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Background

On 1-3 April 2020 ICES held a *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, [Report](#))* following a special request from the European Commission on emergency bycatch mitigation measures for common dolphin in the Bay of Biscay and harbour porpoise in the Baltic Sea.

On 26 May 2020 ICES published their [ICES Special Request Advice EU request on emergency measures to prevent bycatch of common dolphin \(*Delphinus delphis*\) and Baltic Proper harbour porpoise \(*Phocoena phocoena*\) in the Northeast Atlantic](#).

Based on this information, the Commission asked BALTFISH to develop a Joint Recommendation (Art. 18(3) CFP). A draft BALTFISH Presidency Joint Recommendation on *Mitigation measures to prevent bycatch of Baltic Proper harbour porpoise (*Phocoena phocoena*) in the Baltic Sea* was submitted to the BALTFISH Forum on 7 September 2020 (dated: 1 Sep. 2020). On 18 September 2020, the BALTFISH Presidency sent a [revised draft Joint Recommendation](#) to BSAC for consultation. The BSAC comments can be found [here](#).

Action requested

The Meeting is invited to take note on the ICES WKEMBYC outcome, the ICES Special Request Advice and on how the issue on harbour porpoise by-catch has progressed within BALTFISH. Based on the documents referenced here, the Meeting is further invited to discuss the matter and consider the need for complementary work on the matter within the HELCOM framework.

Proposed conservation measures related to fisheries for critically endangered Baltic Proper harbour porpoises

The Baltic Proper management unit consists of less than 500 harbour porpoises which are genetically distinct (Sveegaard et al. 2015; ASCOBANS 2016). Bycatch is among the most critical dangers this management unit faces. As pointed out in the ICES Advice, catching even one harbour porpoise is detrimental to the heavily depleted and critically endangered population.

Fishery related measures initially proposed by scientists attending the *ICES 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)* consist of year-round or seasonal closures mainly in Natura 2000 sites and the use of pingers in static net fisheries outside the closure areas. It is emphasized that fishing closures eliminate bycatch whereas pingers only have the potential to reduce bycatch. ICES WGBYC and WGMME groups were involved in preparing background material for the workshop. As described in detail in the report, the results of the ICES WKEMBYC workshop are thus based on best available science.

ICES Special Request Advice mainly followed the workshop recommendations. BALTFISH considered the ICES Advice but their proposed measures fell far short of the recommendations by ICES and are not ambitious enough to reach the necessary conservation goals set by ASCOBANS, ICES scientists and recognized by HELCOM. The [HELCOM Recommendation 17/2](#) on protection of harbour porpoises in the Baltic Sea area, revised in March 2020, recognizes that the critical threat of extinction of the Baltic proper harbour porpoise requires emergency action and expresses that highest priority should be given to avoiding by-catches of harbour porpoises, particularly following the recommendations of ASCOBANS and the Jastarnia Plan. It further states that by-catch of harbour porpoise shall be significantly reduced with the aim to reach by-catch rates close to zero. This would not be possible with the set of measures recommended by BALTFISH.

Statements of ASCOBANS in their 9th meeting of Parties on 11 Sep 2020 and EG MAMA (see Annex 2 to the [outcome of EG MAMA 14-2020](#)) emphasize that for the protection of the Baltic Proper harbour porpoise swift, comprehensive and long-term action is needed and the full set of measures proposed by ICES need to be implemented urgently, inside and outside marine protected areas. Delays in conservation effort can be very costly and lead to a complete failure as the example of the Vaquita in the Gulf of California (Mexico) demonstrates. Approximately 100 million USD have been spent since 2015 in a failed effort to save the vaquita, which is almost extinct, due to action being taken too late (see: outcome of EG MAMA 14-2020, [document 2-2](#)).

