

REPORT OF THE 9TH MEETING OF THE ASCOBANS JASTARNIA GROUP

Gothenburg, Sweden

16-18 April 2013



**Agreement on the Conservation of Small Cetaceans
of the Baltic, North East Atlantic, Irish and North Seas**

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9th Meeting of the ASCOBANS Jastarnia Group Gothenburg, Sweden, 16-18 April 2013

1. Opening of the Meeting

The Chair, Rüdiger Stempel (Coalition Clean Baltic, CCB), opened the meeting and welcomed the delegates, some of whom had attended the SAMBAH meeting the previous day.

2. Adoption of the Agenda

The Chair formally proposed the adoption of the agenda. As there were no comments or requests for any changes, the agenda was adopted as presented.

3. Joint Session with SAMBAH Participants

Julia Carlström and Ida Carlén (SAMBAH) gave a presentation describing recent developments under the SAMBAH project. The project had started in 2010 and was due to be completed in December 2014 but consideration was being given to seeking an extension.

Data were now being collected from the C-PODs. Data had been recorded during the period May 2011 and April 2013, and the retrieval rate of 80 per cent was considered to be good, but retrieval was rather uneven. Analysis of the information received was not complete, but initial findings seemed to confirm the presence of harbour porpoises throughout the Baltic proper, and as far north as Finnish waters. Germany and Denmark seemed to have the greatest number of animals, with an uneven distribution in Sweden.

The pound net experiments had been completed and the results were being evaluated. A second array experiment would be carried out in the framework of the COSAMM project conducted by the German Oceanographic Museum with funding from the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety.

The programme for the forthcoming months was to deal with the C-POD detection function until July 2013, work on density estimates in the period August to November and turn to spatial modelling from December 2013 to March 2014.

In response to questions from the floor, it was explained that it was too early to say for certain whether there were harbour porpoises present in the waters of Lithuania. It was possible that the data yet to be processed contained detections (so far only 80 of 500 days of recordings from Lithuania had been processed). No data at all had been processed from the Russian Federation. Russian participation in the project had been added at a late stage (referred as RUMBAH) and had been further delayed by the need to obtain permits. Surveying had only recently started with ten C-PODs being deployed.

The Chair asked how the project team felt ASCOBANS could assist with the furtherance of SAMBAH. Parties could help promote the project by disseminating information about harbour porpoises and by using the final results to identify marine protected areas for the species. To date only Germany and Poland had designated protected sites for harbour porpoises. The project's results could also be used to develop other mitigation measures, particularly with regard to noise and interactions with fisheries.

The SAMBAH model could also be used as a basis for further projects, for instance for investigating the impacts of noise. It was pointed out that the range of a harbour porpoise click was relatively short, compared for instance with the noise generated by ship engines.

“Masking” of cetacean clicks by other sources of noise was a problem in the Mediterranean but seemed to be less of a concern in the Baltic Sea.

Mats Amundin (SAMBAH) said that the C-PODs could not distinguish between the sounds made by porpoises when hunting for food and when engaging in social interaction.

Germany had for various reasons not participated in the LIFE+ SAMBAH project but had found some funding to conduct compatible work in parallel. This funding stream was about to come to an end and an application would soon be made to the German Federal Nature Conservation Agency (BfN) for a new grant. It was suggested that the Secretariat and the Jastarnia Group should write a letter of support to the President of the BfN.

A discussion took place over the suggestion that Parties should wait for the results of SAMBAH before making decisions as to where to designate marine protected areas and SACs. Several participants warned against any further delays and it seemed unlikely in any case that any site or species management plans would be ready in the immediate future. It would also be difficult to synchronize the publication of management plans; only Germany and Denmark had identified potential SACs and Germany's six-year deadline for agreeing management plans would expire shortly. In Finland's case, the harbour porpoise did not even feature on the national reference list.

Action Points

- 1) ASCOBANS and Parties are encouraged to continue efforts to promote SAMBAH and its use for harbour porpoise conservation in the Baltic Sea.
- 2) If required, Parties are asked to consider providing additional funding for the SAMBAH and RUMBAH projects.
- 3) Parties are strongly encouraged to use the data provided by SAMBAH once these become available, in particular in connection with the establishment of management plans for harbour porpoises, as well as with regard to mitigation measures.
- 4) ASCOBANS and the Parties should explore the possibility of co-funding and/or otherwise supporting dedicated follow-up studies for SAMBAH, for instance in connection with other studies such as BIAS starting in December 2013.
- 5) ASCOBANS should request HELCOM to provide updated and high resolution data on fisheries effort in gillnet and trammel net fisheries in their web-database.
- 6) Parties should supply VMS data and coastal gillnet and trammel net fisheries data to the Secretariat for use in connection with the SAMBAH project and other follow-up projects.
- 7) The Secretariat and the Chair of the Jastarnia Group should write to the President of the German Federal Agency for Nature Conservation, encouraging them to provide the additional funding required to enable the German Oceanographic Museum to supply the expertise needed for the finalization of SAMBAH.

4. Presentations by Invited Experts

“The Harbour Porpoise in NW Europe: More Questions Than Answers”

Peter Evans (Sea Watch Foundation) gave a presentation on the biology and population status of the harbour porpoise in the neighbouring North Sea region. The presentation, of which those elements of particular interest from the Baltic Sea perspective are summarized in the present report, covered the species' distribution, abundance, life cycle, social structure, behaviour and ecology, and the population structure. Some consideration was

given to appropriate management units for the harbour porpoise, as well as to the causes of seasonal variations in abundance.

