



## Baltic Marine Environment Protection Commission

Working Group on the State of the Environment and Nature  
Conservation

STATE & CONSERVATION  
5-2016

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<b>Document title</b>	Draft evaluation of HELCOM Recommendation 27-28/2
<b>Code</b>	2N-1
<b>Category</b>	CMNT
<b>Agenda Item</b>	2N – Development and implementation of Recommendations
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<b>Submitted by</b>	Sweden
<b>Reference</b>	Outcome of SEAL 10-2016, paragraphs 9.1-9.4

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### Background

HELCOM Recommendation 27-28/2 'Conservation of seals in the Baltic Sea area' should be assessed in 2016 according to the agreement to assess its effectiveness every 5 years. STATE & CONSERVATION 2-2015 requested the Seal Expert Group to provide input for such assessment and Sweden as Lead Country agreed to prepare a draft evaluation in the preparation for SEAL 10-2016 (para 9.5).

This document contains the amended draft criteria for the evaluation of the Recommendation and the conclusions regarding the accomplishment and effectiveness of the Recommendation as agreed by SEAL 10-2016. Annex 1 includes proposed editorial revisions to the Recommendation by SEAL 10-2016, including among other things the addition of 'Kattegat' for clarity, under the paragraph regarding management units.

The evaluation follows the principles of the newly developed follow-up system for HELCOM agreements and assesses each 'recommends' paragraph of the Rec 27-28/2 as 'Accomplished', 'Partly accomplished' or 'Not accomplished'. In addition, a draft concluding remark on the effectiveness of the Recommendation is provided.

SEAL 10-2016 agreed to include as task in the ToR for 2016/2017 to identify work still needed in order to support the full implementation of the Recommendation 27-28/2 in advance of **SEAL 11-2017** (point 2a draft ToR for SEAL EG, document 3J-2).

### Action requested

The Meeting is invited to:

- agree on the criteria proposed to assess the implementation of Recommendation 27-28/2,
- agree on the draft evaluation of the effectiveness of Recommendation 27-28/2 as concluded by SEAL 10-2016,
- agree on the proposed revisions of the Recommendation.

### Draft conclusion by the Seal Expert Group

The Contracting Parties have made substantial efforts to accomplish most tasks given in the Rec 27/28-2. Fully accomplished tasks include:

- No hunting of seals below the LRL
- Hunting only occurs in populations with positive growth rates where the population size exceeds the LRL
- Networks of protected areas are operational in all countries with seal colonies.

However, in many cases the recommended actions are only partly accomplished. Management plans for all seal species are operational in most countries and under way in Sweden. Mitigation of fisheries conflicts with seals include protective hunting at fishing gear, and “seal safe” equipment. The intention has been to reduce illegal killing, and protect the catches of fishermen. The possibility to hunt seals specializing on gear has likely reduced illegal killing, but only some type of gear can successfully be altered to withstand looting seals.

Monitoring programs are in place for all seal species regarding abundance, distribution and health, and partly coordinated for contaminants. Estimates for by-catches of seals are only available for grey seals, whereas information is lacking for ringed seals and harbor seals.

Also the identification of population reference levels is only partly accomplished. The LRL is identified as a minimum of 10 000 seals for genetically isolated populations. However, it is difficult to identify the LRL for connected populations with genetic exchange. Reference levels have also been defined for blubber thickness as a proxy for nutritional status as well as for pregnancy rate. Other health parameters are pending.

The HELCOM Seal Expert Group was given the task to harmonize national management plans. This work is ongoing.

