



OSPAR Recommendation 2024/02 on reducing bycatch of marine birds in the maritime area

Preamble

RECALLING Article 2(1) of the Convention for the Protection of the Marine Environment of the North-East Atlantic ('the OSPAR Convention');

RECALLING Annex V to the OSPAR Convention on the protection and conservation of the ecosystems and biological diversity of the maritime area, and in particular Article 3(1), which makes it a duty of the OSPAR Commission to draw up programmes and measures for the control of human activities identified by the application of the criteria in Appendix 3; Article 3(1)(b)(ii) on the duty to develop means, consistent with international law, for instituting protective, conservation, restorative or precautionary measures related to specific areas or sites or related to specific species or habitats; and Article 3(1)(b)(iv), which aims for the application of an integrated ecosystem approach, subject to Article 4;

RECALLING Article 4(1) of Annex V, which provides that in accordance with the penultimate recital of the OSPAR Convention, no programme or measure concerning a question relating to the management of fisheries shall be adopted under that Annex, while recognising that where the OSPAR Commission considers that action is desirable in relation to such a question, it shall draw that question to the attention of the authority or international body competent for that question;

RECALLING the OSPAR North-East Atlantic Environment Strategy 2030 (NEAES 2030) (OSPAR Agreement 2021-01);

RECALLING the OSPAR List of Threatened and/or Declining Species and Habitats (OSPAR Agreement 2008-6), in which nine marine bird species are listed and categorised as being under threat and/or in decline in the OSPAR Regions;

RECALLING the Statement on the Common Understanding of the Recommendations on Species and Habitats (OSPAR Agreement 2013-13);

RECALLING OSPAR Recommendations on furthering the protection and conservation of lesser black-backed gull, ivory gull, little shearwater (or Macaronesian shearwater), Balearic shearwater, black-legged kittiwake, roseate tern, thick-billed murre (OSPAR Recommendations 2011/01 – 07), Iberian guillemot (OSPAR Recommendation 2014/16) and Steller's Eider (OSPAR Recommendation 2013/12);

NOTING that the OSPAR Quality Status Report 2023 concluded that the status of marine birds in the OSPAR Area is poor and that incidental bycatch in different types of fishing gear has been identified as an important pressure in the maritime area;

NOTING that, where appropriate, the actions and measures of this Recommendation will support the regional implementation of the Directive 2008/56/EC establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive), and corresponding legislation of other Contracting Parties;

NOTING the respective Background Document on reducing the bycatch of marine birds (OSPAR Publication 1050/2024);

NOTING the Food and Agriculture Organisation (FAO) (1999) *International Plan of Action for reducing incidental catch of seabirds in longline fisheries*; and for the EU Member States the European Commission (2012) *EU Action Plan for reducing incidental catches of seabirds in fishing gears* (COM (2012) 665) and European Commission (2023) *EU Action Plan: Protecting and restoring marine ecosystems for sustainable and resilient fisheries*;

NOTING other relevant international processes and associated resolutions, action plans and targets, including: Target 5 of the Kunming-Montreal Global Biodiversity Framework on sustainable harvesting, which requires minimising impacts on non-target species; and agreements under the Convention on Migratory Species.

The Contracting Parties to the Convention for the Protection of the Marine Environment of the North-East Atlantic RECOMMEND:

1. Definitions

For the purpose of this Recommendation:

“bycatch of marine birds” means the incidental capture of marine bird species in fishing gear.

“fisheries” means commercial, including artisanal, and recreational fishing activity.

“marine bird” means any species from the following taxonomic groups: ducks (*Anseriformes*); divers (*Gaviiformes*); grebes (*Podicipediformes*); petrels, fulmars and shearwaters (*Procellariiformes*); gannets and cormorants (*Suliformes*); skuas, gulls, terns and auks (*Charadriiformes*).

2. Purpose and scope

2.1. The purpose of this Recommendation is to support the objective to minimise, and where possible eliminate, bycatch of marine birds in the maritime area. The Recommendation expands existing species-specific recommendations (OSPAR Recommendations 2011/01, 2011/02, 2011/03, 2011/04, 2011/05, 2011/07, 2013/12) to more marine bird species (beyond those species listed by OSPAR as threatened and/or declining) and all relevant types of fishing gear.