The various impacts on harbour porpoise populations were examined. The most significant of these were considered to be overfishing of prey species (e.g. sand eels and herring) and bycatch, followed by pollution, disturbance and habitat change, for instance through the construction of wind farms. Seismic surveys had also been carried out throughout north-west European waters since the 1960s, mainly in connection with oil and gas exploration. These activities were carried out primarily – but not exclusively – in the North Sea. The ASCOBANS agreement area was also a particularly busy shipping area, with the associated high risk of collisions.

With regard to chemical pollutants, high levels of PCBs in harbour porpoises from England and Wales had been linked to a greater incidence of infectious disease in those individuals compared with a control sample. An analysis of stranded cetaceans from England and Wales over the period 1990-2010 had revealed a variety of causes of death. Bycatch accounted for 18 per cent of the 1,495 stranded harbour porpoises. The most frequent cause of death in harbour porpoises was infectious disease (23 per cent) with attacks by bottlenose dolphins accounting for 18 per cent, and starvation for 14 per cent.

With regard to bycatch, drift nets and bottom-set gill nets were the worst types of gear for harbour porpoise. The estimate for harbour porpoise bycatch in the North Sea was 8,000 animals per year from a population of 250,000 (representing 3 per cent of the population) and 2,200 out of 36,000 in the Celtic Sea (6 per cent). Levels of 1.7/2.0 per cent were thought likely to lead to a reduction in the population and therefore required the introduction of mitigation measures, according to ASCOBANS and the IWC respectively.

A number of studies had been undertaken into the prey species of harbour porpoise populations across north-west Europe. Sand eels constituted a large percentage of the diet of harbour porpoises in two areas – north-east Scotland and the North Sea coast of Germany; elsewhere in the North Sea, gobies, whiting, sole and cod had been found to be important. The results of various studies had been compiled and presented as a map. The type of prey taken was shown to vary with water depth – porpoises taking mainly benthic prey in the North Sea and Skagerrak, more mesopelagic prey along Atlantic coasts and mainly pelagic prey in the Barents Sea. Differences in feeding ecology had been linked to differences in skull morphology and genetics between at least two separate populations of porpoise in the region, and it was recommended that these should be regarded as separate management units.

Records of landings of various target species over the past decades were also reviewed; two major species commercially fished in the North Sea were mackerel and herring, both of which had seen a large drop in catch in the 1970s, replaced by sprat, Norway pout and sand eel, all of which had increased since the 1960s. Since then, however, sand eel stocks had declined in various northern areas of the North Sea. At the beginning of the twentieth century, most North Sea herring catches had been made off the east coast of the UK; by the 1960s very few herring were caught there, with the favoured fishing grounds being off Denmark and Norway. There was also a correlation between trends in herring catches and the incidence of harbour porpoise strandings (an index of their relative abundance). In the early 1990s, numbers of harbour porpoises during systematic surveys off the east coast of the Shetland Islands correlated significantly with sand eel abundance. Reductions in abundance and recruitment of sand eels off Shetland coincided with breeding failures of several seabird species (auks, Arctic tern and kittiwakes) and a marked reduction in the number of harbour porpoise sightings. Birds and porpoises then prospered when sprat and sand eel stocks recovered in the 1990s, but in the last ten years have been doing badly in this region again.

The slides comprising Mr Evans' presentation are attached as Annex 4 to this report.

“A Decade of Acoustic Monitoring in the Baltic Sea: status and use of two populations of harbour porpoises”

Stefan Bräger (German Oceanographic Museum) presented the results of research carried out over recent years and funded by the German Federal Conservation Agency, the conclusions of which were that the harbour porpoise populations had declined.

Three distinct populations had been identified: one in the North Sea and Skagerrak thought to number 300,000. The population in the Belt Sea was possibly declining and estimates of its size ranged from 5,000 to 20,000. The third population in the Baltic proper was now recognized by the IUCN as critically endangered with the population numbering in the hundreds.

Twelve long-term click detector stations had been set up as part of the German monitoring project – three in the Fehmarn Belt, four in the Mecklenburg Bight and five in the Pomeranian Bay. These had operated for most of the past ten years with some interruptions when funding had not been available.

Seasonal and geographic variations had become apparent, with the Fehmarn Belt registering 94 per cent detection positive days (DPD), Mecklenburg Bight 66 per cent and the Pomeranian Bay registering just 3.7 per cent.

Seasonal changes in the detection rates were indicative of migration with major peaks in the late summer and autumn and lesser peaks in winter and early spring. The peaks reflected two patterns of different origin: the south-easternmost extent of the migration of the Belt Sea animals in summer and the maximum westward migration of the Porpoises of the population of the Baltic proper in winter. Porpoises from the Inner Danish Waters ventured into the Pomeranian Bay in search of prey in the summer, while animals from the Baltic proper arrived in winter to escape ice cover.

The ensuing discussion included exchanges on the pattern of porpoise clicks, with Mats Amundin (SAMBAH) reporting that harbour porpoises were more vocal in winter and at night. Iwona Pawliczka (CCB) reported that the pods used in the Puck Bay project showed similar results with more clicks in the spring and winter and fewer in summer and autumn. The ice cover in winter seemed to suit the porpoises. Finn Larsen (Denmark) added that harbour porpoises seemed to cope well with ice cover in Norwegian fjords too.

