

ICES Special Request Advice

on EU request on emergency measures to
prevent bycatch of Baltic Proper harbour
porpoise (*Phocoena phocoena*)

What is an emergency measure?

Common Fisheries Policy (EU Reg 1380/2013) Article 12: **Commission measures in case of a serious threat to marine biological resources**

1. “On duly justified imperative grounds of urgency relating to a serious threat to the conservation of marine biological resources or to the marine ecosystem based on evidence, the Commission, at the reasoned request of a Member State or on its own initiative, may, in order to alleviate that threat, adopt immediately applicable implementing acts applicable for a maximum period of six months”
2. If initiated by a MS, other MS may submit comments within 7 working days, and the EC shall take a decision within 15 working days.
3. Can be extended for another maximum six months before the expiry of the initial period.

Overview of process

27 NGOs

- **9 July 2019: Letter to EC with request to**
- Apply emergency measures to mitigate bycatches of common dolphins in the Bay of Biscay and Baltic Proper harbour porpoises

EC

- **Special Request to ICES to**
- Review current status and threats; Evaluate whether NGO measures are necessary and appropriate
- If inappropriate, advice alternative measures

ICES

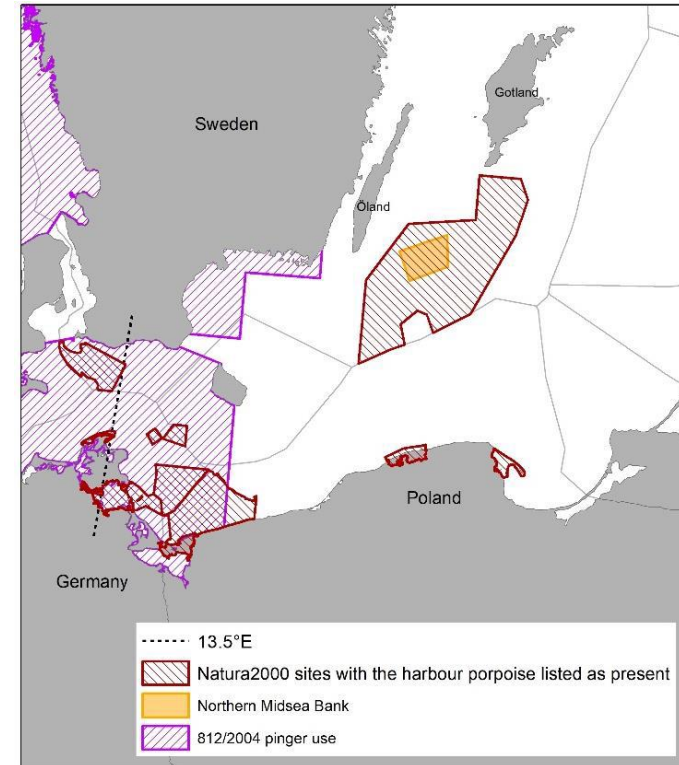
- **26 May 2020: ICES Special Request Advice to EC on**
- Emergency measures to prevent bycatch of common dolphin in the Northeast Atlantic and Baltic Proper harbour porpoise

