



To:

Virginijus Sinkevičius, Commissioner for Environment, Oceans and Fisheries

With copy to:

Director-General Charlina Vitcheva, Directorate-General for Maritime Affairs and Fisheries

Director-General Florika Fink-Hooijer, Directorate-General for Environment

2020-09-25

Dear Commissioner Sinkevičius,

As you are aware, the harbour porpoise in the Baltic Proper is critically endangered with only a few hundred animals left. Bycatch beyond 0.7 animals per year is unsustainable¹, meaning that any bycatch poses a significant threat to the population. Therefore, we are very pleased to see the momentum today within the European Commission to better manage the issue of cetacean bycatch in European waters. Firstly, the International Council for the Exploration of the Sea (ICES) advice on emergency measures to prevent bycatch of two specifically vulnerable populations, the common dolphin in the Bay of Biscay and the Baltic Proper harbour porpoise, following the NGO proposal from July 2019, plays a critical role in this regard. Secondly, we recognize that the infringement procedures on non-compliance of the Habitats Directive initiated against Sweden, France and Spain are necessary in order to make progress².

We welcome the ICES special request advice published in May 2020³ and we strongly support the full implementation of all of the recommendations therein, not only as emergency measures but as long-term measures. The latter is vital to allow the population to recover over the coming years. Therefore, we are now deeply concerned with the direction and low level of ambition in the current negotiations within BALTFISH to develop a Joint Recommendation⁴. In our view, the current BALTFISH proposal for measures does not meet the legal requirements to protect this population, and is missing key components of the ICES advice:

- The current BALTFISH proposal leaves out the ICES recommendation on mandatory pinger use on all static nets outside MPAs within the entire population range. This measure is in our view crucial to secure the survival of this population.
- In harbour porpoise Special Areas of Conservation (SACs) within the range of the Baltic Proper population, absence of harbour porpoise bycatch and minimized acoustic disturbance should be ensured. These areas should therefore be closed to static net fisheries instead of, as in the BALTFISH draft Joint Recommendation, allowing such fisheries with the use of pingers. Between 13°E and the south-western management border⁵, such closures should be in effect during November-April. East of this management border, closures should be in effect all year.

¹ NAMMCO & IMR 2019. Report of Joint IMR/NAMMCO International Workshop on the Status of Harbour Porpoises in the North Atlantic. Tromsø, Norway.

² https://ec.europa.eu/commission/presscorner/detail/en/inf_20_1212

³ ICES 2020. ICES Special Request Advice on emergency measures to prevent bycatch of common dolphin (*Delphinus delphis*) and Baltic Proper harbour porpoise (*Phocoena phocoena*) in the Northeast Atlantic. 26 May 2020. <https://10.17895/ices.advice.6023>.

⁴ <http://www.bsac.dk/getattachment/Meetings/BSAC-meetings/Ecosystem-based-working-group/harbour-porpoises-JR-draft-rev-BSACPDF.pdf.aspx?lang=en-GB>

⁵ Carlén et al. 2018. Basin-scale distribution of harbour porpoises in the Baltic Sea provides basis for effective conservation actions. *Biological Conservation* 226, 42-53. 10.1016/j.biocon.2018.06.031.

- The monitoring measures and requirements for control in the current BALTFISH draft Joint Recommendation are not sufficient. As specified by ICES, accurate recording of fishing effort, increased monitoring of Protected, Endangered and Threatened Species (PETS) bycatch and control of compliance of mitigation measures are necessary to follow up on efficiency of measures. The use of Vessel Monitoring System (VMS) on fishing vessels and hydrophones onboard inspection vessels proposed by BALTFISH do not fulfil the needs.

The need to implement these measures is urgent, not least given that it will take some time to put the envisaged measures into place, specifically to purchase pingers, and to set up a functioning monitoring regime, including the required experts.

We call for more commitment from the relevant Member States within BALTFISH in protecting the last Baltic Proper harbour porpoises. Should BALTFISH fail to respond adequately to this international extinction crisis and to follow the ICES advice, we look to the European Commission to continue its commitment to this issue by implementing Emergency Measures in line with the ICES recommendations.

Yours sincerely,

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Coalition Clean Baltic

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