In response to a question from Erland Lettevall (Sweden), Mr Bräger said that the distances between the three areas totalled 200 kilometres with Fehmarn and Mecklenburg being 50km apart and 150km between Mecklenburg and the Pomeranian Bay. These distances could easily be covered by a harbour porpoise in a few days, and they often travelled 50km in a day (although not necessarily in a straight line). Mr Amundin said that there was a record of at least one animal swimming straight from the North Sea to winter off the Shetland Isles and then swimming straight back.

In response to a question from Mr Larsen, Mr Bräger said that there were insufficient samples from stranded specimens for a robust analysis of genetics to be carried out.

The slides comprising this presentation are attached as Annex 5 to this report.

“Baltic Harbour Porpoise Conservation in the Territorial Waters of Schleswig-Holstein”

Stefan Bräger (German Oceanographic Museum) described the policy changes instigated by the new three-party coalition government in the German *Land* of Schleswig-Holstein, which was committed to the introduction of low-impact fishing practices compatible with protecting the highly endangered harbour porpoise. In Germany, the *Länder* were responsible for territorial waters as far as the 12-nautical mile limit, while the Federal Government was responsible for the EEZ. The new Environment Minister of Schleswig-Holstein, whose portfolio also covered fisheries, had promised to regulate set netting in designated SACs,

such as the one off Fehmarn, which had been chosen in part for the presence of harbour porpoises and was also used by both full-time and part-time fishermen. The area was also an SPA, and seabird bycatch was also a problem for which pingers were not a solution. While the Minister intended to find a solution in conjunction with the fisheries sector, which opposed restrictions on the use of set nets, he had indicated that he would proceed without the industry's agreement if necessary. At this stage it was not clear what proposals would be issued by the Ministry.

Four of the pod stations referred to in Mr Bräger's first presentation (see above) were located around Fehmarn (B1 Flüggesand, B2 Fehmarn East, B5 Fehmarn North and C7 Sagasbank). These registered 100 per cent "porpoise positive days", with high peaks of porpoise positive periods of sixty and ten minutes. There were fewer registrations in June-July and February, but comparisons of different years showed strong variations and no regular patterns. This information was important to the Ministry, which wanted to know whether it would be safe to allow the use of set nets at particular times.

The Federal Government was responsible for the EEZ and the candidate SACs that had been proposed had been accepted by the European Commission. The six-year deadline for the preparation of management plans was expiring later in 2013. The possible decision by the Schleswig-Holstein government to ban set nets because of the presence of Harbour Porpoises would be ground-breaking and might set a precedent for the Federal Government and the governments of other EU member states to follow.

Finn Larsen (Denmark) asked about competence and questioned whether the policies proposed would be effective in the Baltic proper. Member States had exclusive competence within the six nautical mile limit and within this area off Schleswig-Holstein only fishermen from Denmark, Germany and the Netherlands currently operated. Karl-Hermann Kock (Germany) said that the German fishermen operating within the three-mile zone were almost exclusively part-timers, as the full-time fishermen tended to operate further offshore. Operators using smaller boats tended to stay closer to shore and their effort was more seasonal, as there were fewer fish in warmer shallow water in summer. A study undertaken in 2003 and submitted to ASCOBANS the following year (AC11/Doc.10) suggested that 50 per cent of bycatch was attributable to part-time fishermen. A proposal to reduce their numbers by not issuing new licenses had not been well received.

Krzysztof Skóra (Poland) said other factors had to be considered, such as the size of the boats, the hours spent at sea and how far from the coast they operated. Some fishermen went to sea 200 days per year, others only 20.

Petra Deimer (GSM) recalled that she had continuously advocated a policy of not renewing licences when the operator ceased fishing. The Ministry had rejected this proposal.

It was pointed out that national legislation provided definitions for part-time fishermen. In Germany, to qualify as a part-timer, the percentage of the operator's income had to remain below a particular threshold. In Finland, the threshold was 30 per cent of income, and full-time fishermen were allowed to use different types of gear.

The slides comprising Mr Bräger's second presentation are attached as Annex 6 to this report.

Action Point

- 8) ASCOBANS should explore the possibility of commissioning a desk study examining what definitions of the term 'fishermen' exist in the various Baltic Sea states.

5. Jastarnia Plan

5.1 Bycatch Reduction

5.1.1 Reduce Fishing Effort in Certain Fisheries (Jastarnia Plan Recommendation 1)

There had been no action points arising from the previous meeting of the Group, but nonetheless the Chair gave participants the opportunity to report any activities relating to earlier recommendations. There were no requests to take the floor.

Interpol

The Chair drew the meeting's attention to a press release dated 26 February 2013 issued by Interpol on the subject of illegal, unreported and unregulated (IUU) fisheries. A project had been launched by Interpol and the Pew Charitable Trust, with funding from the Norwegian government to explore the possibility of and pave the way for establishing a unit dedicated to combating IUU fisheries and related crime (Project SCALE). The unit should be established within INTERPOL's Environmental Crime Programme. In addition to raising awareness of fisheries crime, Project SCALE was to provide an authoritative analysis of the impact of IUU fisheries, envisioned increased surveillance of IUU fisheries and enforcement measures and also propagated the establishment of National Environmental Security Task Forces.