EC



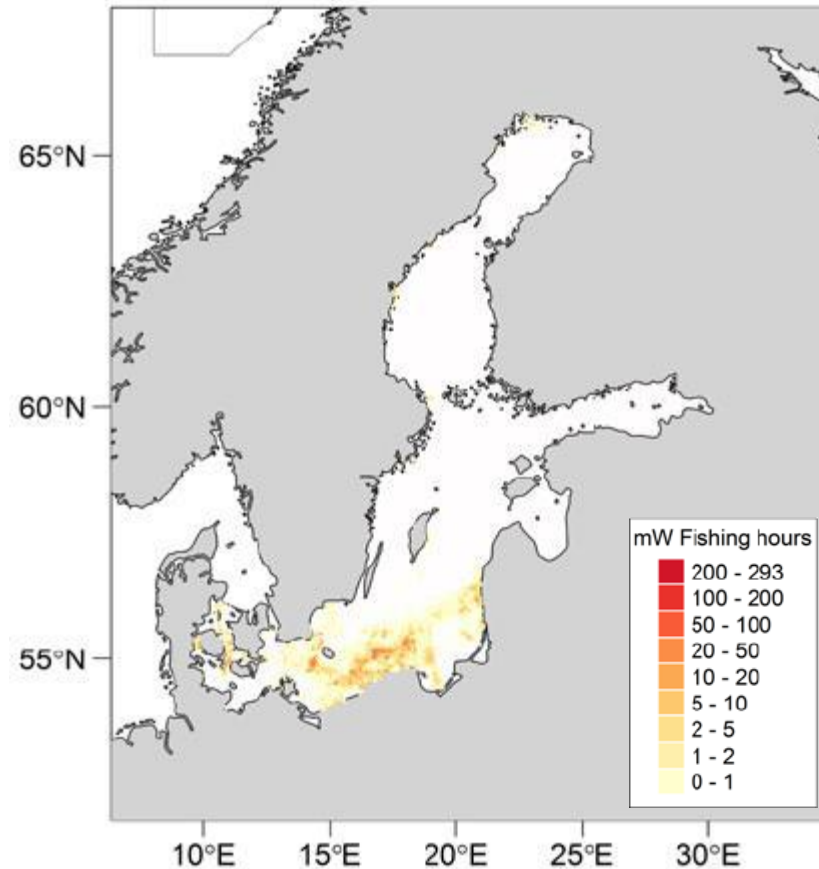
NGO proposal: bycatch reduction

- Close the Northern Midsea Bank for all fisheries
- Between 13.5°E and 60°N:
 - Close all Natura2000 sites with HP listed as present for gillnet fisheries
 - Mandatory pinger use on all gillnets outside Natura2000 sites



NGO proposal: monitoring

- Accurate recording of fishing effort and gear type used
- Dedicated electronic monitoring of all gillnet vessels in the region
- Monitoring and adaptive management/mitigation measures of gillnet fisheries

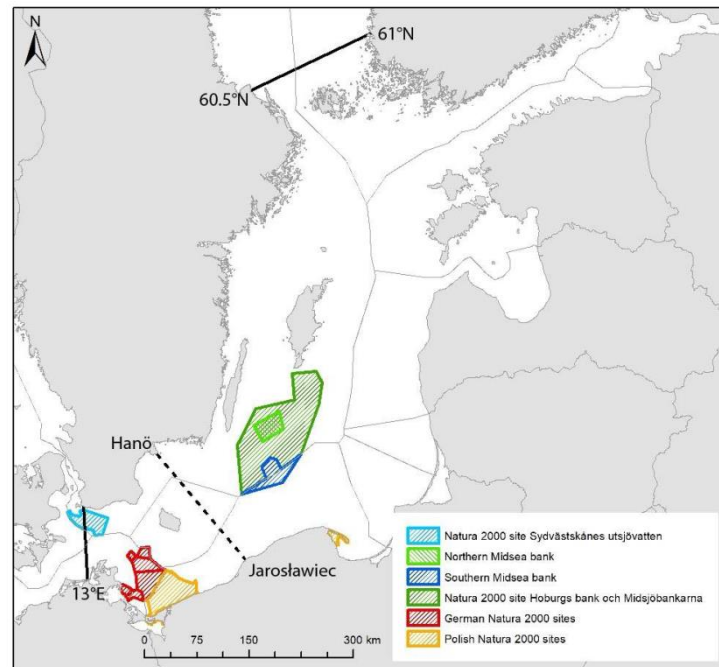


ICES Special Request Advice

- Emergency measures (CFP Art 12) can only be applied for 6 + 6 months, *however*
- Positive effects on small cetaceans can only be achieved if applied continuously for a long time ⇒ the ICES Advice considers the long-term perspective.
- Same conclusions on status and threats as WGMME, WGBYC, WKEMBYC
- Provide a case-by-case evaluation of NGO proposed measures
- Propose a set of five measures, with rationales, for immediate reduction of bycatches, *however*
- To meet a management objective of achieving bycatches below the PBR mortality limit (<0.7 animals/year), all fisheries of concern should be closed (static nets and trawls)

