

# Comments on the ornithological aspects of a draft Joint recommendation for fisheries management measures under Article 11 and Article 18 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy in the Natura 2000 sites within the German EEZ

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## Introduction

On 9 March 2017 the Danish Agrifish Agency requested considerations on the ornithological aspects of a draft joint recommendation for fisheries management measures under Article 11 and Article 18 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy in the Natura 2000 sites within the German EEZ from Aarhus University, DCE.

The request provided four specific questions. The four questions are the following:

- Does the proposal contain the relevant literature references?
- Is the referred knowledge on birds, their conservation status and by-catch rates factually correct?
- Are supplementary studies/references required?
- Are the proposed measures proportional with the conservation requirement?

These questions are all addressed below in the present memo.

### **Does the proposal contain the relevant literature references?**

The proposal has the relevant literature references in relation to the ornithological aspects of the document. The references on by-catch levels are of a rather general nature, and specific studies of by-catch rates of the species mentioned (Red-throated Diver, Black-throated Diver, Razorbill, Guillemot, Kittiwake, Gannet and Northern Fulmar) from the German North Sea are lacking, as correctly stated in the document.

On p. 23 there is a reference to Durinck et al. (1993) on by-catch of Common Scoters and Velvet Scoters. This reference is hardly relevant to the geographical region that is considered in this present document, being the German EEZ, excluding the areas closer than 12 NM to the coast. The two species of Scoters are not mentioned in the group of birds relevant to this proposal.

The temporal and spatial distribution of Red-throated Diver, Black-throated Diver, Razorbill and Guillemot are well documented and references are appropriate.

### **Is the referred knowledge on birds, their conservation status and by-catch rates factually correct?**

The monitoring program on marine birds in the German part of the North Sea is substantial. Both the spatial and temporal distribution of birds in that area is well described and included in the data for the preparation of the present document.

On the contrary, the knowledge on by-catch levels of birds in set nets for the particular area is poorly documented, which is actually correctly stated in the document. Knowledge on by-catch of the species in question is therefore gained from other sources, most of which is of a more general character.

### **Are supplementary studies/references required?**

The documentation of the temporal and spatial distribution of the birds in the German parts of the North Sea EEZ is well described, and it seems to be an appropriate background for the present analysis.

As stated above, the knowledge on by-catch levels in that same area is poorly known. The proposed measures are therefore based on more general knowledge from other sources. Using such more general sources seems to be an appropriate precautionary measure, while it would appear desirable to assess by-catch levels from the set net fishery in this particular region.

Thus, the proposed Measure 8 appears relevant, as it would provide novel information of by-catch levels of Harbour Porpoises as well as birds from Dogger Bank and Borkum Reef Ground.

In more general terms it could be proposed that information on by-catch levels in the German part of the North Sea EEZ would be desirable, as such data could data can inform administrators about actual by-catch levels in the area, and potentially also to adjust measures in the future, based on more precise data.

### **Are the proposed measures proportional with the conservation requirement?**

If a population is below its carrying capacity and the population level is influenced by anthropogenic mortality, a reduction in this mortality is likely to have a positive effect on the population. However, for most species the quality of the knowledge on spatial and temporal distribution of birds throughout the flyway area often only allows wide confidence intervals on population estimates. Thus, international coordination and collaboration in monitoring programs to obtain better knowledge on population levels and trends would be highly advantageous.

With increased knowledge on population levels and trends, along with more information on by-catch levels, an adaptive management approach could be relevant for selected species.

Seen from a precautionary principle the proposed measures therefore appear proportional. Improved knowledge on by-catch magnitude in the German North Sea, population size and population trends could potentially qualify revised measures.