The Chair recommended that the Jastarnia Group express its support for this project and recommend that Parties also be supportive. Views expressed from the floor differed as to whether IUU fisheries were a major issue in the Baltic; it seemed likely that a certain amount occurred but not to the same extent as other regions. Overfishing was a greater concern. In Poland, inspections made IUU fisheries difficult, and illegal landings were more of a problem. Sweden felt that when IUU fisheries were discussed at the CITES conference, the focus was on the High Seas and fisheries targeting tuna and sharks. It might be advisable to maintain a watching brief and seek further information from ICES. Geneviève Desportes (North Sea Coordinator) said that IUU accounted for 20 per cent of global catch, but Finn Larsen (Denmark) said that the level in Denmark amounted to a just few thousand tonnes.

Krzysztof Skóra (Poland) said that within the ASCOBANS area the main problems were the use of the wrong type of gear and the failure to install pingers and felt that addressing these issues should be the priority.

The Chair said that in his view there were clear indications that IUU fisheries were an issue in the Baltic and Petra Deimer (GSM) added that, although the figures provided for its extent were extrapolations, in all likelihood these were underestimates.

Action Point

- 9) The Secretariat and the Chair of the Jastarnia Group should write to ICES requesting statistics on IUU fisheries in the Baltic Sea, broken down by ICES areas. An intersessional working group should be established to evaluate the data received prior to the next meeting of the Jastarnia Group.

NGO Letter to EU Fisheries Ministers

The Chair called the meeting's attention to the English language version of a letter sent by OCEAN 2012, a coalition of over 200 NGOs, to EU Fisheries Ministers urging them to support the European Parliament's position on reform of the Common Fisheries Policy (CFP) and aim to restore fish stocks by 2020 and end overfishing by 2015. As the process of CFP

was now in its decisive phase, he asked whether and, if so, how the Jastarnia Group wished to send a signal of support for the European Parliament's position.

Justyna Szumlycz (Poland) said that the Polish Government did not support the European Parliament's position. There being no consensus on a common position, the Group made no recommendation regarding this issue.

5.1.2 Involve stakeholders in the work of reducing bycatch of harbour porpoises (Jastarnia Plan Recommendation 2)

The Chair opened the floor for comments. Stefan Bräger (German Oceanographic Museum) reported that the German NGO *Deutsche Umwelthilfe* (DUH - German Environment Aid) had held a series of workshops where fishermen and conservationists had met. Some direct marketing techniques had been discussed which made fishing more lucrative and helped dialogue between the fishermen and conservationists. Details of the next meeting had been posted on the NGO's website. The Chair suggested that consideration should be given to either the Secretariat or the Chair or both participating and offered to explore this option with DUH's marine affairs officer.

There was no specific news regarding liaison with RACs.

5.1.2.1 Implementation of relevant JG8 Action Points (AP 1, 2)

In order to progress the drafting of the papers envisaged on bycatch, a small working group was established.

Action Point

- 10) A small drafting group comprising Sofia Brockmark, Rüdiger Stempel, Penina Blankett and Geneviève Desportes should develop briefing notes on ASCOBANS positions regarding bycatch, insofar as possible based on any drafts that the North Sea Coordinator may prepare for fora in this area. These should be used by anyone representing ASCOBANS at Baltic RACs and other meetings of relevant EU and Baltic Sea bodies in order to maintain a consistent and appropriate approach.

5.1.2.2 Other related issues

Finn Larsen (Denmark) said that a liaison group had been established in Denmark to promote dialogue on Natura 2000 sites. Papers had been prepared but only in Danish. Mr Larsen and Signe Sveegaard (Denmark) agreed to report back to the next meeting of the Group. Ms Sveegaard explained that the forum was intended to represent all stakeholders and agree how activities within designated areas should be regulated. The forum included a specialized group dealing with porpoises, which discussed the use of CCTV and pingers and had engendered a number of practical projects.

The Chair commented that the establishment of a stakeholder forum seemed to be an innovation that other countries might wish to emulate.

Regarding delivery of bycaught specimens, Heidrun Frisch (Secretariat) said that work on producing a list and analysis of legislative provisions concerning incentives had been assigned by the Secretariat to a number of interns with legal backgrounds but had not been completed. Karl-Hermann Kock (Germany) commented that it was illegal for fishermen to receive payment for bringing carcasses to the authorities. Schleswig-Holstein had encouraged fishermen to do this until it was pointed out that this infringed EU law. Article 12

of the Habitats Directive seemed explicit in prohibiting the sale, *exchange or transportation* of listed species.¹ Krzysztof Skóra (Poland) said that the law ought to be changed as the information that could be obtained from bycaught animals could be invaluable. Stefan Bräger (German Oceanographic Museum) said that it might be acceptable for the museum to pay fishermen for handing in specimens but not for the government to do so. In his view freshly bycaught specimens were a better source of data than some stranded carcasses that had started to decompose.

Mr Skóra suggested that other international legislation such as CITES might be relevant. Finn Larsen (Denmark) said that bycatch could be monitored without landing the animals concerned and that CITES made it illegal to land specimens caught beyond the six-mile limit. Geneviève Desportes' (North Sea Coordinator) understanding, on the other hand, was that there was no restriction on landing bycaught specimens. Erland Lettevall (Sweden) said that in Sweden certain species if found were deemed to belong to the Crown and there was an obligation to report catch to the authorities.

Action Point

- 11) The ASCOBANS Secretariat should produce a synopsis of bycatch-related regulations of relevance to individual fishermen, especially with regard to legal sanctions for bycatch and incentives for those delivering carcasses with a view to using the carcasses obtained for porpoise conservation research. The ASCOBANS Secretariat, with the support of the ASCOBANS Coordinators should also investigate what incentives are offered to those delivering carcasses, irrespective of whether such incentives are laid down in national legislation.

