

# Annual report on the implementation of Council Regulation (EC) No 812/2004<sup>1</sup> – (2011)

**Member State:** Estonia

**Reference Period:** 1st January – 31st December 2011

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<sup>1</sup> Council Regulation (EC) No 812/2004 of 26.4.2004 laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) No 88/98.

Article 6 of the Regulation,

*1. Each year, Member States shall send the Commission, by 1 June, a comprehensive annual report on the implementation of Articles 2, 3, 4 and 5 during the previous year. The first report shall cover both the remaining part of the year following the entry into force of this Regulation and the entire year that follows.*

*2. On the basis of the observers' reports provided according to Article 5(3) and all other appropriate data, including those on fishing effort collected in application of Council Regulation (EC) No 1543/2000 of 29 June 2000 establishing a Community framework for the collection and management of the data needed to conduct the common fisheries policy, the annual report shall include estimates of the overall incidental catches of cetaceans in each of the fisheries concerned. This report shall include an assessment of the conclusions of the observers' reports and any other appropriate information, including any research conducted within the Member States to reduce the incidental capture of cetaceans in fisheries. When reporting on the results of scientific studies or pilot projects as provided for in Articles 2(4) and 4(2), Member States shall ensure that sufficiently high quality standards are reached in their design and implementation and shall provide detailed information concerning those Standards to the Commission.*

## **Summary**

No cetaceans were registered during 2011 in the Estonian fisheries on the Baltic Sea.

## ACOUSTIC DETERRENT DEVICES

### 1. General Information

**Provide information on legislative or administrative measures applied to ensure and facilitate the implementation of Art. 2.**

*Was any subsequent legislative or administrative measure (at national or regional level) taken to further the use of pingers by fisheries?*

*If yes, please provide references and describe in a few lines the nature, aims and main provisions of these measures.*

*In the Estonian waters the use of acoustic deterrent devices is regulated by EU acts.*

#### 1.1 Description of the fleet

*There was no fishery in area 24 using static gear. The effort with gears in the areas where pingers are required was zero. Therefore the tables are not presented.*

##### a) Reporting format

Metier	Fishing area	Total fishing effort						
		No. of vessels	% vessels using pingers	No. of trips	Days at sea	Months of operation	Total length of nets	Total soak time
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

##### b) Data format

Name of field	Definition and Comments
(1) Metier	Indicate code for metier to level 5 according to Appendix IV of Commission Decision 2008/949/E
(2) Fishing area	Indicate areas to level 3 or level 4 for Baltic and Mediterranean, according to Appendix I of Commission Decision 2008/949/EC.
(3) Number of vessels	Indicate the total number of vessels operating
(4) % vessels using pingers	% of vessels equipped with specific pingers according to the overall number of vessels of the segment
(5) Number of trips	Indicate the total number of trips
(6) Days at sea	Indicate the total number of days at sea corresponding to

	fishing time* (e.g. 60)
(7) Months of operation	Indicate the months of operation at sea corresponding to fishing time* (e.g. May-June)
(8) Total length of nets	Indicate the total length of nets, in km
(9) Total soak time	Indicate the total soak time of nets, in km.h

## 2. Acoustic Deterrent Devices (Article 2 and 3)

### 2.1 Mitigation measures

No pingers were used as the fishing effort was zero.

#### a) Reporting format

Metier	Fishing area	Pinger characteristics	Other mitigation measures (Optional information)
(1)	(2)	(3)	(4)

#### b) Data format

Name of field	Definition and Comments
(1) Metier	(refer to code definition in table 2.1 – Data format)
(2) Fishing area	Indicate areas to level 3 according to Appendix I of Commission Decision 2008/949/EC.
(3) Pinger characteristics	Indicate type of device being used according to Annex II or Article 3.2 in Council Regulation (EC) 812/2004
(4) Other mitigation measures (Optional information)	Indicate the use of other mitigation measures and describe briefly its performance. (e.g. devices for trawlers, real time closures, etc.)