ASCOBANS has agreed and underlined that pingers which are one key element of the proposed emergency measures are only considered an interim solution and EG MAMA emphasized the need for implementation and further development of alternative fishing gear to minimize or avoid bycatch of protected, endangered and threatened species to replace static nets, using the best available technology. BSAC in contrast stated in their consultation document that they support pingers if this allows for continued use of gillnets. However, in their last available draft Joint Recommendation, BALTFISH proposes pingers in Natura 2000 sites in Germany and Poland only. At the same time BALTFISH uses concerns about noise pollution as an argument against pingers. The reason for then suggesting pingers exclusively in Marine Protected Areas is probably inexplicable. Fears of socio-economic impacts from pingers likewise brought forward are also unfounded as pingers can be funded by means of the EMFF without affecting fishermen financially.

In the last BALTFISH draft joint Recommendation, no conservation measures are recommended outside protected areas. This is in contrast to HELCOM Recommendation 17/2 and also neglects obligations by the EU Habitats Directive. The use of pingers inside Natura 2000 sites leads to habitat degradation in areas most important for harbour porpoises. Like ICES WKEMBYC we emphasize that pingers can only reduce but do not eliminate bycatch which would be required to avoid further depletion of the Baltic Proper management unit.

To inform FISH 12-2020 [Table 1](#) summarizes the key elements on the available proposals of mitigation measures for the conservation of Baltic Proper harbour porpoises. The table further summarises proposals for monitoring and control. Monitoring the abundance and bycatch as well as compliance to measures is of utmost importance to assess their status and effectiveness of conservation measures.

The importance of monitoring fishing effort and by-catch have been emphasized in the *HELCOM Roadmap on fisheries data in order to assess incidental bycatch and fisheries impact on benthic biotopes in the Baltic Sea* (HELCOM 2020). The *Roadmap for ICES bycatch advice on protected, endangered and threatened species* emphasizes that the most pressing data gap is for small vessels (< 12 m in size). In the Baltic Sea, this fleet segment has the largest fishing effort with static nets but bycatch of protected species (including harbour porpoises) is hardly monitored. Instead, bycatch monitoring focuses on trawls, which are much less dangerous for harbour porpoises. The [HELCOM Action Project report](#) points out gaps in the monitoring of fishing effort with set nets and bycatch which are both needed to calculate bycatch numbers.

