



## Baltic Marine Environment Protection Commission

13<sup>th</sup> Meeting of HELCOM Expert Group on Marine Mammals

EG MAMA 13-2019

Helsinki, Finland, 24-26 September 2019

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<b>Document title</b>	Revision of the HELCOM Recommendation 17/2 on protection of harbor porpoise
<b>Code</b>	4-1
<b>Category</b>	DEC
<b>Agenda Item</b>	4 – Baltic Sea harbour porpoise
<b>Submission date</b>	1.10.2019
<b>Submitted by</b>	Secretariat
<b>Reference</b>	Outcome of HOD 55-2018, para 45.2-45.3, Outcome of STATE & CONSERVATION 10-2019, para 3N.15

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*This revised version of document 4-1 'Revision of the HELCOM Recommendation 17/2 on protection of harbor porpoise' contains the draft proposals for amendments of the HELCOM Recommendation 17/2 on protection of harbor porpoise, as edited by EG MAMA 13-2019. All edits are on track changes.*

### Background

HELCOM SEAL 11-2017 identified that an update to the HELCOM Recommendation 17/2 on protection of harbor porpoise is needed in order to distinguish between the Baltic Proper and gap area harbor porpoise populations and make any other necessary updates. Poland was invited to submit a proposal for revising Recommendation 17/2, to be discussed by the 14 ASCOBANS JASTARNIA group meeting, and later by the STATE & CONSERVATION 8-2018. Poland, 14th ASCOBANS JASTARNIA group meeting and STATE & CONSERVATION 8-2018 provided comments to the Recommendation. STATE & CONSERVATION 8-2018 meeting noted that the intention is that the Recommendation will be considered by SEAL 12-2018, STATE & CONSERVATION 9-2018, HOD 55-2018 for approval, and then submitted for adoption at HELCOM 40-2019.

SEAL 12-2018 meeting took note of the draft proposals for amendments of the HELCOM Recommendation 17/2 on protection of harbor porpoise as included by the different meetings. The meeting agreed to further update the text of the Recommendation in a drafting group. The Drafting Group agreed that with the exception of two technical changes the recommendation part of the document should remain as it is in the actual valid version of the Rec. from 1996 (revised 2012), because the task given to the group was to update the Recommendation, not to revise it. However, the changes that were made in the preamble should remain. The results of the drafting process were presented at the SEAL 12-2018 meeting for approval (document 7-1 rev.1 to that meeting) and the meeting agreed to submit it for consideration of STATE & CONSERVATION 9-2018.

SEAL 12-2018 invited State and Conservation 9-2018 to consider the need for a revision of the recommendation and forward a respective proposal to the HODs, as some new developments such as the ASCOBANS Conservation Plan for the Harbour Porpoise Population in the Western Baltic, the Belt Sea and Kattegat and the MSFD for those Contracting Parties who are also EU Member States, and these should be recognized also in the recommendation part.

STATE & CONSERVATION 9-2018 considered the technical changes made to the draft proposal of the HELCOM Recommendation 17/2 on protection of harbor porpoise. The Meeting noted that Denmark cannot fully endorse point a. of the recommendation, which sets targets for bycatch without differentiating between the two populations of harbour porpoise in the HELCOM area.

STATE & CONSERVATION 9-2018 agreed to set up a drafting group consisting of Sweden, Germany, Poland, Finland, Denmark and CCB, to further draft technical amendments to the text. The amended text was presented to the meeting. STATE & CONSERVATION 9-2018 in principle endorsed the technical amendments of the updated recommendation (document 3N-12 rev. 1 to that meeting), taking into account the study reservations of Denmark, Germany and Sweden.

STATE & CONSERVATION 9-2018 considered that, considering new knowledge on the existence of two sub-populations of the harbour porpoises in the Baltic Sea and work on the new indicators concerning Baltic

harbour porpoise, a revision of the Recommendation 17/2 is needed, and invited HOD 55-2018 to consider initiating a process to revise the Recommendation.

HOD 55-2018 took note of the technical amendments to HELCOM Recommendation 17/2 on protection of harbor porpoise (document 4-23 to that meeting). The meeting took note of the clarification that Sweden can lift their study reservation on the proposal, and that, while Germany cannot lift their study reservation, they are open to a revision of the Recommendation.

HOD 55-2018 agreed to initiate a process to revise the Recommendation whereby State and Conservation 10-2019 will provide initial revisions to the document, to be submitted to EG MAMA 13-2019 meeting for further revision and to State and Conservation 11-2019 for endorsement and submission to HOD 57-2019 for approval, aiming at adoption by HELCOM 41-2020.

STATE & CONSERVATION 10-2019 noted that following the agreement of HOD 55-2018, the Meeting is invited to draft revisions to the Recommendation. The meeting took note that the two populations should be separately taken into account in the revised recommendation. To forward the work, the Meeting formed a drafting group to further consider the revision to forward the process. The meeting took note of the edits proposed by the drafting group and further edited the draft. The meeting took note that due to the upcoming elections a disclaimer regarding the Danish mandate needs to be added to the document.

STATE & CONSERVATION 10-2019 agreed that the draft revised recommendation will be submitted to EG MAMA 13-2019 for review and further input, before being reviewed by STATE&CONSERVATION 11-2019 with the intention of submitting the revised recommendation for approval by HOD 57-2019 and adoption by HELCOM 41-2020.