The activity of a vessel shall be measured in days present within a geographical area referred to fishing area. A day present within an area shall be calculated as any continuous period of 24 hours (or part thereof) during which a vessel is present within any geographical area defined in "fishing area" and absent from port. The time from which the continuous period is measured is at the discretion of the Member State whose flag is flown by the vessel concerned, provided that the Member State determines the start of the period in a consistent manner for each grouping of gears during a management period. In case that the vessel is present in the same area within a period of 24 hours for several times, the presence shall count as one day only.

## b) Data format

Name of field	Definition and Comments
(1) Metier	(refer to code definition in table 2.1 – Data format)
(2) Fishing area	Indicate areas to level 3 according to Appendix I of Commission Decision 2008/949/EC.
(3) Pinger characteristics	Indicate type of device being used according to Annex II or Article 3.2 in Council Regulation (EC) 812/2004
(4) Other mitigation measures (Optional information)	Indicate the use of other mitigation measures and describe briefly its performance.  (e.g. devices for trawlers, real time closures, etc.)

## 3. Monitoring and assessment

### 3.1 Monitoring and assessment of the effects of pinger use (Article 2.4)

Provide a summary of the outcome of scientific studies or pilot projects aimed at monitoring and assess the effects of pinger use over time in the fisheries and areas concerned as well as detailed information on the quality standards in line with provisions of Art 6(2).

No scientific studies of the effects of pinger use were conducted.

*The full reports of the studies or projects should be provided in the Annex section of the present report. Any subsequent publication or reference thereof is also welcome.*

### 3.2. Report on measures to control specifications when pingers are in use by fishermen (Article 2.4)

Provide a summary describing the type of control measures theoretically available (at sea or in ports) and those used in practice (including frequency of checks) by competent authorities to verify that pingers used in application of Article 2(1) do comply with one set of the technical specifications and conditions of use defined in Annex II of Reg.812/2004.

There are two kinds of inspections: in port or at sea. In Estonia most of the inspections are done in ports. During every inspection inspectors check the fishing gear being used, the catch, that has been caught and the logbook.

### 3.3. Derogation

If, by way of derogation, your Member State has authorised the temporary use of acoustic deterrent devices which do not fulfil the technical specifications or conditions of use defined in Annex II of Reg.812/2004, provide its technical and scientific information and its effects on incidental catches of cetaceans. If Commission has already received information on this, please indicate the reference of the report sent.

No derogations.

### **3.4 Overall assessment**

On the basis of all information available to them, MS are invited to provide their views on the pros and cons of the continued use of pingers as a mitigation tool to address the cetacean incidental catch issue in fisheries.

*As no pingers are used in Estonian fisheries, we are not in a position to give further views on the subject.*

## OBSERVER SCHEMES

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

Provide information on:

- Legislative or administrative measures following provisions of Art.4 or 5.

*Was any subsequent legislative or administrative measure (at national or regional level) taken to the design and implementation of monitoring schemes (e.g. administrative notice informing some fleets that they will be subject to monitoring, formal acts setting cooperation or some practical obligations for vessels or captain of vessels concerned, official recognition of some new University training courses specialising in cetacean observation at sea...)?*

*If yes, please describe in a few lines the nature, aims and main provisions of these measures.*

*Due to fact that Estonia was unable to reach the requested coverage of at-sea observers in the preceding years, our regulation has been amended from 2009 that has proved the compilation of at-sea observer schemes and helped to improve the requested coverage of at-sea observers.*

*The core of applied measures is shortly following:*

*Fourteen days before the first fishing trip the owner of the fishing authorisation has to present the fishing plan to the supervising authorities. According to the plan and taking into account the EU acts, observer scheme will be defined by the above mentioned authorities.*

*New regulation has improved the situation and the 5% coverage was achieved in areas where Estonia has the most of fishing effort in 2011.*

- Difficulties implementing articles 4 and 5 of Council Regulation (EC) No 812/2004.

