



MINISTERIO  
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Y MEDIO RURAL Y MARINO

SECRETARIA GENERAL DEL  
MAR

DIRECCION GENERAL DE RECURSOS  
PESQUEROS Y ACUICULTURA  
SUBDIRECCION GENERAL  
DE ASUNTOS PESQUEROS  
COMUNITARIOS

## ANNUAL REPORT ON THE IMPLEMENTATION OF REGULATION (EC) No 812/2004 - 2009

**Member State: Spain**

**Reference period: Year 2009**

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## Executive Summary

Article 6 of Council Regulation (EC) No 812/2004 laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) No 88/98 requires an annual report to be sent to the Commission on the application of Articles 2, 3, 4 and 5 of that Regulation.

In accordance with the criterion established in Annex III(2) to the Regulation, the Secretariat-General for the Sea in the Ministry of the Environment, Marine and Rural Affairs, in collaboration with the Spanish Oceanography Institute (IEO), implemented an onboard observer programme in 2009.

This report includes the results of the pilot observer programmes on fishing vessels of 15 or more metres in length using bottom-set gillnets in 2009.

Lastly, we must note that the IEO has, for its part, benefited from an input of data from the Spanish Marine and Food Technological Centre (AZTI) as regards the Basque Country's very high-vertical opening (VHVO) trawler fleet in Divisions VIIIa, b and d.



## ACOUSTIC DEVICES

### 1. General information

The authorisations that the Spanish authorities give to fishing vessels that use bottom-set gillnets state their obligation to use acoustic deterrent devices or pingers within the framework of the application of this Regulation.

### 2. Acoustic devices (Articles 2 and 3)

#### 2.1 Description of the fleet

Segment of the fleet (for use in the following tables)	Fishing area	Main target species	Total fishing effort					
			Number of vessels	Number of tides	Days at sea	Months of operation	Total length of nets	Total immersion time
GNS	27. VII e, f, g, h, j	<i>Merluccius merluccius</i>	8		862	Jan-Dec		

#### 2.2. Mitigation measures

Fleet segment	Fishing area	% of vessels that use pingers	Characteristics of the pingers	Other mitigation measures
GNS	27. VII e, f, g, h, j			-

### 3. Monitoring and assessment

3.1 Monitoring and assessment of the effects of the use of pingers (Article 2(4)).

3.2 Report on the measures to check the specifications when the pingers are used by the fishing vessels (Article 2(4))

3.3 Overall assessment

## OBSERVER SCHEME

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#### 4. General information on the implementation of Articles 4 and 5

##### 4.1. Information on the administrative or legislative measures within the scope of the provisions of Articles 4 and 5.

A cooperation agreement was signed between the Secretariat-General for the Sea of the Ministry of the Environment and Rural and Marine Affairs and the Spanish Oceanography Institute for the years 2008 and 2009, for the purpose of obtaining data on the incidental capture of cetaceans in certain Spanish fisheries through an onboard observers programme.

##### 4.2 Information on the difficulties in implementing Articles 4 and 5 of Council Regulation (EC) No 812/2004.

Variations in the behaviour of the fleet and in the volume of the effort from one year to another may change the stratification forecast at the beginning of the year, affecting the representativeness of the sample and the achievement of the minimum level of coverage of 5% laid down in the Regulation.

On the other hand, there have been various logistical difficulties in getting observers on board vessels at some times of the year, given the lack of vessels available to take an observer on board. Added to this were bureaucratic / administrative difficulties concerning contracting staff or subcontracting services.

##### 4.3 Purpose of the observer scheme

The onboard observer programme implemented is intended to comply with the requirements of Regulation (EC) No 812/2004. However, without neglecting its primary goal, the programme also yielded other kinds of data, including the following: data on fishing gear and manoeuvres, data on catches of the target species, on the species discarded, on incidental catches of other species, meteorological data and data on sightings.



