL INFORMATION ON IMPLEMENTATION OF ARTICLES 4 AND 5

Council Regulation No 812/2004<sup>2</sup> is obliging Member States to monitor bycatches of cetaceans in certain fisheries, certain periods of the year and in certain European Waters and to report the results of the monitoring to the European Commission. In the Netherlands, the monitoring was commissioned by the Ministry of Agriculture, Nature Conservation and Food Quality to Wageningen IMARES, the former Netherlands Institute for Fisheries Research, and started on 1 January 2005.

The aim of this study is to assess the incidental bycatch of cetaceans in the Dutch pelagic fisheries. Under the regulation the following fleet segments in the Netherlands should be monitored:

- Pelagic fishery in the period of 1 December till 31 March in ICES areas VI, VII and VIII; in this report referred to as fleetsegment NLD003 for single pelagic vessels and NLD005 for pair trawlers.
- Pelagic fishery in European waters during the year excluding the fishery in the period 1 December till 31 March in ICES areas IV, VII and VIII; in this report referred to as fleetsegment NLD004 for single pelagic vessels and NLD006 for pair trawlers.

This report covers the on-going monitoring of Dutch pelagic fisheries in the period January – December 2010.

Under the regulation a coverage should be reached leading to a CV of the bycatch estimate of 30% or less. However, in a situation where there are very few bycatch incidents, this CV is not realistic (ICES 2009). Therefore the target of the current monitoring programme in the Netherlands is to cover

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<sup>2</sup> Council Regulation (EC) No 812/2004 of 26.4.2004 laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) No 88/98

the fleet effort according to the Pilot Monitoring Scheme (PMS) set for the first two years. The required pilot coverage is 10% for the period of 1 December till 31 March in ICES area VI, VII and VIII and 5% in the rest of the year with exclusion of fleet segment NLD003. In the Dutch situation the monitoring is integrated with the collection of discards data under EC Data Collection Regulations: C.R. 1543/2000<sup>3</sup> and C.R. 1639/2001<sup>4</sup> amended by C.R. 1581/2004<sup>5</sup> (EC 2000) (EC 2001). The project under this regulation aims at an overall coverage of approximately 10% in European waters.

Earlier studies on the incidental bycatch of cetaceans have been reported by (Couperus 1995; Couperus 1997a; Couperus 2006, 2007, 2008, 2009, 2010) covering the period 1992 -1996 and 2004 - 2009. The format of this report is according to the template provided by the European Commission in 2010.

Monitoring of bycatch of cetaceans is conducted by of the Centre of Fisheries Research (Centrum voor Visserijonderzoek: CVO) on behalf of the Ministry of Economic Affairs, Agriculture and Innovation. CVO hires IMARES to carry out the observer trips and to prepare the report.

### **3.1. Information on Legislative or administrative measures following provisions of Art.4 or 5.**

There are no legal or administrative measures concerning Articles 4 and 5. The monitoring under Regulation is carried out in collaboration with the fishing industry. Imares has made appointments concerning equal spreading of the observer burden over the fleet with the four owner-companies (see also 3.2).

### **3.2. Difficulties implementing articles 4 and 5 of Council Regulation (EC) No 812/2004.**

In this programme observer effort is spread quasi random over the year. The observer trips are scheduled equally over the year and observers join the first trawler that comes in if accommodation is available. However, the choice of area and target species are often last minute decisions of the owner of the vessel and may even alter during the trip itself. Therefore it is impossible to foresee or plan the exact effort in the area that has to be monitored under EC Regulation No 812/2004.

Cooperation with the four big fishing companies is sometimes hampered by disagreement between the companies involved about who is going to take the burden of observers on trips where (a lot of) discards is expected. For these trips companies may claim that that they are not able to accommodate an observer, hoping that vessels of the other companies will take an observer instead. This may lead to certain periods with less observer effort, meaning that the coverage is biased towards trips where less discards are to be expected.