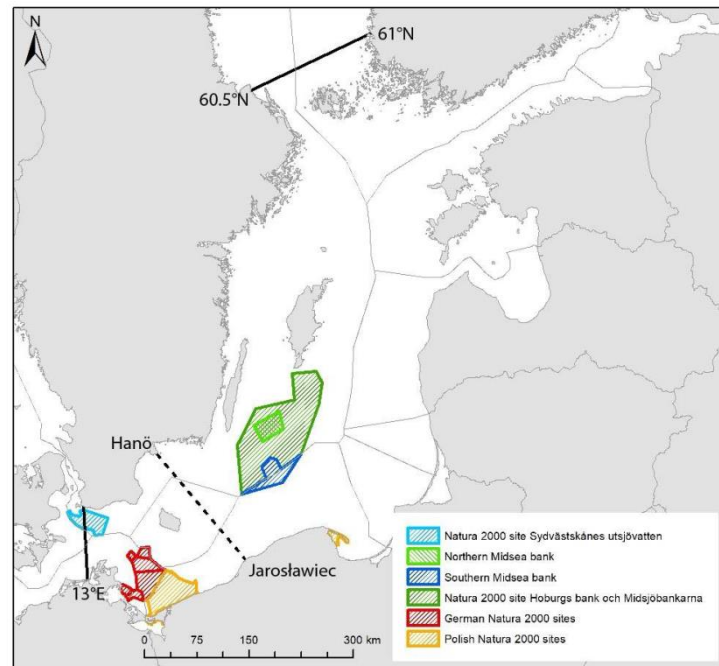
Advised bycatch measure 1

- 1. Closure of the Northern Midsea Bank to all fisheries, with the exception of passive gears proven not to bycatch harbour porpoise (this includes pots, traps, and longlines, but excludes static nets equipped with pingers or other acoustic devices).**



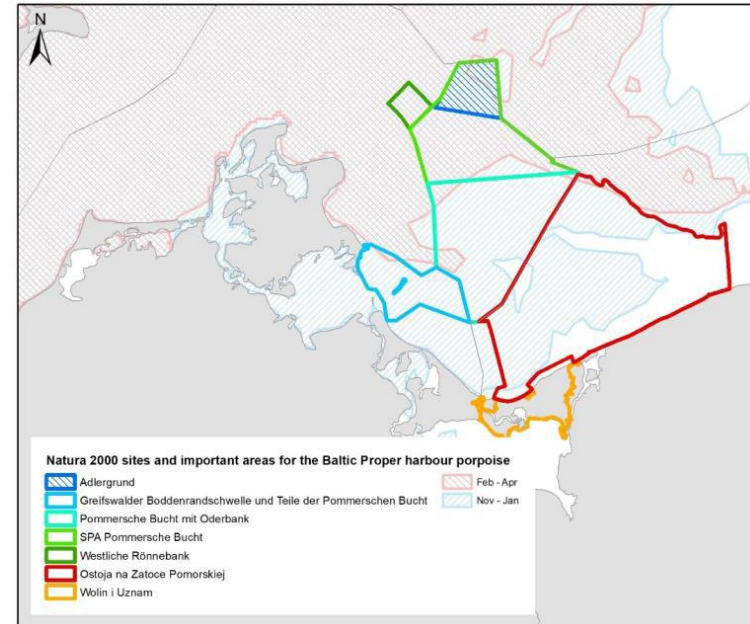
Advised bycatch measure 2

- 2a. **Closure** of the Natura 2000 site “Hoburgs bank och Midsjöbankarna” (SE0330308) **for fishing with static nets.**
- 2b. **Closure** of the Southern Midsea Bank **for fishing with static nets.**



Advised bycatch measure 3

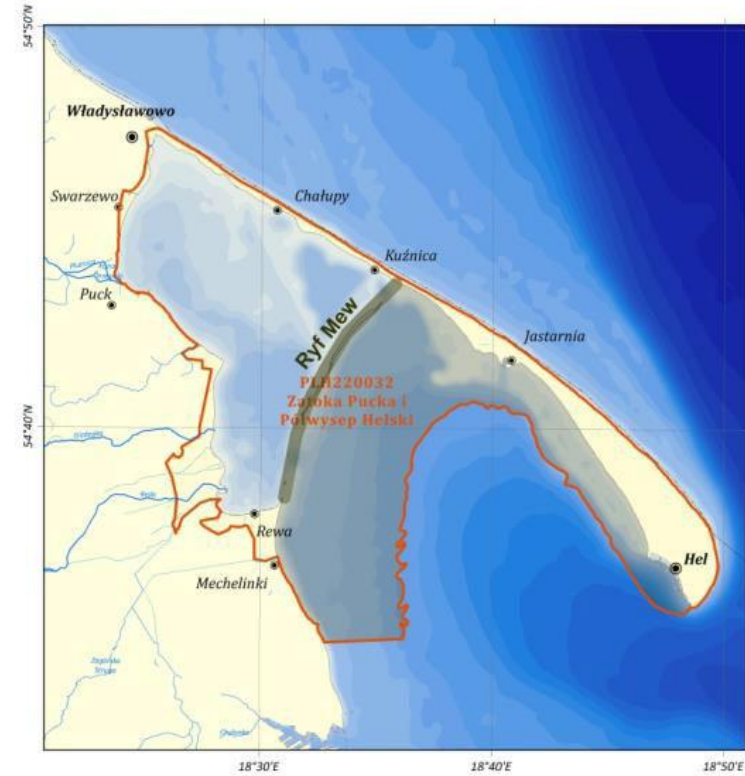
3. **Closure** of the Natura 2000 sites Adlergrund (DE1251301), Westliche Rönnebank (DE1249301), Pommersche Bucht mit Oderbank (DE1652301), Greifswalder Boddenrandschwelle und Teile der Pommerschen Bucht (DE1749302), Ostoja na Zatoce Pomorskiej (PLH990002), Wolin i Uznam (PLH320019), and the SPA site Pommersche Bucht (DE1552401) **for fishing with static nets during November–January.**