	WKEMBYC	ICES Special Request Advice	Draft Joint Recommendation of BALTIFISH HLG 01 Sep 2020	Draft Joint Recommendation of BALTIFISH HLG Rev 2020
proposed time frame for measures	long-term, not limited to Art. 12 CFP emergency measures (6+6 months)		long-term, aims at delegated or implementing act Art. 18(3) CFB	long-term, aims at delegated or implementing act Art. 18(3) CFB
general objectives	strong focus on closures in NATURA 2000 sites as these sites are specifically developed for the conservation of harbour porpoises, are easy to control and it is likely that conservation measures can continue here after the end of emergency measures.		refers to Art. 2 CFP implementation of ecosystem-based approach to fisheries management to ensure that negative impacts of fishing activities on the marine ecosystem are minimised, use of coastal gillnets with "thin twines" (0,1-0,45 mm) in the eastern part of the Baltic waters leads to exemption of pinger obligation, assuming that entangled porpoises can break free	refers to Art. 2 CFP implementation of ecosystem-based approach to fisheries management to ensure that negative impacts of fishing activities on the marine ecosystem are minimised, use of coastal gillnets with "thin twines" (0,1-0,45 mm) in the eastern and northern part of the Baltic waters leads to exemption of pinger obligation, assuming that entangled porpoises can break free
Northern Midsea Bank (SE)				
closure	year-round closure of all fisheries except for passive gears proven not to bycatch harbour porpoises (including pots, traps, longlines)	year-round closure of all fisheries except for passive gears proven not to bycatch harbour porpoises (including pots, traps, longlines)	year-round closure of all fisheries except for pots, traps, longlines	year-round closure of all fisheries except for pots, traps, longlines
pingers/acoustic devices	year-round: no static nets with pingers allowed	year-round: no static nets with pingers allowed	-	-
Natura 2000 site Hoburgs bank och Midsjöbankarna (SE0330308)				
closure	year-round closure of static net fisheries	year-round closure of static net fisheries	year-round closure of static net fisheries	year-round closure of static net fisheries
pingers/acoustic devices	-	-	-	-
Southern Midsea Bank (SE/PL)				
closure	year-round closure of static net fisheries	year-round closure of static net fisheries	year-round closure of static net fisheries	year-round closure of static net fisheries
pingers/acoustic devices	-	-	-	-
Natura 2000 sites Adlergrund, Westliche Rönnebank, Pommersche Bucht mit Oderbank, Greifswalder Boddenrandschwelle und Teile der Pommerschen Bucht and Pommersche Bucht (DE)				
closure	seasonal closure (Nov-April) of static net fisheries	seasonal closure (Nov-January) of static net fisheries	none	none
pingers/acoustic devices	-	-	obligatory use of pingers Nov-January	obligatory use of pingers Nov-April
Natura 2000 sites Ostoja na Zatoce Pomorskiej and Wolin i Uznam (PL)				
closure	seasonal closure (Nov-April) of static net fisheries	seasonal closure (Nov-January) of static net fisheries	none	
pingers/acoustic devices	Alternatively use of static nets with pingers (Nov-April) if in line with conservation objectives	no alternative given	obligatory use of pingers Nov-January	obligatory use of pingers Nov-April
Natura 2000 site Zatoka Pucka i Półwysep Helski (PL)				
closure	year-round closure of static net fisheries east from the sandbank Ryf Mew	year-round closure of static net fisheries east from the sandbank Ryf Mew	none	none
pingers/acoustic devices	obligatory pinger use west from the sandbank Ryf Mew	obligatory pinger use west from the sandbank Ryf Mew	obligatory pinger use in whole NATURA 2000 site	obligatory pinger use in whole NATURA 2000 site
Natura 2000 site Sydvästskånes utsjövattn east of 13°E (SE)				
closure	-	-	-	-
pingers/acoustic devices	obligatory pinger use Nov-April	included in area below	none	none
remaining EU waters east of 13°E and south of 60.5°N (SE) - 61°N (FI) (winter management borders)				
closure	-	-	-	-
pingers/acoustic devices	obligatory pinger use Nov-April	obligatory pinger use Nov-April	none	none
remaining EU waters east of Hanó-Jaroslawiec and south of 60.5°N (SE) - 61°N (FI) (summer management borders)				
closure	-	-	-	-
pingers/acoustic devices	obligatory pinger use May-Oct	obligatory pinger use May-Oct	none	none
Monitoring and control				
Monitoring measures	Accurate spatio-temporal recording of fishing effort	Accurate spatio-temporal recording of fishing effort	-	-
	Increased dedicated monitoring of bycatch of PETS	Increased dedicated monitoring of bycatch of PETS	-	-
	Monitoring of harbour porpoise occurrence	Monitoring of harbour porpoise occurrence	-	-
	Monitoring of responses of the fishing fleet to bycatch mitigation measures	-	-	-
Control measures	Compliance control of mitigation measures (ensure use and functionality of pingers)	Compliance control of mitigation measures (ensure use and functionality of pingers)	-	control by national fisheries monitoring centres, alternative electronic monitoring system for vessels without VMS, inspection vessels equipped with hydrophones to verify functioning of pingers

Table 1 Emergency measures for the conservation of Baltic Proper harbour porpoises proposed by ICES (WKEMBYC and Special Request Advice) and BALTIFISH High Level Group.

- ASCOBANS (2016): Resolution No. 3: Revision of the Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan). In *8th Meeting of the Parties to ASCOBANS, Helsinki, Finland, 30 August - 1 September 2016*, Bonn, 1-94 S.
- HELCOM (2020): Roadmap on fisheries data in order to assess incidental bycatch and fisheries impact on benthic biotopes in the Baltic Sea, Adopted by HELCOM 41-2020 on 4 March 2020. Baltic Marine Environment Protection Commission, Helsinki, Finland, 17 S.
- Sveegaard, S., Galatius, A., Dietz, R., Kyhn, L., Koblitz, J. C., Amundin, M., Nabe-Nielsen, J., Sinding, M. H. S., Andersen, L. W. & Teilmann, J. (2015). Defining management units for cetaceans by combining genetics, morphology, acoustics and satellite tracking. *Global Ecology and Conservation* 3: 839-850.