Action from Recommendation 27-28/2	Level of implementation	ASSESSMENT CRITERIA			Current draft assessment	Supporting information
		Accomplished (Regional)	Partly accomplished (Regional)	Not accomplished (Regional)		
<b>1: to apply the General Management Principles and Management Units as defined above, and in conformity with these principles develop and implement National Management Plans, which will be the main management instruments to ensure that the favourable conservation status of the species is attained or maintained. In particular so that:</b>	National, but coordinated by HELCOM Seal expert group	All CPs with permanent breeding colonies have developed and implemented management plans for grey seals, ringed seals and harbor seals	Management plans have been developed and implemented in some CPs with permanent breeding colonies of grey seals, ringed seals and harbor seals	Management plans have not been developed by any Contracting Party.	Partly Accomplished	Management plans for grey seals and harbor seals operational in Denmark, management plans for grey seals and ringed seals operational in Estonia and Finland. Grey seal plan ready in Sweden. Management plans for ringed and harbour seals well under way in Sweden. No management plans in Russia.
– for all populations below the Limit Reference Level (the Safe Biological Level), no allowances for deliberate killing should be issued;	Regional	Killings of seals in populations below the LRL is not taking place by any CP.	Killing of seals populations below the LRL is taking place by some CPs	Killing of seals populations below the LRL is taking place all CPs.	Accomplished	Implemented in all countries.
– for populations between the Limit Reference Level (the Safe Biological Level) and the Precautionary Approach Level ,licenses for anthropogenic removals can only be issued if in the population a significant positive long-term growth rate can be observed, and if licenses for anthropogenic removals are issued, special care has to be taken so that the positive long-term growth rate is not jeopardized;	National/Regional	Licences for anthropogenic removals for populations exceeding LRF are only issued for populations with positive growth rate.	Licences for anthropogenic removals for populations exceeding LRF are sometimes issued for populations that does have a positive growth rate.	Licences for anthropogenic removals for populations exceeding LRF are regularly issued for populations that does not have a positive growth rate.	Accomplished	Positive growth rate in all hunted populations. Licences are issued for hunting and for protecting fishing gear in Finland (grey seals in Finnish waters, and ringed seals in the Bothnian Bay). Such licences are also issued in Sweden for ringed seals in the Bothnian Bay, grey seals in Swedish waters and harbour seals at the Swedish west coast. Licences are issued for harbour seals in Denmark.
– for populations between the Precautionary Approach and the Target Reference Levels, and for population above the Target Reference Level, licenses for anthropogenic removals can be issued provided that the long-term objectives of the General Management Principles are not compromised;	NA	NA	NA	NA		No population above the Target Reference Level
<b>2: to take effective measures for all populations in order to prevent illegal killing, and to reduce incidental bycatches to a minimum level and if possible to a level close to zero;</b>	National	Measures to prevent illegal killing and reduce incidental by-catches are taking place in all CPs.	Measures to prevent of illegal killing and reduce incidental by-catches are taking place in some CPs.	Measures to prevent illegal killing and reduce incidental by-catches are not taking place in any CPs.	Partly accomplished	Licences issued for protective hunting in Denmark, and Sweden, and removal in Finland likely reduce illegal killing. Development of less vulnerable fishing gear in Denmark, Finland, Sweden.