5.1.3 Replace fishing methods known to be associated with high porpoise bycatch (i.e. set nets) and introduce alternative gear considered less harmful (Jastarnia Plan Recommendation 3)

5.1.3.1 Implementation of relevant JG8 APs (AP 4, 5)

The Chair reminded the meeting that Action Point 4 dealt with pots and traps, while Action Point 5 concerned banning certain types of gear.

Sweden reported that trials of new designs of gear were still progressing well but there were no major new developments. Finn Larsen (Denmark) mentioned that a representative of fishermen in Sweden had claimed at the SAMBAH Stakeholder Workshop the previous day that the new design of gear did not work commercially. More positive feedback had been received from others. Stefan Bräger (German Oceanographic Museum) added that NABU, a German NGO, had conducted trials of new gear in Eckernförde, Schleswig-Holstein. Karl-Hermann Kock (Germany) said that traps had been issued to some fishermen. At first these traps had not been successful but it turned out that they had been deployed wrongly, and after exchanges of experience with Swedish fishermen, they seemed to work better as basic errors in the use of the traps were then avoided. One particularly enthusiastic fisherman had persevered and discovered how to make the traps work properly. Mats Amundin (SAMBAH) suspected that sceptical fishermen wanted the traps to fail, when in fact minor design adjustments could make the gear seal-proof.

Mr Kock recalled that a few decades ago long-line fishing was common for species such as salmon, but then drift nets came into vogue with their inherent bycatch problem. As

¹ Article 16 however allows derogations "in the interest of protecting wild fauna and flora and conserving natural habitats"

fishermen tended to be quite conservative, they were reluctant to revert to long lines, but there were exceptions and some fishermen were prepared to try something new.

Action Point

12) Noting the successful application of cod pots in Sweden, Parties should undertake or continue efforts to test and implement pots, traps and other porpoise-friendly gear.

5.1.3.2 Other related issues

There were none.

5.1.4 Implement a pinger programme on a short-term basis (Jastarnia Plan Recommendation 4)

The Chair opened the floor for comments. Signe Sveegaard (Denmark) questioned the phrase "short-term basis" with regard to the use of pingers as countries deployed them where they were considered effective and did not deploy them if they were not thought to be useful. The Chair said that the point was well made, but the wording was taken verbatim from the Jastarnia Plan.

Stefan Bräger (German Oceanographic Museum) said that a new design of pinger was being tested. It was being developed by Boris Culik and replicated the warning call of harbour porpoises. Heidrun Frisch (Secretariat) said that funding had been made available by the German Agriculture Ministry and trials at sea were planned for the summer with volunteer fishermen having been recruited in Germany and Denmark. At the same time, further behavioural research was being carried out to investigate the reactions of wild porpoises to the device, which was designed to alert rather than repel the animals. Mats Amundin (SAMBAH) added that no one had ever invented such a pinger with a suitable sound before; the records from one previous attempt had unfortunately been lost. Geneviève Desportes (North Sea Coordinator) said that at the ICES Working Group it had been reported that porpoises seemed to be intrigued by the new pingers as echolocation signals had been detected being directed at the device.

Iwona Pawliczka (CCB) said that the project undertaken in Puck Bay in 2011 had shown that the barrier of pingers had reduced the number of porpoises detected in the area and secondly, in ICES Area 24 where the use of pingers was mandatory only 14 per cent of vessels representing 20 per cent of the nets were above the 12-metre threshold. The EU regulation and national legislation should be tightened. Katarzyna Kamińska (Poland) said that the European Commission had consulted on amendments to Regulation 812/2004.

Karl-Hermann Kock (Germany) said that originally pingers were foreseen as a temporary measure to be used for two to three years for fear of habituation, but they were still being deployed.

5.1.5 Cross-cutting action point recommended by JG8 (AP 6)

Finn Larsen (Denmark) said that the European Commission had made it clear that Regulation 812/2004 would be abandoned when it became clear that it was obsolete, and it was therefore unlikely to be amended in the meantime. Thought was still being given to making changes to the specifications in the Annexes. ICES had been asked to examine the practicalities and a workshop had recently been held, where three issues had emerged: monitoring, reviewing Annex II and setting management targets. Ten years after the Regulation coming into being, only minor adjustments seemed likely to be effected.

5.2 Research and Monitoring

5.2.1 Analyze stock affinities of harbour porpoises in the “transition zone” of the south-western Baltic (Jastarnia Plan Recommendation 5)

There had been no action point agreed at the previous meeting. Finn Larsen (Denmark) asked whether ASCOBANS had funded a project led by Dr Foote at Copenhagen University. The Secretariat confirmed that an application had been made but had been unsuccessful given the limited amount of money available for projects. Peter Evans (Sea Watch Foundation) added that the data from the SAMBAH project might shed more light. Using ancient samples from museums might also help determine to what extent we were dealing with a relict population.

5.2.2 Develop and apply new techniques (e.g. acoustic monitoring) for assessing trends in abundance (Jastarnia Plan Recommendation 6)

There were no significant developments other than SAMBAH covered earlier in this report (see 3 above).

5.2.3 Develop interactive pingers or pingers using frequencies not audible to seals (Jastarnia Plan Recommendation 7)

Mats Amundin (SAMBAH) said that he was gradually losing confidence that interactive pingers were effective as he was aware of numerous cases where porpoises simply turned away from the pinger and looped round and swam towards the net further along. These pingers emitted an artificial *whoop* sound and therefore differed from the alerting devices emulating porpoise warning calls. Any new designs developed for use in the Baltic would also need to be seal proof; this could be achieved by using the correct frequency (130 KHz).

