

ANNEX XIII

**MITIGATION MEASURES TO REDUCE
INCIDENTAL CATCHES OF SENSITIVE SPECIES**

The following measures to monitor and reduce incidental catches of sensitive species shall apply:

1. The measures set out in Parts A, B and C.
2. Member States shall take the necessary steps to collect scientific data on incidental catches of sensitive species.
3. As a result of scientific evidence, validated by ICES, STECF, or in the framework of GFCM, of negative impacts of fishing gear on sensitive species, Member States shall submit joint recommendations for additional mitigation measures for the reduction of incidental catches of the concerned species or in a concerned area on the basis of Article 15 of this Regulation.
4. Member States shall monitor and assess the effectiveness of the mitigation measures established under this Annex.

PART A

Cetaceans

1. Fisheries in which the use of acoustic deterrent devices is mandatory
 - 1.1. It shall be prohibited for vessels with an overall length of 12 m or more to use the fishing gear in specific areas as defined below without the simultaneous use of active acoustic deterrent devices.

Area	Gear
Baltic Sea Area delimited by a line running from the Swedish coast at the point at longitude 13° E, thence due south to latitude 55° N, thence due east to longitude 14° E, thence due north to the coast of Sweden; and, Area delimited by a line running from the eastern coast of Sweden at the point at latitude 55°30' N, thence due east to longitude 15° E, thence due north to latitude 56° N, thence due east to longitude 16° E thence due north to the coast of Sweden	Any bottom-set gill net or entangling net
Baltic Sea sub-division 24 (except for the area covered above)	Any bottom-set gill net or entangling net
ICES sub-area 4 and ICES division 3a (only from 1 August to 31 October)	Any bottom-set gill net or entangling net, or combination of these nets, the total length of which does not exceed 400 m
	Any bottom-set gillnet or entangling net ≥ 220 mm

Status: This is the original version as it was originally adopted in the EU. This legislation may since have been updated - see the latest available (revised) version

ICES divisions 7e, 7f, 7g, 7h and 7j	Any bottom-set gillnet or entangling net
ICES division 7d	Any bottom-set gillnet or entangling net

- 1.2. Point 1.1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member State or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans.
- 1.3. Member States shall take necessary steps to monitor and assess by means of scientific studies or pilot projects, the effects of acoustic deterrent device use over time in the fisheries and areas concerned.
2. Fisheries to be monitored
- 2.1. Monitoring schemes shall be undertaken on an annual basis and established for vessels flying their flag and with an overall length of 15 m or more to monitor cetacean by-catch, for the fisheries and under the conditions defined below.

Area	Gear
ICES sub-areas 6, 7 and 8	Pelagic trawls (single and pair)
Mediterranean Sea (of the east of line 5°36' west	Pelagic trawls (single and pair)
ICES divisions 6a, 7a, 7b, 8a, 8b, 8c and 9a	Bottom-set gillnet or entangling nets using mesh sizes equal to or greater than 80 mm
ICES sub area 4, ICES division 6a, and ICES sub-area 7, with the exception of ICES divisions 7c and 7k	Driftnets
ICES divisions 3a, 3b, 3c, 3d south of 59° N, 3d north of 59° (only from 1 June to 30 September) and ICES sub-areas 4 and 9	Pelagic trawls (single and pair)
ICES sub-areas 6, 7, 8 and 9	High-opening trawls
ICES divisions 3b, 3c and 3d	Bottom-set gillnet or entangling nets using mesh sizes equal to or greater than 80 mm

- 2.2. Point 2.1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member State or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans.

PART B

Seabirds

Where the data referred to in point 2 of the introductory paragraph of this Annex indicate a level of incidental catches of seabirds in specific fisheries which constitutes a serious threat

Status: This is the original version as it was originally adopted in the EU. This legislation may since have been updated - see the latest available (revised) version

to the conservation status of those seabirds, Member States shall use bird scaring lines and/or weighted lines, if it is scientifically proven that such use has a conservation benefit in that area, and where practical and beneficial shall set longlines during the hours of darkness with the minimum of deck lighting necessary for safety.

PART C

Marine turtles

1. Fisheries in which the use of a turtle excluder device is mandatory.
- 1.1. It shall be prohibited for vessels to use the fishing gear specified below in specific areas as defined below without the simultaneous use of a turtle excluder device.

Area	Species	Gear
Union waters in the Indian Ocean and the West Atlantic	Shrimps (<i>Penaeus</i> spp., <i>Xiphopenaeus kroyeri</i>)	Any shrimp trawl

- 1.2. The Commission may adopt implementing acts establishing detailed rules for the specification of the device referred to in point 1.1.