This document contains the version of Recommendation edited by STATE & CONSERVATION 10-2019 (document 3N.16 rev.1 of that meeting).

### Action requested

The Meeting is invited to:

- Take note that
  - HOD 55-2018 took note of the technical amendments to HELCOM Recommendation 17/2 and agreed to initiate a process to revise the Recommendation.
  - STATE & CONSERVATION 10-2019 initiated the revision of the Recommendation.
- Take note of the version of the Recommendation edited by STATE & CONSERVATION 10-2019.
- Review the version of the Recommendation edited by STATE & CONSERVATION 10-2019 and give further input.



Version 26.09.2019

## Draft proposals for amendments of the HELCOM Recommendation 17/2 on protection of harbor porpoise

### HELCOM RECOMMENDATION 17/2

Adopted 12 March 1996 and revised 6 March 2013, having regard to Article 13, Paragraph b) of the Helsinki Convention

### PROTECTION OF HARBOUR PORPOISE IN THE BALTIC SEA AREA

#### THE COMMISSION,

**RECALLING** Article 15 of the 1992 Helsinki Convention requiring the Contracting Parties to take all appropriate measures to conserve and protect biodiversity of marine and coastal areas,

**RECALLING** the decision of the 2013 HELCOM Copenhagen Declaration to take decisive action to work towards a favorable conservation status of the harbour porpoise based on implementation of the CMS [ASCOBANS Recovery Plan for Baltic Harbour Porpoises \(Jastarnia Plan\)](#), in particular by addressing the pressing problem of by-catch,

**RECALLING FURTHER** the HELCOM 2013 Red List that classifies the Baltic Proper harbour porpoise population (approximately ICES areas 24-32) as Critically Endangered, and the Western Baltic, the Belt Sea and the Kattegat population (WBBK) of harbour porpoise (approximately ICES area 21-24) as Vulnerable.

**DEEPLY CONCERNED** about the critical status of harbor porpoise population in the Baltic Proper and **AWARE** that individual numbers drastically decreased during the 20<sup>th</sup> century, with no signs of recovery.

**AWARE** that the WBBK harbour porpoise population is in a better state, but due to high pressure from human activities it still requires application of efficient conservation measures.

**RECALLING ALSO** the commitments of the HELCOM Baltic Sea Action Plan to improve the conservation status of threatened and/or declining species of the Baltic Sea area, to minimize by-catch of harbour porpoises, and the goal to achieve a favorable conservation status of all species.

**BEING AWARE** that those Contracting Parties being also EU Member States, have to coordinate their activities regarding the harbour porpoise with the implementation of relevant EU Directives, such as the Habitats Directive (92/43/EEC), the Marine Strategy Framework Directive (2008/56/EC) and the Common Fisheries Policy as relevant,

**RECOGNIZING** the relevance of e.g. the Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS), including the Jastarnia Plan and the Conservation Plan for the Harbour Porpoise Population in the WBBK, as well as the action list and relevant recommendations by the International Council for the Exploration of the Seas (ICES) and the resolutions of International Whaling Commission (IWC) and European Cetacean Society (ECS),

**RECOGNIZING** that harbour porpoise is and must remain an integral part of the marine ecosystems,

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**RECOGNIZING FURTHER** that pressures stemming from human activities, such as by-catches, pollutants, habitat deterioration and disturbance adversely affect this species,

**CONVINCED** that the progressive, critical threat of extinction of the harbour porpoise in the Baltic proper requires emergency action, and human pressures affecting harbour porpoises in other parts of the Baltic Sea region require appropriate timely mitigation action, to ensure their favorable conservation status under Directive 92/43/EEC in both regions.

**RECOMMENDS** that the Governments of the Contracting Parties to the Helsinki Convention:

a) give highest priority to avoiding by-catches of harbour porpoises, particularly following the recommendations of ASCOBANS and the Jastarnia Plan, in order to achieve the ecological objective of the Baltic Sea Action Plan: "By 2015 by-catch of harbour porpoise, seals, waterbirds and non-target species has been significantly reduced with the aim to reach by-catch rates close to zero", while recognizing that the Baltic Proper population of harbour porpoise is more threatened than the WBBK population;

b) take action for collection and analysis of data on pressures such as by-catch, disturbance, including underwater noise, pollutants, changes in food base and prey quality, habitat deterioration, climate change, and human activities associated with the listed pressures;

c) Continue to carry out regular large-scale regional surveys, such as SAMBAH, SCANS and MiniSCANS, of abundance, density and distribution, as well as coordinated national monitoring programmes of harbour porpoise distribution, abundance and density where appropriate;

d) take further action for collection and analysis of data on behavior, life history and health from by caught and stranded animals and sightings;

a) seek close co-operation inter alia with OSPAR, ASCOBANS and ICES;

d) consider the establishment of marine protected areas for harbour porpoises within the framework of the Baltic Sea Protected Areas (HELCOM MPAs) when documented information is available that an area is important to harbour porpoises

implementing effective and adequate protection measures for the species both inside and outside HELCOM MPAs;

e) report to the Commission every four years, in line with reporting to ASCOBANS Meetings of Parties, on their progress in implementing the above recommendations.

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