*There is a number of observed days at sea in SD32 in season when there is no observer coverage needed. This is due to fact that vessels change their fishing plan after the observer has embarked the vessel.*

*Fishing activities in SD26 and SD27 was unusual practice for Estonian fleet and was thus not covered by the observers.*

*There has been no problems in placing the observers on board vessels that target cod using pelagic trawls during spring usually for two months in April and May in last two years.*

- Whether the observer programme is dedicated for the purpose of this Regulation only, or whether the on-board observers are used for other purposes also.

*Additionally the cetacean observers collect herring, sprat and cod samples and record the proportion of herring and sprat in catches onboard of fishing vessels.*

*The full reports of the studies or projects should be provided in the Annex section of the present report. Any subsequent publication or reference thereof is also welcome.*

## 5. Monitoring

### 5.1 Description of fishing effort and observer effort in towed gear

#### a) Reporting format

Metier	Fishing area	Total fishing effort						Total observer effort achieved						Type of monitoring	Coverage
		No. of vessels	No. of trips	Days at sea	Season	No. of hauls	Total towing time	No. of vessels	No. of trips	Days at sea	Season	No. of hauls	Total towing time		
OTM_SP F_>=16_0 _0	IIId	28	1241	1411	January - Decem- ber	1927	13603	7	75	117	All year, except JUL, AUG	145	1240	Monitoring scheme	8.3
OTM_SP F_>=16_0 _0	IIId.25	10	71	189	FEB, MAR, MAY, JUN	295	2597	2	10	37	MAY, JUN	59	529	Monitoring scheme	19.6
OTM_SP F_>=16_0 _0	IIId.26	5	7	11	FEB, APR, JUN	8	62			0					0.0
OTM_SP F_>=16_0 _0	IIId.27	1	1	3	FEB	4	51			0					0.0
OTM_SP F_>=16_0 _0	IIId.28	26	627	691	All year, except July	988	7204	3	22	31	MAR, APR, SEP- DEC	33	286	Monitoring scheme	4.5
OTM_SP F_>=16_0 _0	IIId.29	14	419	408	All year, except June, July and August	508	3149	3	31	34	JAN- MAY and SEP, OCT	37	281	Monitoring scheme	8.3
OTM_SP F_>=16_0 _0	IIId.32	12	116	117	June, July and Septem- ber	124	540	2	12	15	JAN, MAR- MAY	16	145	Monitoring scheme	12.8

#### b) Data format

Name of field	Definition and Comments
(1) Metier	(refer to code definition in table 2.1 – Data format)
(2) Fishing area	Indicate areas to level 3 according to Appendix I of Commission Decision 2008/949/EC.
(3)(9) Number of vessels	Indicate the total number of vessels operating
(4)(10) Number of trips	Indicate the total number of trips



(5)(11) Days at sea	Indicate the total number of days at sea corresponding to fishing time (as referred in table 2.1, b))  (e.g. 60)
(6)(12) Season	Indicate the months of operation at sea corresponding to fishing time (as referred in table 2.1, b))  (e.g. May-June)
(7)(13) No. of hauls	-
(8)(14) Total towing time	Indicate the total towing time in hours (h)
(15) Type of monitoring	Identify if a monitoring scheme, scientific study or pilot project in agreement with Article 4 and Annex III of Council Regulation (EC) No 812/2004
(16) Coverage	Percentage of "days at sea observed" according to "days at sea" reported in (5)

## 5.2 Description of fishing effort and observer effort in static gear

*Estonia has no fishing effort using static gear with vessels larger than 15m. Static gears are used for fishing with boats up to 10m. No studies have been conducted to assess the incidental catches of cetaceans for boats up to 10m. But according to interviews with the fishermen there have been no cetacean catches. Only seals have damaged the nets. According to our estimation 200-300 specimens of seals get caught in fishing gears (mainly by trapnets) in a year. 80-90% of these specimens are gray seals (Halichoerus grypus) and the rest are ringed seals (Pusa hispida). There is no new information concerning the seals for 2011.*

