



## Baltic Marine Environment Protection Commission

Working Group on the State of the Environment and Nature  
Conservation

STATE & CONSERVATION  
10-2019

Hamina, Finland, 6-10 May 2019

---

<b>Document title</b>	Revision of the HELCOM Recommendation 17/2 on protection of harbor porpoise
<b>Code</b>	3N-16 rev.1.
<b>Category</b>	INF
<b>Agenda Item</b>	3N – Development and implementation of Recommendations
<b>Submission date</b>	23.4.2019
<b>Submitted by</b>	Secretariat
<b>Reference</b>	Outcome of HOD 55-2018, para 45.2-45.3

---

This document contains the Recommendation as revised by STATE & CONSERVATION 10-2019

### 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 consisting of Denmark, Finland, Germany, Poland, and Sweden. 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. Denmark finds this distinction important, as the state of the two populations are different. Denmark agrees that bycatch levels should be as low as possible and should be close to zero for Baltic proper population. However, Denmark cannot aim at a bycatch rate close to 0 for the Belt Sea population as it is large and stable. This target could potentially require a closure of fisheries.

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, as contained in presentation 1 to that meeting. The Meeting took note that Denmark, Germany and Sweden, have study reservations on the draft update of the recommendation. The Meeting invited the three contracting parties to clarify their positions on the document by 9 November with the aim to submit the draft to HOD 55-2018 for endorsement of the technical amendments. The Meeting

took note of the proposal by the drafting group on way forward, as presented by Poland (presentation 1 to that 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, to HOD 55 for approval and to HELCOM 40 for adoption.

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.

This document contains the version of Recommendation in principle endorsed by STATE & CONSERVATION 9-2018 and presented to HOD 55-2018 (document 4-23 to 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.
- consider initiating a revision of the Recommendation, in line with the mandate provided by HOD 55-2018.



Version 10.05.2019

## 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 Western Baltic harbour porpoise subpopulation as Vulnerable and the Baltic Proper harbour porpoise subpopulation as Critically Endangered,

**RECALLING ALSO** the commitments of the 2007 HELCOM Baltic Sea Action Plan to improve the conservation status of threatened and/or declining species of the Baltic Sea area by 2015, to minimize by-catch of harbour porpoises by 2008, 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,

**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 harbour porpoise population in the Western Baltic is in a better state, but due to high pressure [from human activities](#) it still requires application of efficient conservation measures,

**RECOGNIZING** the relevance of 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 Western Baltic, the Belt Sea and the Kattegat, 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,

Deleted: ¶

Deleted: FURTHER

Deleted: ASCOBANS Jastarnia Plan for the harbour porpoise in the Baltic Sea

Commented [A1]: Should we delete that?

Deleted: a

Deleted: human

Deleted: Recovery Plan for Baltic Harbour Porpoises

**RECOGNIZING FURTHER** that by-catches, habitat deterioration and disturbance adversely affect this species,

**CONVINCED** that the progressive, critical threat of extinction of the harbour porpoise in the Baltic proper (ICES areas 24-32) requires emergency action, and human pressures affecting harbour porpoises in other parts of the Baltic Sea region (such as ICES area 21-23) require immediate 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 ASCOBANS 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 subpopulation of harbour porpoise is more threatened than the Western Baltic subpopulation;

**Deleted:** a)

**Commented [A2]:** New, more up to date, reference possibly needed (target should stay the same). Resolution no 5 2016 ASCOBANS minimise towards to zero, for all small cetaceans

b) take action in close co-operation with ASCOBANS and ICES, for collection and analysis of additional data on population distribution and abundance, behavior, sightings and strandings as well as threats such as by-catch mortality, underwater noise, pollutant levels, ship strikes, changes in food base, epizooties, climate changes, marine installations and construction;

**Deleted:** stock identities,

**Deleted:**

**Deleted:** and

**to replace b) by:**

b) take action in close co-operation with ASCOBANS and ICES, for collection and analysis of data on threats such as by-catch, underwater noise, pollutant levels, changes in food base and prey quality, epizooties, climate change;

c) Continue to carry out regular large-scale regional surveys, such as SAMBAH and SCANS, of abundance and distribution, in combination with coordinated national monitoring programmes of harbour porpoise abundance where appropriate, as well as research on behavior and ecology.

d) consider the establishment of marine protected areas for harbour porpoises within the framework of the Baltic Sea Protected Areas (HELCOM MPAs) and including effective and adequate protection measures both inside and outside HELCOM MPAs, when documented information is available that an area hosts harbour porpoises;

**Deleted:** c

**Deleted:** management

**Deleted:** ,

**Deleted:** and other means of protection

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.

**Deleted:** d

**Deleted:**

**Deleted:** beginning in 2018,