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<sup>3</sup> Council Regulation (EC) No 1543/2000 of 29 June 2000 establishing a Community framework for the collection and management of the data needed to conduct the common fisheries policy

<sup>4</sup> Commission Regulation (EC) No 1639/2001 of 25 July 2001 establishing the minimum and extended Community programmes for the collection of data in the fisheries sector and laying down detailed rules for the application of Council Regulation (EC) No 1543/2000

<sup>5</sup> Commission Regulation (EC) No 1581/2004 of 27 August 2004 amending Regulation (EC) No 1639/2001 establishing the minimum and extended Community programmes for the collection of data in the fisheries sector and laying down detailed rules for the application of Council Regulation (EC) No 1543/2000

### **3.3. Whether the observer programme is dedicated for the purpose of this Regulation only, or whether the on-board observers are used for other purposes also**

The monitoring of the pelagic fleet is integrated with the collection of discards data under EC Data Collection Regulations 1543/2000 and 1639/2001.

## **4. MONITORING**

### **4.1. Registration of bycatches**

For each tow, the observer was present on the bridge during shooting and hauling. Position and time were recorded at the beginning of each haul. The time was recorded again when hauling started. The rear window of the bridge gives a good view on the rear deck, so that bycatches of cetaceans can be recorded from there. Of any bycatch, length and sex must be recorded. In the case of cetacean bycatches, and if the crew agrees, the animals are labelled and frozen for further examination at the institute.

### **4.2. Description of fishing effort and observer effort in towed gear**

Table 1 presents the fleet segments that have been studied. The single pair of pair trawlers in the pelagic fleet is considered a different "fleet". Till 2007 these two groups have been treated as one fleet (consisting of two fleetsegments).

In 2010 on 5 trips an observer joined the vessel in segment NLD003 and NLD004. According to the national logbook database, the number of fleet days in area VI, VII and VIII during season 2010 was 517. With 55 observer days the coverage was 10,6% in segment NLD003. The coverage in segment NLD004 was  $712/33=4.6\%$ .

In total 215 hauls and 88 days have been observed during the 5 observer trips (table 1). Of these days 55 were in fleetsegment NLD003 and 33 in fleetsegment NLD004. The two pair trawlers (segment NLD005 and NLD006) have not been sampled (Table 1). According to the national logbook database, the number of fleet days in fleetsegment NLD003 was 517 and in fleetsegment NLD004 712 days; total 1229 days. In fleetsegments NLD005 and NLD006 the effort in was  $108 + 178 = 286$  days. Note that a vessel may have visited several areas on one day which means that a day on which a vessel fished in two areas is counted as two days. On the other hand if a vessel did not fish at all, this day is not counted. Thus the sum of all days at sea is not necessarily the same as the total fishing days at sea.

Total coverages (observed days/total days x 100 = %) were (NLD003)  $55/517 \times 100 = 10.6\%$ , (NLD004)  $33/712 \times 100 = 4.6\%$ , (NLD005)  $0/108 \times 100 = 0\%$  and (NLD006)  $0/178 \times 100 = 0\%$  or (NLD003&005)  $55/625 \times 100 = 8.8\%$  and (NLD004&006)  $33/890 \times 100 = 3.7\%$ . The coverage of all fleetsegments together was  $215/1515 \times 100 = 5.8\%$ .

Figure 1 shows the positions of all observed hauls. Of these hauls, 112 were in fleet segment NLD003 and 103 in segment NLD004.