## 5. Monitoring

### 5.1 Description of the fishing effort and observed effort in towed gears

Fleet segment	Fishing area	Total fishing effort						Total effort observed						Type of monitoring	Coverage	
		Number of vessels	Number of tides	Days at sea	Season	No of hauls	Total immersion time	Number of vessels	Number of tides	Days at sea	Season	No of hauls	Total immersion time			
PTB	27.VIIIa, b, d	6		1 464									61		Onboard observer programmes	

### 5.2 Description of the fishing effort and observed effort in fixed gears

Fleet segment	Fishing area	Total fishing effort						Total effort observed						Type of monitoring	Coverage
		Number of vessels	Number of tides	Days at sea	Season	Total length of nets	Total immersion time	Number of vessels	Number of tides	Days at sea	Season	Total length of nets	Total immersion time		
GNS	27, VIIIa	24		2 721	Jan-Dec			8	10	81	Jan-May, Jul-Oct	1 284.6	0.87	Pilot onboard observer project	2.97%
GNS	27, VIIIb	10		481	Jan-Dec			4	4	20	Mar, May-Jul, Nov	352.85	0.84	Pilot onboard observer project	4.1%
GNS	27, VIII d	1		11	Jan-Dec			1	2	7	Jun-Jul	81.45	0.32	Pilot onboard observer project	63%

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## 6. Estimate of incidental catches

### 6.1 Proportion of incidental capture by fleet segment and target species

Fleet segment	Fishing area	Main target species	Species caught accidentally	Number of incidents	Number of specimens caught accidentally per species		Proportion of incidental catches (individuals/day)	Total estimate of incidental catches
					With pingers	Without pingers		
GNS	27, VIIIa	<i>Merluccius merluccius</i>	<i>Delphinus delphis</i>	20		23	0.28	
GNS	27, VIIIa	<i>Merluccius merluccius</i>	<i>Delphinus spp.</i>	1		1	0.01	
GNS	27, VIIIa	<i>Merluccius merluccius</i>	<i>Phocoena phocoena</i>	9		9	0.11	
GNS	27, VIIIb	<i>Merluccius merluccius</i>	<i>Phocoena phocoena</i>	3		3	0.15	

### 6.2 Recording of incidental catches

During the haul of the fishing gear, the observers position themselves where they can register the presence of dolphins caught in the net before it reaches the surface and thus they can include in the interactions between cetaceans and gillnetting the frequent cases in which specimens manage to get out of the net before it is hauled in.

## 7. Discussion

The results presented in this report should be considered as indicative of a trend, although we do not yet have enough annual information and thus do not know the repeatability and variability of the results. Nevertheless, the analysis of the results may offer some elements for consideration. Only two species were caught – the common dolphin and porpoise – with the former being the more frequent, and only with netting gear. The distribution of the catches show that the common dolphins were found mainly in division VIIIa, while specimens of this species were not caught in divisions VIIIb and VIIIc, despite the higher percentage of effort coverage sampled. Furthermore, the instances of porpoises caught were approximately half that of dolphins, which could



indicate a trend in terms of their abundance or liability to be caught accidentally. In any case, given that, as mentioned above, the data comes from just one year, the sampling must continue in successive years to allow more precise conclusions to be reached. Lastly, it is important to reiterate that although we have historical data on fishing efforts, it is difficult to predict the degree of compliance with the level of coverage required by Regulation (EC) No 812/2004, given that the forward planning was based on that historical data from previous years and the level of coverage achieved could only be evaluated at the end of the year when the total effort was known, which obviously varies from year to year.

## 8. Conclusions

The implementation of an onboard observer programme pursuant to Regulation (EC) No 812/2004 proved useful from the perspective of learning the effect of certain fisheries on cetacean populations. However, some doubts remain with regard to the scientific data in this report, which must be confirmed by successive surveys in the coming years to establish their repeatability and possible variation from year to year.

## 9. Annexes

This data has not been used in any scientific works published to date.