

Mr Virginijus Sinkevičius  
Commissioner for Environment, Oceans and Fisheries  
European Commission

CC: Carmen Priesing, Deputy Head of Cabinet to the Commissioner for Environment, Oceans and Fisheries  
Humberto Delgado-Rosa, Director for Natural Capital, DG Environment  
Veronika Veits, Director for International Ocean Governance and Sustainable Fisheries, DG Fisheries and Maritime Affairs  
Elisa Roller, Head of Unit, CFP and Structural Support, DG Fisheries and Maritime Affairs  
Nicola Notaro, Head of Unit, Nature Protection, DG Environment  
Michel Sponar, Acting Head of Unit, Marine Environment and Water Industry, DG Environment

**Subject: Urgent action needed to stop dolphin bycatch in the Bay of Biscay between January and April 2020**

Brussels, 14 January 2020

Dear Commissioner Sinkevičius,

Last winter, more than 1,200 dead dolphins washed ashore along the French coastline alone. They had died after having been caught in the gears of fishing boats. We need your urgent action to prevent this from happening again this winter.

The incidental capture of whales, dolphins and porpoises by fishing gear, known as “bycatch”, presents the most significant global and European threat to their conservation. You are aware of the recent global reports highlighting dramatic declines in biodiversity<sup>1</sup>. Based on the small percentage of dead short-beaked common dolphins that would be expected to reach the shore, it is estimated that up to 10,000 may have been killed by fishing gear in the Bay of Biscay last winter. Experts have repeatedly highlighted the unsustainable levels of bycatch in EU waters<sup>2</sup>.

**EU laws exist to prevent bycatch. But they are not implemented.** Member States have systematically failed to implement adequate conservation measures, and to establish and enforce monitoring systems to better understand the exact causes and scale of the issue. By not enforcing nature protection laws, the Commission is failing to comply with its duties under the Habitats Directive, and is also failing to meet its responsibilities under articles 11(4) and 12 of the Common Fisheries Policy Basic Regulation.

We were recently informed that the European Commission is waiting for additional scientific information before taking action. Ample evidence exists, and if we do not act now, thousands of dead dolphins will land on our coasts again this winter. The bodies have already started to wash ashore. The EU cannot showcase its ambition to be a global leader in biodiversity protection while letting this happen again. Not in the same year as the publication of the new EU Biodiversity Strategy and the Conference of the Parties of the Convention on Biological Diversity.

You can still do something to prevent this catastrophe from happening again this winter.

You can require that the two Member States most concerned with this situation in the Bay of Biscay, France and Spain, follow two emergency measures:

- **Close the fisheries that are responsible for the common dolphin bycatch in the North East Atlantic between January and April 2020.** This must include, at least, pair-trawl and gillnet fisheries. Closures should remain in place each winter until effective prevention and conservation measures are implemented.

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<sup>1</sup> Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), 2019.

<sup>2</sup> Scientific Report of the International Whaling Commission, 2019; Scientific, Technical and Economic Committee for Fisheries (STEF), 2019, Review of the implementation of the EU regulation on the incidental catches of cetaceans; International Council for the Exploration of the Sea, Working Group on the Bycatch of Protected Species, ICES CM 2016/ACOM:27; ASCOBANS, Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas.

- **Request on-board independent observers and/or electronic monitoring on all fishing vessels in the Bay of Biscay throughout the year.** Fishing activities should halt and the vessel should leave the area as soon as any bycatch is observed.

You will find, enclosed, our briefing on Fisheries Emergency Measures for the Northeast Atlantic short-beaked common dolphin in the Bay of Biscay.

We would welcome the opportunity to discuss our views on the dramatic situation of cetaceans in the Bay of Biscay and throughout European waters and the actions needed to ensure that no further harm is done to these vulnerable populations. For further information, your services can contact Alice Belin ([abelin@seas-at-risk.org](mailto:abelin@seas-at-risk.org)).

There is still time to avoid thousands of unnecessary deaths. We, and over 222,000 European citizens who signed a [petition to stop the killing of dolphins by the fishing industry in EU waters](#), are counting on you to act now.

Yours sincerely,



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Executive Director  
Seas At Risk



Chris Butler-Stroud  
Chief Executive  
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Douglas A. Ruley  
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**On behalf of:**

*Europe and international:*

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*Other Atlantic countries:*

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