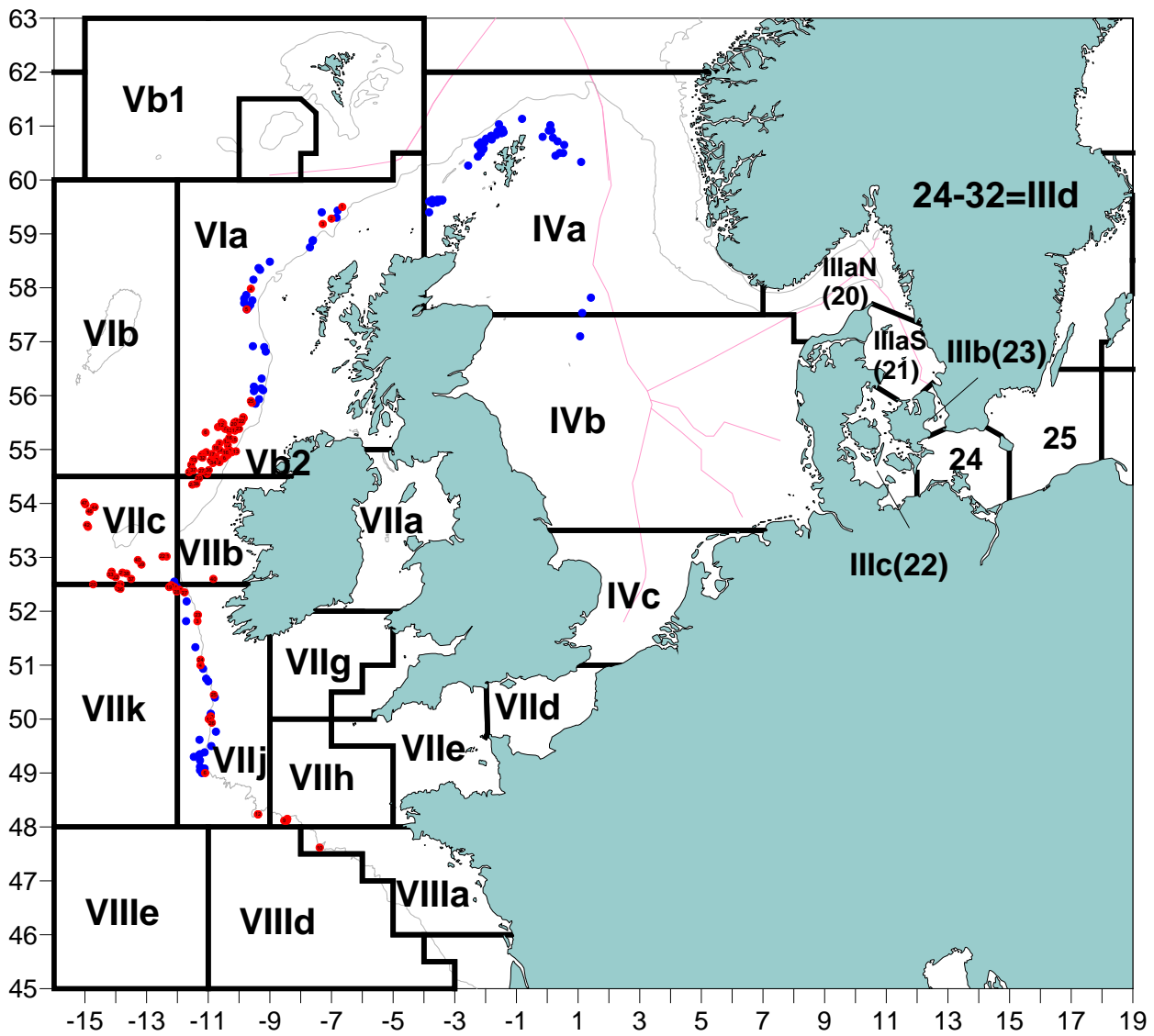


Figure 1. map with the positions of the observed trawl hauls during the 5 trips dealt with in this report. The red dots refer to hauls within fleetsegment NLD003. The blue dots refer to hauls in fleetsegment NLD004.