2.2 This Recommendation applies to all OSPAR Regions.

2.3 This Recommendation applies to all species of marine bird occurring within the OSPAR Area that are sensitive to bycatch, as listed in the Background Document on reducing the bycatch of marine birds (Annex of OSPAR Publication 1050/2024).

3. Programmes and measures

3.1 Individually, OSPAR Contracting Parties should consider to develop, adopt and implement a National Plan of Action to minimise, and where possible eliminate, incidental bycatch of marine birds in fisheries.

- a. A National Plan of Action should:
 - i. identify potential bycatch problems preferably using a risk assessment method;
 - ii. set specific and measurable objectives for minimising bycatch; and

- iii. for all species of marine bird, define fishery-specific thresholds, where appropriate, to trigger management action, based upon the best available science including, where available, scientific advice provided by the International Council for the Exploration of the Sea (ICES), especially if the long-term viability of the bird population is threatened, and consider to apply a risk-based approach if bycatch data are insufficient to set thresholds.
- b. A National Plan of Action could contain the following elements:
 - i. a programme of data collection on bycatch of marine birds, which enables estimation of bycatch rates; in particular in areas known to be important for them, including foraging areas, areas close to breeding sites and areas hosting important wintering congregations;
 - ii. implementation of appropriate bycatch reduction measures;
 - iii. programmes to assess and monitor the effectiveness of bycatch reduction measures;
 - iv. a strategy jointly developed with the fishery sector to facilitate effective and appropriate engagement with fishers to achieve co-operation in onboard monitoring of bycatch and to promote adoption of bycatch reduction measures; and
 - v. a programme of research and development for effective bycatch reduction measures.

3.2 Acting collectively within the framework of the OSPAR Commission, with the aim of promoting an ecosystem-based approach, Contracting Parties should:

- a. regularly collate data on fisheries effort, bycatch rates and bird data (abundance, demographic data). With respect to fisheries effort and bycatch sampling, data collection and collation should be in line with the data needs identified by ICES and national or regionally coordinated data collection programmes or projects, including those established for filling data-gaps;
- b. conduct periodic OSPAR Regional assessments of bycatch mortality on marine bird populations using data provided under 3.2a, to determine the impact on the regional population of a species.
- c. exchange information on monitoring techniques, mitigation measures and spatio-temporal fishing effort adjustment measures to develop and keep updated OSPAR-wide guidance on best practices.
- d. in the context of Article 4 of Annex V of the Convention and in line with the common understanding (OSPAR Agreement 2013-13), draw to the attention of relevant competent organisations instances where fishing activities constitute a threat to relevant species and habitats and where appropriate encourage those organisations to take appropriate measures.

4 Entry into Force

4.1 This Recommendation has effect from 28 June 2024.

5. Implementation reports

5.1 Contracting Parties should provide an initial report to the appropriate OSPAR subsidiary body on the progress of developing national action plans by 31 December 2026.

5.2 Contracting Parties should report by 31 December 2029 on the implementation of this Recommendation to the appropriate OSPAR subsidiary body. Contracting Parties should subsequently report every six years on the implementation of this Recommendation.

5.3 When reporting on implementation, the format as set out in Appendix 1 should be used as far as possible.

Format for implementation reports concerning OSPAR Recommendation 2024/02 on reducing the bycatch of marine birds in the maritime area

(Note: In accordance with Section 5 of this Recommendation, this format should be used as far as possible in implementation reports)

I. Implementation Report on Compliance

Country:

Reservation applies:

Is measure applicable in your country?

If not applicable, then state why not.

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Means of Implementation:

by legislation	by administrative action	by negotiated agreement
yes/no*	yes/no*	yes/no*

Please provide information on:

- a. specific measures taken to give effect to this measure;
- b. any special difficulties encountered, such as practical or legal problems, in the implementation of this measure;
- c. any reasons for not having fully implemented this measure should be spelt out clearly and plans for full implementation should be reported.

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* Delete whichever is not appropriate.