Karl-Hermann Kock (Germany) raised the issue of habituation, which Signe Sveegaard (Denmark) said was a problem where it led to higher rates of bycatch. Ideally porpoises became aware of nets but were not driven away entirely. Finn Larsen (Denmark) said he was unaware of evidence that habituation had led to more bycatch in areas where pingers had been used for the longest span of years. The increased rates of bycatch in years following the initial introduction of pingers in the Gulf of Maine, USA, had been attributed to their incorrect use and failure to ensure that the batteries were working (ICES, SGBYC Report 2010; Palka D.L., Rossman M.C., Vanatten A., Orphanides C.A. 2008. Effects of pingers on harbour porpoise (*Phocoena phocoena*) bycatch in the US Northeast gillnet fishery. *J. Cetacean Res. Manage.* 10(3):217-226).

Heidrun Frisch (Secretariat) pointed out that ASCOBANS was funding a project of the University of Aarhus which investigated long-term effects of pingers, including both possible habituation and habitat exclusion. Results were expected in mid-2014.

Finn Larsen (Denmark) gave some details of a project due to start shortly examining cycles of silence and activity.

5.2.4 Investigate possible detrimental effects of various types of sound and disturbance (including pinger signals, noise from vessels, wind parks or construction and seabed exploration for oil and gas) on harbour porpoises (Jastarnia Plan Recommendation 8)

5.2.4.1 Implementation of relevant JG8 APs (AP 10, 11)

Stefan Bräger (German Oceanographic Museum) said that some progress had been made with the use of bubble curtains during pile driving activities. Peter Evans (Sea Watch Foundation) had heard that the initial findings were encouraging and Mats Amundin

(SAMBAH) said that in areas with high currents it was necessary to use a double layer of bubbles.

5.2.4.2 Other related issues

No other issues were raised.

5.2.5 Monitor bycatch in fisheries known to be harmful to harbour porpoises to be able to estimate bycatch levels (Jastarnia Plan Recommendation 9)

5.2.5.1 Implementation of relevant JG8 APs (AP 3)

Finn Larsen (Denmark) reported on the positive experience in the southern Kattegat of using on-board cameras. The trial had intended to use 16 vessels but ultimately only 11 had participated. To induce them to take part, fishermen were offered a number of incentives, including permits for extra days at sea, extra quotas and exemption from April fishing restrictions. The available funding was now nearly exhausted and the project was therefore likely to be terminated at the end of 2013.

There was only one firm providing the equipment. It was based in Canada and charged Can\$10,000 for the cameras and Can\$2,000 for installation. Students could be trained to analyze the footage and some vessel owners wanted the cameras angled so that the crew could not be seen. Peter Evans (Sea Watch Foundation) commended the use of cameras which was more effective than on-board inspectors, adding that it was relatively easy to set the cameras so that the crew's faces were not visible.

In Sweden, one boat had been fitted with a camera but the equipment had been vandalized. With greater public acceptance of video surveillance, it might be worth trying the experiment again.

Mr Larsen said that it was important to be aware that on-board observers and video footage provided different types of data. He noted that video monitoring was also useful in monitoring sea-bird bycatch.

Action Point

- 13) Given the positive experiences in the Danish fishery, Parties should implement video surveillance widely in order to document bycatch of porpoises and identify and implement effective mitigation measures, and at the same time reduce discards of fish. Currently video surveillance is the most accurate measure for bycatch estimates and total documentation of the fishery, applicable also to small vessels, and meets the requirements of Article 12 of the Habitats Directive.

5.2.5.2 Other related issues

Penina Blankett (Finland) said that the proposed new European Maritime and Fisheries Fund (EMFF) for the period 2014-2020 had a combined marine and fisheries element with the intention of promoting sustainability among other things.

5.2.6 Further develop sustainable alternative fishing gear with no bycatch of harbour porpoises (Jastarnia Plan Recommendation 10)

This item had been fully covered elsewhere (see 5.1.3.1) above).

5.2.7 Compile data on fishing effort (Jastarnia Plan Recommendation 11)

Karl-Hermann Kock (Germany) suggested that it would be better to specify precisely the information that was required geared to the issue that was being addressed. Krzysztof Skóra (Poland) circulated a poster on fishing effort that had been issued at the Setubal, ECS Workshop (attached as Annex 7).

5.2.8 Examine habitat preference for harbour porpoises (Jastarnia Plan Recommendation 12)

The results of SAMBAH were eagerly awaited. Stefan Bräger (German Oceanographic Museum) added that a smaller German study had been conducted funded by the company laying a gas pipeline. It had drawn on both fisheries and environmental data and the results were expected in two months.

5.2.9 Investigate the prevalence of derelict (“ghost”) gear and the feasibility of its removal (Jastarnia Plan Recommendation 13)

5.2.9.1 Implementation of relevant JG8 APs (AP 14)

Penina Blankett (Finland) mentioned that EU funding might also be available for such activities. Sofia Brockmark (Sweden) said that in Sweden small “clean coast” projects involved clearance of ghost nets.

“Ghost Nets – Invisible Problem of the Baltic Sea”

Katarzyna Kamińska (Poland) gave a presentation prepared by Piotr Prędko of WWF Poland. The presentation concerned a project for the recovery of “ghost nets” carried out in cooperation between WWF Poland, government administrations, scientists and fishermen.