### a) Reporting format

Metier	Fishing area	Total fishing effort						Total observer effort achieved						Type of monitoring	Coverage
		No. of vessels	No. of trips	Days at sea	Season	Total length of nets	Total soak time	No. of vessels	No. of trips	Days at sea	Season	Total length of nets	Total soak time		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)

### b) Data format

Name of field	Definition and Comments
(1) Metier	(refer to code definition in table 2.1 – Data format)
(2) Fishing area	Indicate areas to level 3 according to Appendix I of Commission Decision 2008/949/EC.
(3)(9) Number of vessels	Indicate the total number of vessels operating
(4)(10) Number of trips	Indicate the total number of trips

(5)(11) Days at sea	Indicate the total number of days at sea corresponding to fishing time (as referred in table 2.1, b))  (e.g. 60)
(6)(12) Season	Indicate the months of operation at sea corresponding to fishing time (as referred in table 2.1, b))  (e.g. May-June)
(7)(13) Total length of nets	Indicate the total length of nets, in km
(8)(14) Total soak time	Indicate the total soak time of nets, in km.h
(15) Type of monitoring	Identify if a monitoring scheme, scientific study or pilot project in agreement with Article 4 and Annex III of Council Regulation (EC) No 812/2004
(16) Coverage	Percentage of days at sea observed by days at sea (fishing time)

## 6. Estimation of incidental catches

*No cetaceans were registered during 2011 in the Estonian fisheries on the Baltic Sea.*

### 6.1 Incidental catch rates by fleet segment and target species

#### a) Reporting format

Metier	Fishing area	Main target species	Incidentally caught cetaceans species	Number of incidents	Number of specimens incidentally caught by species		Incidental catch rates		Total incidental catch estimate	CV
					With pingers	Without pingers	With pingers	Without pingers		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

#### b) Data format

Name of field	Definition and Comments
(1) Metier	(refer to code definition in table 2.1 – Data format)
(2) Fishing area	Indicate areas to level 3 according to Appendix I of Commission Decision 2008/949/EC.
(3) Main target species	Indicate the main target species. Minimum specification – group or common name; Maximum specification – scientific name of the species
(4) Incidentally caught cetaceans species	Indicate the species caught incidentally. Minimum specification – group of species (genus); Maximum specification – scientific name of the species
(5) Number of incidents	Number of fishing operations that caught animals (dead and live

	animals)
(6), (7) Number of specimens incidentally caught, by species	Number of live and dead specimens caught
(8), (9) Incidental catch rates	To be indicate per unit of fishing effort. (e.g. specimens/day, /haul,/soak time x km, /hours x metres
(10) Total incidental catch estimate	-
(11) Coefficient of variation	-

## Recording of incidental catches

Report how the incidental catch was observed and recorded by the observer. This can include the circumstances of the observation of incidental catches (such as incidental catches observed during hauling or only animals taken on board the ship), the collection of additional information from incidentally caught cetaceans, information on failure of acoustic deterrent device during fishing operation. Any other additional information reported by the observer deem useful for the objectives of this Regulation should be reported here.

No incidental catches of cetaceans were recorded.

## 7. Discussion

According to Estonian data the incidental catches of the cetaceans in areas where Estonian fishing effort is mainly situated (SD 32, 29, 28) is zero. The reason may be very low number of cetaceans in these areas.

Estonia is in position that it would be appropriate to amend this requirement to take observers on board so that it would be applicable only for vessels engaged in fishing in the southern part of the Baltic Sea. E.g. for the fishing vessels which are engaged in fishing below parallel 56° 30'.

## 8. Conclusions

As there has been no recorded incidental cetacean catches in the Estonian fisheries it may be assumed that Estonian fishery on the Baltic does not have direct impact on cetacean populations.

## 9. Annexes