**Table 1. Fishing effort and observer effort**

Fishery segment (ref in this report)	Metier	Fishing area	Total fishing effort						Total observer effort achieved						Type of monitoring*	Coverage
			No. of vessels	No. of trips	Days at sea	Months of operation	No. of hauls	Total towing time	No. of vessels	No. of trips	Days at sea	Months of operation	No. of hauls	Total towing time		
NLD003	OTM small pelagic fish	VIa	5	10	54	1,2,3 & 12	unk	unk	3	3	25	1,2,3&12	61	282	PMS	46%
NLD003	OTM small pelagic fish	VIIb	8	15	62	1,2,3 & 12	unk	unk	2	2	1	1,2,3&12	4	9	PMS	2%
NLD003	OTM small pelagic fish	VIIc	9	18	132	1,2,3 & 12	unk	unk	2	2	11	1,2,3&12	20	84	PMS	8%
NLD003	OTM small pelagic fish	VIIId	8	20	107	1,2,3 & 12	unk	unk	0	0	0	1,2,3&12	0	0	PMS	0%
NLD003	OTM small pelagic fish	VIIe	3	3	7	1,2,3 & 12	unk	unk	0	0	0	1,2,3&12	0	0	PMS	0%
NLD003	OTM small pelagic fish	VIIh	2	2	3	1,2,3 & 12	unk	unk	1	1	3	1,2,3&12	4	11	PMS	100%
NLD003	OTM small pelagic fish	VIIj	8	18	135	1,2,3 & 12	unk	unk	1	1	9	1,2,3&12	15	29	PMS	7%
NLD003	OTM small pelagic fish	VIIk	4	4	9	1,2,3 & 12	unk	unk	2	2	5	1,2,3&12	7	39	PMS	56%
NLD003	OTM small pelagic fish	VIIIb	4	5	8	1,2,3 & 12	unk	unk	1	1	1	1,2,3&12	1	2	PMS	13%
NLD004	OTM small pelagic fish	IIa	8	14	54	1-12	unk	unk	0	0	0	1-12	0	0	PMS	0%
NLD004	OTM small pelagic fish	IIb	4	4	8	1-12	unk	unk	0	0	0	1-12	0	0	PMS	0%
NLD004	OTM small pelagic fish	IVa	6	12	77	1-12	unk	unk	1	1	15	1-12	49	112	PMS	19%
NLD004	OTM small pelagic fish	IVb	5	6	7	1-12	unk	unk	1	1	1	1-12	1	2	PMS	14%
NLD004	OTM small pelagic fish	IVc	4	8	11	1-12	unk	unk	0	0	0	1-12	0	0	PMS	0%
NLD004	OTM small pelagic fish	Vb	2	2	3	1-12	unk	unk	0	0	0	1-12	0	0	PMS	0%
NLD004	OTM small pelagic fish	VIa	7	17	156	4-11	unk	unk	2	2	6	4-11	28	140	PMS	4%
NLD004	OTM small pelagic fish	VIIIb	1	1	3	4-11	unk	unk	0	0	0	4-11	0	0	PMS	0%
NLD004	OTM small pelagic fish	VIIa	1	1	1	4-11	unk	unk	0	0	0	4-11	0	0	PMS	0%
NLD004	OTM small pelagic fish	VIIb	6	7	12	4-11	unk	unk	0	0	0	4-11	0	0	PMS	0%
NLD004	OTM small pelagic fish	VIIc	7	12	56	4-11	unk	unk	1	1	1	4-11	1	8	PMS	2%
NLD004	OTM small pelagic fish	VIIId	6	13	50	4-11	unk	unk	0	0	0	4-11	0	0	PMS	0%
NLD004	OTM small pelagic fish	VIIe	6	13	96	4-11	unk	unk	0	0	0	4-11	0	0	PMS	0%
NLD004	OTM small pelagic fish	VIIg	1	1	1	4-11	unk	unk	0	0	0	4-11	0	0	PMS	0%
NLD004	OTM small pelagic fish	VIIh	6	11	68	4-11	unk	unk	0	0	0	4-11	0	0	PMS	0%
NLD004	OTM small pelagic fish	VIIj	5	10	108	4-11	unk	unk	1	1	9	4-11	23	121	PMS	8%
NLD004	OTM small pelagic fish	VIIk	1	1	1	4-11	unk	unk	1	1	1	4-11	1	5	PMS	100%
NLD005	PTM small pelagic fish	VIa	2	2	2	1,2,3 & 12	unk	unk	0	0	0	1,2,3 & 12	0	0	PMS	0%
NLD005	PTM small pelagic fish	VIIId	2	12	67	1,2,3 & 12	unk	unk	0	0	0	1,2,3 & 12	0	0	PMS	0%
NLD005	PTM small pelagic fish	VIIe	1	2	2	1,2,3 & 12	unk	unk	0	0	0	1,2,3 & 12	0	0	PMS	0%
NLD005	PTM small pelagic fish	VIIj	2	4	31	1,2,3 & 12	unk	unk	0	0	0	1,2,3 & 12	0	0	PMS	0%
NLD005	PTM small pelagic fish	VIIIb	2	2	6	1,2,3 & 12	unk	unk	0	0	0	1,2,3 & 12	0	0	PMS	0%
NLD006	PTM small pelagic fish	IVa	2	12	67	4-11	unk	unk	0	0	0	4-11	0	0	PMS	0%
NLD006	PTM small pelagic fish	IVb	2	7	7	4-11	unk	unk	0	0	0	4-11	0	0	PMS	0%
NLD006	PTM small pelagic fish	IVc	2	2	2	4-11	unk	unk	0	0	0	4-11	0	0	PMS	0%
NLD006	PTM small pelagic fish	VIIId	2	7	18	4-11	unk	unk	0	0	0	4-11	0	0	PMS	0%
NLD006	PTM small pelagic fish	VIIe	2	4	22	4-11	unk	unk	0	0	0	4-11	0	0	PMS	0%
NLD006	PTM small pelagic fish	VIIh	2	2	6	4-11	unk	unk	0	0	0	4-11	0	0	PMS	0%
NLD006	PTM small pelagic fish	VIIj	2	6	45	4-11	unk	unk	0	0	0	4-11	0	0	PMS	0%
NLD006	PTM small pelagic fish	VIa	2	5	11	4-11	unk	unk	0	0	0	4-11	0	0	PMS	0%