Advised bycatch measure 4

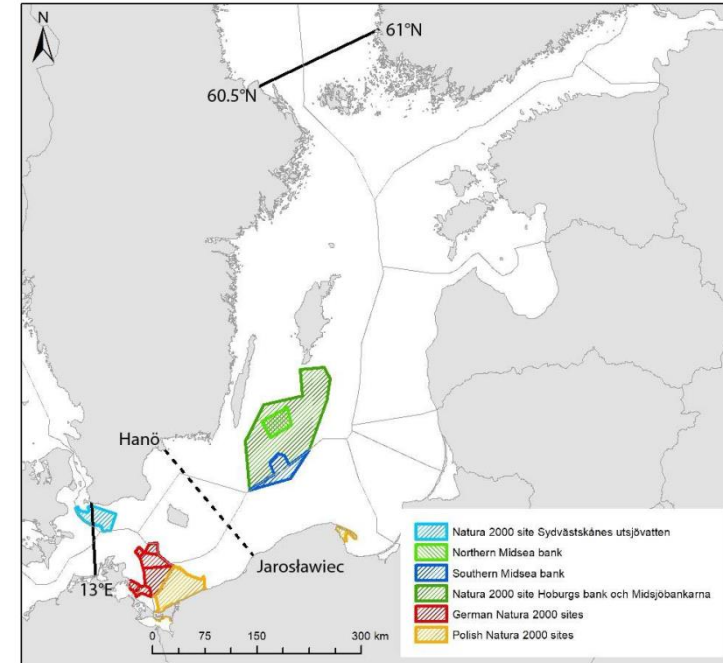
- Obligatory use of pingers*** on static nets in the area west of the sandbank Ryf Mew within the Zatoka Pucka i Półwysep Helski Natura 2000 site (PLH220032), with the **concurrent closure of static net fisheries** in the area east of the sandbank Ryf Mew within the Zatoka Pucka i Półwysep Helski Natura 2000 site.

*Only pingers which have been thoroughly tested and demonstrated to unambiguously reduce bycatch rates of harbour porpoise should be used



Advised bycatch measure 5

5. **Prohibit the use of static nets without the simultaneous use of pingers** during May–October in EU waters between the southwestern management border, proposed by Carlén et al. (2018) (a line drawn between the island of Hanö, Sweden, and Jarosławiec near Słupsk, Poland) and a line drawn between 60.5°N at the Swedish coast and 61°N at the Finnish coast; and during November–April in EU waters between a line drawn along east of longitude 13°E between the Swedish and German coasts, and a line drawn between 60.5°N at the Swedish coast and 61°N at the Finnish coast, with the exception of Natura 2000 sites and other areas, where static net fisheries have been closed.



Monitoring recommendations 1

To be implemented in parallel with bycatch reduction measures:

1. Accurate spatio-temporal recording of fishing effort (in appropriate metrics on métiers used by all vessels) – for evaluation of bycatch risk and effectiveness of implemented measures
2. Increased dedicated monitoring of bycatch of PETS
3. Monitoring of harbour porpoise occurrence – to provide data on response to pinger use in key areas
4. Compliance control of mitigation measures (pinger use) – use and functionality

Monitoring recommendations 2


Of the Baltic Proper HP:

- 1. Long-term acoustic monitoring in key areas** for the Baltic Proper harbour porpoise population. Indicative of changes in abundance and/or distribution on the population level.
- 2. Repeated large-scale acoustic surveys** of harbour porpoise. At least every 12 years, for estimating trends in population abundance and distribution.
- 3. Sample and necropsy of stranded and bycaught** harbour porpoises. Indicative of population status, improve the scientific basis for robust estimates of anthropogenic mortality limits (east of 13°E), and genetic sampling improve knowledge on the spatio-temporal distribution range (east/south of the Darss and Limhamn ridges).

