

## **The Commission's legal obligation to ensure that, by 1 January 2008, a scientific assessment of the effects of using in particular gillnets, trammel nets and entangling nets on cetaceans is conducted and its findings presented to the European Parliament and Council (Article 27 of Regulation (EC) 2187/2005)**

**Case 427/2011/MHZ - Opened on 09/03/2011 - Decision on 22/11/2011 - Institution concerned** European Commission ( Critical remark ) |

### **Allegation(s)**

- 1) The complainant alleges that the Commission failed to justify why it has not ensured that a scientific assessment of the effects of using in particular gillnets, trammel nets and entangling nets on cetaceans is conducted and its findings presented to the European Parliament and Council (Article 27 of Regulation (EC) 2187/2005).
- 2) The complainant also alleges that the Commission's proposed method of obtaining the relevant data by supporting the SAMBAH project is inappropriate in light of the obligation under Article 27 of the Regulation. (According to the complainant, SAMBAH consists of placing acoustic detectors at the bottom of the sea, which helps to register the existence of cetaceans, but does not check whether the use of drift nets has any impact on their population).

### **Claim(s)**

The Commission should issue a valid scientific assessment of the effects on cetaceans of using gillnets, trammel nets and entangling nets in the Baltic Sea and present its findings to Parliament and to the Council so they can annul the prohibition on the use of drift nets ( *plawnice* ).