Action from Recommendation 27-28/2	Level of implementation	ASSESSMENT CRITERIA			Current draft assessment	Supporting information
		Accomplished (Regional)	Partly accomplished (Regional)	Not accomplished (Regional)		
<p>3: the HELCOM Seal expert group is given the tasks:</p> <ul style="list-style-type: none"> <li>– to develop and co-ordinate monitoring programmes and assess the population structure, size and growth, reproduction and breeding distribution, contaminant burden and health status, fisheries interactions and bycatches, and evaluate their results;</li> </ul>	Regional	<p>Coordinated monitoring programmes and assessments are in place for:</p> <ul style="list-style-type: none"> <li>- Population structure, size and growth</li> <li>- Reproduction and breeding distribution</li> <li>- Contaminant burden</li> <li>- Health</li> <li>- By-catches</li> </ul>	<p>Monitoring programmes and assessments are in place for some of the listed characteristics.</p>	<p>Monitoring programmes and assessments are in place for none of the listed characteristics.</p>	Partly accomplished	<p>Monitoring programmes on abundance and distribution coordinated.</p> <p>Monitoring programmes on health coordinated.</p> <p>Monitoring programmes on contaminant burdens partly coordinated.</p> <p>Estimates of bycatches of grey seals available (Vanhatalo et al 2014).</p> <p>Limited information on bycatches for ringed and harbour seals.</p>
<ul style="list-style-type: none"> <li>– to quantify the Limit Reference, , Precautionary Approach and Target Reference Levels for populations of the described Management Units;</li> </ul>	Regional	<p>Methods have been developed to define LRL and TRL for all populations of the described managements units.</p>	<p>Methods have been developed to define LRL and TRL for some populations of the described managements units.</p>	<p>Methods have not been developed to define LRL and TRL for any of the populations of the described managements units.</p>	Partly accomplished	<p>Limit reference level identified for all isolated species and management units. For some connected harbour seal units, LRL should include seal numbers in adjacent units.</p> <p>Methods are partly developed for identification of the target reference level.</p>
<ul style="list-style-type: none"> <li>– to define and quantify similar reference levels with regard to seal distribution and health status;</li> </ul>	Regional	<p>Reference levels have been defined for seal distribution and health status for all species and relevant parameters.</p>	<p>Reference levels have been defined for seal distribution and health status for some species and relevant parameters.</p>	<p>Reference levels have not been defined for seal distribution and health status.</p>	Partly accomplished	<p>Reference levels defined for distribution, blubber thickness as a proxy for nutritional status as well as pregnancy rate.</p> <p>Other health parameters pending.</p>
<ul style="list-style-type: none"> <li>– to assist in harmonizing National Management Plans for those cross-boundary Baltic Sea Seal Management Units described above;</li> </ul>	Regional	<p>Harmonization of NMPs are in place for all relevant management units.</p>	<p>Harmonization of NMPs has been initiated for some of the relevant management units.</p>	<p>Harmonization of NMPs has not been initiated.</p>	Partly accomplished	<p>National management plans reviewed by HELCOM Seal EG. Summaries of plans to be translated to English for further review.</p>

Action from Recommendation 27-28/2	Level of implementation	ASSESSMENT CRITERIA			Current draft assessment	Supporting information
		Accomplished (Regional)	Partly accomplished (Regional)	Not accomplished (Regional)		
– to draft HELCOM Guidelines for exemptions to the General Management Principles	Regional	HELCOM Guidelines for exemptions to the General Management Principles have been developed.	Development of HELCOM Guidelines for exemptions to the General Management Principles has been initiated.	HELCOM Guidelines for exemptions to the General Management Principles have not been developed..	Not accomplished - No requests have been made for exemptions	
4: to carry out respective monitoring programmes as indicated above;	National	Monitoring programmes are in place for the following characteristics in all CPs: - Population structure, size and growth - Reproduction and breeding distribution - Contaminant burden - Health - By-catches	Monitoring programmes are in place for some of the listed characteristics and in some CPs.	Monitoring programmes are not in place for the listed characteristics	Partly accomplished	Monitoring programmes on abundance and distribution in place by all CPs.  For other parameters the situation varies from country to country.
5: to collaborate within the HELCOM Seal expert group to identify and establish a network of protected areas for important actual and potential seal habitats across the Baltic Sea area (re. the EU Habitat Directive, Annex II), and attempt to harmonize the regulations and monitoring of these conservation areas;	Regional	A coordinated network of protected areas for important and potential seal habitats is in place in the HELCOM area.	Protected areas for seal habitats are partly coordinated in the HELCOM area.	Protected areas for seal habitats are not coordinated in the HELCOM area.	Partly accomplished	Protected areas are in place in all countries where haul-out sites are found.
6: to develop and to apply where possible non-lethal mitigation measures for seals to reduce bycatch and damage to fishing gear, as well as to support and coordinate the development of efficient mitigation measures;	National/Regional	Non-lethal mitigation measures to reduce by-catch of seals is taking place in all CPs.	Mitigation measures to reduce by-catch of seals is taking place in some CPs.	Mitigation measures to reduce by-catch of seals is not taking place in any CP.	Partly accomplished	Development of “seal safe” fishing gear in Denmark, Finland, Sweden.  Tests with pingers only partly successful.  Estimated by-catches still high.
to assess in 5 years’ time the effectiveness of this Recommendation with regard to the conservation of seals in the Baltic Sea Area, and whether amendments are necessary;	Regional	Evaluation of effectiveness of Recommendation 27-28/2 takes place every 5 years (next: 2016)	Evaluation of effectiveness of Recommendation 27/28-2 takes place less frequent than every 5 years.	Evaluation of effectiveness of Recommendation 27/28-2 does not take place.	Accomplished	This assessment.