ICES also notes that development and implementation of fishing gears that have a low bycatch risk for harbour porpoises deserves a high priority.

WKEMBYC report and ICES Advice

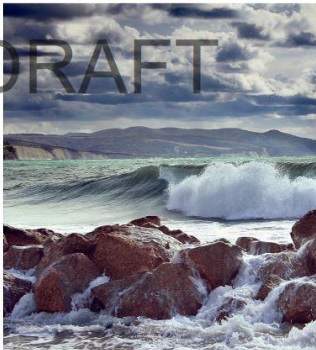
<https://www.ices.dk/publications/library/Pages/default.aspx#k=wkembyc>



WORKSHOP ON FISHERIES EMERGENCY MEASURES TO MINIMIZE BYCATCH OF SHORT-BEAKED COMMON DOLPHINS IN THE BAY OF BISCAY AND HARBOUR PORPOISE IN THE BALTIC SEA (WKEMBYC)–DRAFT REPORT

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DRAFT

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*ICES Special Request Advice
Northeast Atlantic cetaceans
Published 26 May 2020*

EU request on emergency measures to prevent bycatch of common dolphin (*Delphinus delphis*) and Baltic Proper harbour porpoise (*Phocoena phocaena*) in the Northeast Atlantic

Advice summary

ICES concluded that the proposed measures by NGOs for both the common dolphin (*Delphinus delphis*) in the Bay of Biscay and the Baltic Proper harbour porpoise (*Phocoena phocaena*) are appropriate to reduce the bycatch. However, several spatio-temporal and technical amendments are recommended.

ICES advises, for the common dolphin in the Bay of Biscay, a combination of temporal closures of all métiers of concern and application of pingers on pair trawlers to mitigate bycatch outside of the period of closure. For the Baltic Proper harbour porpoise, ICES advises a combination of spatial-temporal closures and application of pingers in static nets (i.e. trammel-net, gillnet, and semi-driftnet) fisheries.

If the Baltic Proper harbour porpoise management unit is to meet the management objective of achieving bycatches below the potential biological removal (PBR) limit (< 0.7 individuals per year), all fisheries of concern should be closed. ICES notes that it remains uncertain whether this management unit constitutes a population or a subpopulation.

ICES notes ongoing issues with data availability and quality, contributing to high levels of uncertainty in the estimation of population abundance, distribution, bycatch, and other major threats for small cetaceans. Notably, observer coverage is well below 2% of the total effort in most fisheries. ICES recommends enhanced monitoring to assess the effectiveness of management measures and to augment precision in population abundance and bycatch mortality estimates of common dolphin in the Bay of Biscay and of the Baltic Proper harbour porpoise.

ICES further advises that protection measures, considering the life history of small cetaceans, can only be effective when applied for a longer period of time. ICES advice addresses not only the emergency measures, but also considers long-term measures.

ICES notes that conservation objectives set out under relevant EU legislation need to be defined more quantitatively. Furthermore, many EU Member States have not yet established baselines or reference levels for population abundance or pressures, such as bycatch, against which the status of the species can be assessed under the EU Habitats Directive and the Marine Strategy Framework Directive (MSFD). ICES therefore reiterates its previous advice that it is willing to assist competent authorities to establish limits for anthropogenic mortality, against which human impacts can be assessed.

Reporting for the Habitats Directive in 2019, Northeast Atlantic common dolphins were classified by EU Member States as either "unknown" or "unfavourable-inadequate" under article 17, with only one EU Member State reporting its status as "favourable" within their national waters. All EU Member State assessments and the EU biogeographical assessment of conservation status of harbour porpoise in the Baltic Marine Region classified the status of the Baltic Proper porpoise as "unfavourable-bad" for the three consecutive assessments under article 17.

Bycatch, anthropogenic pollution, and underwater noise are the major threats to the Baltic Proper harbour porpoise, and bycatch is the major threat to the common dolphin in the Northeast Atlantic. Potential impacts from resource/grey depletion on the population requires further assessment. The population-level consequences of some of the major threats on the species of concern, independently and in combination, are not fully understood. Thus, this level of uncertainty needs to be taken into consideration when applying anthropogenic mortality limits.

Request

DGMARE Special request to ICES:

Concerning common dolphin in the Bay of Biscay and harbour porpoise in the Baltic Sea, ICES is requested, on the basis of material provided in Annexes 1 and 2¹ and any other available relevant information, to:

¹Available as annexes 11 and 12 in ICES, 2020.

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1