In 2011 over 15 days more than 4,000kg of nets had been recovered from the seabed and 1,800 kg from two shipwrecks in Polish waters. The following year, over 67 days more than 14,000 kg had been recovered from the seabed and 2,800 kg from eight shipwrecks in Polish and Lithuanian waters. In addition, in 2012 the Maritime Office in Gdynia retrieved 4,200 kg of nets.

A multilingual website had been set up at sieciwidma.wwf.pl where users could add locations to an interactive map where seabed obstacles had been found.

The slides comprising Ms Kamińska’s presentation are attached as Annex 8 to this report.

Finn Larsen (Denmark) said that one study had shown that many nets were not lost by accident but were deliberately discarded at sea. Facilities should be provided to allow old nets to be disposed of on land.

Action Points

- 14) Parties should collect data on the extent of ghost nets in their waters, including net types and locations. Regular assessments should then be made of the total quantities of nets lost or discarded, taking account of the distribution of different types of fisheries.
- 15) Taking into consideration the future requirements under the MSFD, Parties should implement mitigation measures for ghost nets, such as regular clean-ups, provision of disposal containers at ports, deposit systems, mandatory reporting of lost gear, marking of nets etc. Wherever possible fishing communities and other relevant stakeholders should be actively involved. A review of progress should be conducted by JG10.

5.2.9.2 Other related issues

There were none.

5.3 Marine Protected Areas

5.3.1 Expand the network of protected areas in the Baltic Sea and improve its connectivity to ensure the development of appropriate harbour porpoise management plans for these areas (Jastarnia Plan Recommendation 14)

5.3.1.1 Implementation of relevant JG8 APs (AP 15)

There had been few approaches made to members of the Jastarnia Group to tap their knowledge or seek their advice on the designation of sites. Signe Sveegaard (Denmark) had been asked to provide some data.

Peter Evans (Sea Watch Foundation) recalled that at a seminar in the Baltic organized by the EU, many members states had been criticized for their insufficient number of proposed sites, and he asked whether there had been any progress in addressing this given the deadline of 2014. Denmark had proposed 16 sites in its waters, while Sweden was working on its site list and the results of the SAMBAH project would be helpful. Krzysztof Skóra (Poland) said that the site list was only part of the story; management plans were also needed.

It was possible that some proposed sites would be amended and enlarged. Several sites put forward contained harbour porpoises, but as they had primarily been put forward because of other features, they were often rather small. Some larger sites in the Baltic and the Dogger Bank would require international cooperation to be properly managed.

Action Point

- 16) Parties, Range States and NGOs seeking to develop management plans for SACs and MPAs designated for the harbour porpoise are encouraged to make use of the expertise available within the Jastarnia Group.

5.3.1.2 Other related issues

Monika Łaskawska (WWF Poland) gave a presentation on the draft Harbour Porpoise Conservation Programme, an initiative which was being funded by the European Union's European Regional Development Fund (85 per cent) and Foundation for the Development of the University of Gdansk (15 per cent). The Hel Marine Station of the Institute of Oceanography of the University of Gdansk was a project partner.

The object of the project was the elaboration and social consultation of conservation programmes for grey seals and harbour porpoises. Plenary meetings had been held in January and September 2012, with specialized working groups organized on the subjects of interaction with fisheries and disturbance, noise and pollution. In all, 98 people from 42 different institutions and organizations representing a wide circle of stakeholders had taken part.

The aims of the project included the reduction of the incidence of harbour porpoise bycatch in Polish waters to less than one per annum within four years and to limit the spatial extent of disturbance likely to have a negative impact on harbour porpoises inside and outside protected areas designated for the species. The project also sought to improve scientific knowledge of the species and public awareness.

The conservation measures proposed were aiming at achieving a good status for the marine environment, reducing disturbance (especially noise) and ensuring the highest standard of

monitoring both before and during the construction of marine and coastal developments. Fishing gear and techniques should be modified to reduce bycatch and the network of protected sites designated for harbour porpoises should be expanded. Research and monitoring, information dissemination and international cooperation were all to be enhanced.

The slides comprising Ms Łaskawska's presentation are attached to this report at Annex 9.

Action Point

- 17) Noting the ongoing process of elaborating a conservation programme for harbour porpoises in Poland the Jastarnia Group encourages all stakeholders involved to maintain the momentum of the process and to adopt and implement the programme as soon as possible.

5.4 Public Awareness

5.4.1 Develop a comprehensive public awareness campaign (Jastarnia Plan Recommendation 15)

5.4.1.1 Implementation of relevant JG8 APs (AP 16, 17)

The Chair reminded the meeting of the 16th Action Point arising from the previous meeting and invited comments.

Heidrun Frisch (Secretariat) reported that the Secretariat had commenced the requested work on compiling information on the impacts of anthropogenic pressures (bycatch, noise, pollution, disturbance etc.) on cetaceans, specifically geared to relevant professional groups, for posting on the ASCOBANS website. Given the workload of the Secretariat, however, progress was slow.

Mats Amundin (SAMBAH) said that there were plans for a database for the SAMBAH findings but it had yet to be decided where it would be hosted. There was also a possibility to expand a bird sightings programme operating on the west coast of Sweden to include cetaceans as well. The Chair suggested that sightings initiatives could be promoted through the International Day of the Baltic Harbour Porpoise.