\*PMS: Pilot Monitoring Scheme (see text)

## 5. ESTIMATION OF INCIDENTAL CATCHES

### 5.1. Incidental catch rates by fleet segment and target species

In the sampled fishing area's no bycatch incidents have been observed (Table 2).

**Table 2. Incidental catch rates by fishing area**

Metier	Fishing area	Main target species	Incidentally caught cetaceans species	Number of incidents	Number of specimens incidentally caught by species		Incidental catch rates		Total incidental catch estimate	CV
					With pingers	Without pingers	With pingers	Without pingers		
OTM small pelagic fish	Vla	bw	0	0					0	0.11
OTM small pelagic fish	VIIb	bw,hom,mac	0	0					0	0.95
OTM small pelagic fish	VIIc	bw,hom	0	0					0	0.24
OTM small pelagic fish	VIIh	hom	0	0					0	0.63
OTM small pelagic fish	VIIj	hom, mac	0	0					0	0.28
OTM small pelagic fish	VIIk	hom	0	0					0	0.45
OTM small pelagic fish	VIIIb	hom	0	0					0	0.95
OTM small pelagic fish	IVa	her	0	0					0	0.18
OTM small pelagic fish	IVb	her	0	0					0	0.95
OTM small pelagic fish	Vla	bw	0	0					0	0.39
OTM small pelagic fish	VIIc	bw	0	0					0	0.95
OTM small pelagic fish	VIIj	bw	0	0					0	0.28
OTM small pelagic fish	VIIk	bw	0	0					0	0.95

## 6. RECORDING OF INCIDENTAL CATCHES

For each tow, the observer was present on the bridge during shooting and hauling. Position and time were recorded at the beginning of each haul. The time was recorded again when hauling started. The rear window of the bridge gives a good view on the rear deck, so that bycatches of cetaceans can be recorded from there.

## 7. DISCUSSION

With 8.8% coverage of fleet segment NLD003 and NLD005 and 3.7% coverage of fleet segment NLD004 and NLD006 the target of 10% and 5% has not been fulfilled. The observer programme is combined with the collection of discards data which aims at an overall random coverage of 10%. The coverage in the fleet segments varies therefore from year to year. However this year the overall coverage of the national fleet was less than 10%. This is caused by the fact that since 2009 the sampling effort in the discards programme to which this programme is connected has been extended towards the part of the fleet that operates under foreign flag. In 2010 four of nine conducted trips were on trawlers under foreign flag. During these four trips 39 days (89 hauls) were observed on vessels under English flag and 15 days (31 hauls) under German flag. The observer data of these trips have been send to the English and German representatives of the monitoring programmes.

The recorded bycatch is 0.00, which is similar to rates found in 2005 - 2009. In the Dutch fishery, bycatches of dolphins occur mainly in the fishery for horse mackerel and mackerel west of Ireland in

February and March (Couperus 1997b). The relatively low bycatch rates in 2005 – 2010 compared to the rates in the 1990ies are probably related to a shift in effort towards the blue whiting fishery (Couperus 2006).

Due to the high number of hauls without bycatches it is not possible to estimate the bycatch rate with any accuracy with the current observer effort. The total bycatch mortality of cetaceans caused by Dutch pelagic freezer trawlers in the 2006-2010 season is in the order of magnitude of zero to several tens. However, data from the 1990ies suggest that the bycatch rate may vary, partly induced by changes in the quotas of pelagic target species.

## **8. CONCLUSIONS**

The recorded bycatch is 0.00, which is similar to rates found in 2005 - 2009.

With 8.8% coverage of fleet segment NLD003 and NLD005 and 3.7% coverage of fleet segment NLD004 and NLD006 the target of 10% and 5% has not been fulfilled. This is caused by the fact that part of the discards/bycatch monitoring is placed on vessel under foreign flag whereas this report covers only the national effort.

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