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## Annex 1. Amendments suggested to HELCOM Recommendation 27-28/2

### HELCOM RECOMMENDATION 27-28/2

Adopted 8 July 2006  
having regard to Article 20, Paragraph 1 b)  
of the Helsinki Convention

### CONSERVATION OF SEALS IN THE BALTIC SEA AREA

#### THE COMMISSION,

**RECOGNIZING** that the three seal species (the grey seal *Halichoerus grypus*, the ringed seal *Phoca hispida botnica*, and the harbour seal *Phoca vitulina*) are important, unique and valuable components of the Baltic Sea ecosystem, and that their continued survival and well-being are inextricably linked to, and dependent on the quality of the Baltic Sea environment;

**ACKNOWLEDGING** therefore that the seals of the Baltic Sea are important elements of the Common Natural Heritage of the Baltic Sea Region, and that the continued existence and prosperity of the seal populations, and consequently the quality of their habitats, are shared responsibilities of the Contracting Parties to the Helsinki Convention (re. Article 15);

**BEING AWARE** that in the 1970s and 1980s the populations of all seal species in the Baltic Sea were alarmingly low;

**ALSO AWARE** that the population decline, apart from ringed seals in the [Archipelago Sea](#), Gulf of Finland and Gulf of Riga, is now reversed, but except for the Kattegat harbour seals, the seal populations of the Baltic Sea remain below the theoretically calculated population levels if compared to the beginning of the 20th century, and that the current carrying capacity levels are not known;

**FURTHER AWARE** of the documented regional differences in the status of Baltic seal populations, and that National Management<sup>1</sup> Plans are suitable instruments to address the regionally different status of seal populations and differences in priorities of seal management through the Baltic Sea area;

**OBSERVING** the EU Habitat Directive, which defines the following requirements for Favourable Conservation Status of species:

- that it is maintaining itself on a long-term basis as a viable component of its natural habitats;
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future; and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis;

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<sup>1</sup> In this text Management is defined as any legal decision taken with regard to the conservation of the seal species and their habitats, *inter alia* decision taken to: protect the species from hunting, or to set hunting quotas, reduce bycatches, stop disturbance at critical habitats, protection and restoration of critical habitats, and prevention of discard of harmful substances with the purpose of improving the quality of seal habitats.

**RECOGNIZING** that the HELCOM/ICES/EU Seal Expert Workshop (Stockholm, 6-8 September 2005) proposed a set of **General Management Principles** for seal management applicable to the whole Baltic Sea area, and that these general management principles allow for National Management Plans to be developed based upon sub-regional and national aspects;

**NOTING** that the proposed **General Management Principles** are the following which link the seal populations to the Baltic Sea Ecosystem:

- **populations size** (with the long-term objective to allow seal populations to recover towards carrying capacity levels);
- **distribution** (with the long-term objective to allow breeding seals to expand to suitable breeding distribution in all regions of the Baltic); and
- **health status** (with the long-term objective of attaining the health status that secures the continued existence of the populations);

**NOTING FURTHER** that **Specific Reference Levels** form an integral part of these principles, and for population size, these reference levels are defined as:

- **Target Reference Level:** the level where the growth rate starts to level off and the population asymptotically approach the current carrying capacity level);
- **Limit Reference Level** (the Safe Biological Level): the Minimum Viable Population Size, which is to be defined for each of the management units;
- **Precautionary Approach Level** where the populations are at maximum productivity level<sup>2</sup>

**ALSO NOTING** that the HELCOM/ICES/EU Seal Expert Workshop defined and agreed on the following **Management Units** for Baltic Sea seal populations:

- 1) Harbour seals in the Kalmarsund region (Sweden);
- 2) Southwestern Baltic **and Kattegat** harbour seals (Denmark, Germany, Poland, Sweden);
- 3) Gulf of Bothnia ringed seals (Finland, Sweden);
- 4) Southwestern Archipelago Sea, Gulf of Finland and Gulf of Riga ringed seals (Finland, Estonia, Latvia, Russia);
- 5) Baltic Sea grey seals (all Contracting Parties to the Helsinki Convention);

**RECOMMENDS** to the Contracting Parties to the Helsinki Convention:

**1:** to apply the General Management Principles and Management Units as defined above, and in conformity with these principles develop and implement National Management Plans<sup>3</sup> which will be the main management instruments to ensure that the favourable conservation status of the species is attained or maintained. In particular so that:

- for all populations below the Limit Reference Level (the Safe Biological Level), no allowances for deliberate killing should be issued;
- for populations between the Limit Reference Level (the Safe Biological Level) and the Precautionary Approach Level, licenses for anthropogenic removals can only be issued if in the population a significant positive long-term growth rate can be observed, and if licenses for anthropogenic removals are issued, special care has to be taken so that the positive long-term growth rate is not jeopardized;
- for populations between the Precautionary Approach and the Target Reference Levels, and for population above the Target Reference Level, licenses for anthropogenic removals can be issued provided that the long-term objectives of the General Management Principles are not compromised;

<sup>2</sup> Between 50-80% of K. Likely in the lower portion of this range.

<sup>3</sup> NMP would also be the appropriate instrument for issuing any exemption from the General Management Principles for specific scientific purposes, animal welfare reasons and for removing identified individuals specializing on depredation of captured or farmed fish.

**2:** to take effective measures for all populations in order to prevent illegal killing, and to reduce incidental bycatches to a minimum level and if possible to a level close to zero;

**3:** ~~to establish a HELCOM seal expert group with the tasks:~~ **the HELCOM Seal expert group is given the tasks:**

- to develop and co-ordinate monitoring programmes and assess the population structure, size and growth, reproduction and breeding distribution, contaminant burden and health status, fisheries interactions and bycatches, and evaluate their results;
- to quantify the Limit Reference, and Target Reference Levels for populations of the described Management Units;
- to define and quantify similar reference levels with regard to seal distribution and health status;
- to assist in harmonizing National Management Plans for those cross-boundary Baltic Sea Seal Management Units described above;
- to draft HELCOM Guidelines for exemptions to the General Management Principles<sup>4</sup>;
- to consider detailed annual Term of Reference for the meetings to be adopted by HELCOM State and Conservation ~~HABITAT~~;
- to report to HELCOM State and Conservation ~~HABITAT~~; annually;

**4:** to carry out respective monitoring programmes as indicated above;

**5:** to collaborate within the HELCOM Seal expert group to identify and establish a network of protected areas for important actual and potential seal habitats across the Baltic Sea area (re. the EU Habitat Directive, Annex II), and attempt to harmonize the regulations and monitoring of these conservation areas;

**6:** to develop and to apply where possible non-lethal mitigation measures for seals to reduce bycatch and damage to fishing gear, as well as to support and coordinate the development of efficient mitigation measures;

**INVITES** the Contracting Parties when possible to fund the development and application of bycatch reduction measures, including alternative fishing gear and methods, as well as to compensate for losses of catch and fishing gear;

**INVITES** the International Council for the Exploration of the Sea to participate in the work of the HELCOM Seal expert group;

**RECOMMENDS** HELCOM to assess in 5 years' time the effectiveness of this Recommendation with regard to the conservation of seals in the Baltic Sea Area, and whether amendments are necessary;

**AND FINALLY RECOMMENDS** that the Governments of the Contracting Parties to the Helsinki Convention observe Article 16(1) of the Convention and report on the implementation of this Recommendation according to HELCOM Monitoring and Assessment Strategy.

<sup>4</sup> The Contracting Parties to HELCOM being also Member States of EU should acknowledge the obligations of Annex VI (prohibited methods and means of capture and killing and modes of transport) of the Council Directive 92/43/EEC (the Habitats Directive).