Peter Evans (Sea Watch Foundation) explained that in the UK for the past twelve years organized cetacean sighting activities had grown to involve over 2,000 people, both experts and ordinary members of the public, covering sites from the Shetlands to the Scilly Isles, either shore based or in boats. Given the length of the UK coastline and the unpredictability of the weather, the sightings day could take place over two weekends. An "app" had been developed meaning that observations could be logged instantaneously and appear online. The "app" could be made available with modifications for use elsewhere.

Monika Łaskawska (WWF Poland) said that in Poland a group of 150-200 volunteers had been built up over three years to undertake shore-based sightings. The exercise had served as a useful instrument for data gathering and public awareness raising, but the success of the activity depended on the weather and participants could be disheartened if no animals were spotted. Over the years, a number of stranded animals had been found including one live one. Boards had been erected with a contact telephone number for members of the public to call.

Signe Sveegaard (Denmark) said that in Denmark four set days were identified for given locations. The length of time that people were present observing was logged and an "app" had been developed for sightings to be recorded.

Sweden commented that a dedicated day added systematic data to the more random opportunistic sightings. Technological advances meant that many mobile phones had GPS devices and cameras, so that photographs and precise locations could be recorded at once.

Action Point

- 18) Parties should establish sightings and strandings programmes, preferably in a coordinated fashion for all Baltic Sea states. They should consider initiating sightings days or weeks, comparable to the National Whale and Dolphin Watch in the UK. They should also consider developing a sightings and strandings app for smartphones.

5.4.1.2 Update on HELCOM-ASCOBANS harbour porpoise data base

The Chair reminded the meeting of the 17th Action Point arising from the previous meeting regarding sightings campaigns and related databases and invited comments.

Penina Blankett (Finland) said that HELCOM had not received much data and most countries had not provided any sightings information. Ms Frisch reminded participants that she had recently sent a reminder to ASCOBANS Coordinators and the Jastarnia Group with HELCOM's request to receive updates by 10 May 2013, in time for the next meeting of HELCOM HABITAT. HELCOM had also provided a data form, specifying how the data should be submitted. Stefan Bräger (German Oceanographic Museum) said that his museum was about to submit data. Petra Deimer (GSM) said that when GSM had been responsible for the sightings data, information was always promptly forwarded to HELCOM.

The Chair reminded Parties of the need for them to designate focal points for the HELCOM database as set out in Action Point 18 of the 8th Jastarnia Group Meeting. Ms Blankett (Finland) was sending reports to HELCOM but the intention was for each Party to have someone responsible. The Secretariat would send reminders.

5.4.1.3 Other related issues

Stefan Bräger (German Oceanographic Museum) explained that for 23 years now the Museum had been producing an annual publication containing articles on a wide range of themes. One edition had highlighted marine mammals in the Baltic Sea. The publication was issued in German only, but it contained information on marine mammals in the Baltic as a whole. The files and photographs could be made available to ASCOBANS if there was interest in producing different language versions.

It was suggested that ASCOBANS might consider a joint project with HELCOM, which would be interested in the information on seals. Peter Evans (Sea Watch Foundation) pointed out that some of the data might need to be revised in the light of the findings from SAMBAH. It was agreed that feedback from HELCOM HABITAT should be sought through the German delegation.

Action Point

- 19) Parties are encouraged to consider producing an updated and slightly modified English-language version of the German Oceanographic Museum's publication on marine mammals of the Baltic Sea. Depending on the reaction of HELCOM HABITAT, this publication could be produced jointly with HELCOM.

5.5 ASCOBANS Cooperation with Other Bodies

5.5.1 Strive for close consultation and cooperation between ASCOBANS and other relevant regional and international bodies (Jastarnia Plan Recommendation 16)

5.5.1.1 Implementation of relevant JG8 APs (AP 7-9, 12, 21)

The Chair pointed out that there had been several relevant Action Points identified by the previous meeting of the Group.

Technical Measures Framework (TMF) and Data Collection Framework (DCF)

Regarding Action Point 7, the Secretariat had addressed the European Commission as instructed to urge it to seek the Group's advice when the TMF and DCF of the Common Fisheries Policy were being drafted. Timetables for consultation on the two frameworks had yet to be determined and the Secretariat would maintain contact with the Commission.

EC Regulation 812/2004

Regarding Action Point 8 the Secretariat had raised the urgent need to amend Regulation 812/2004 to address the specific problems in the Baltic Sea. Karl-Hermann Kock (Germany) pointed out that since it appeared that the regulation would not be amended so it was important to ensure changes were made to its annexes.

Finn Larsen (Denmark) sought greater clarity on what precisely was being asked with regard to Regulation 812/2004. Krzysztof Skóra (Poland) said that when the regulation had been adopted, there was only one type of pinger available; now others had been developed and these should be brought within the scope of the Regulation. Monitoring should be extended to smaller boats and the rules governing logbooks should be revised. Regulation 812/2004 as it stood was not proving particularly helpful for harbour porpoises and ICES had also suggested making changes. It had been pointed out that the observer programme prescribed was expensive and failed to bring commensurate benefits. Stefan Bräger (German Oceanographic Museum) advocated extending the use of pingers further east and said that the Regulation by prescribing the type of pinger allowed was impeding technical developments.

Mr Larsen explained the remit of the ICES Bycatch Working Group. One of its mandates was the revision of Regulation 812/2004 and how it could be amended to reflect technical advances. It was difficult to word legislation in a way to accommodate unknown future developments. The Regulation contained provisions for monitoring schemes and which fleets it covered, and the Commission had indicated its willingness to review the Annexes. In response to a question from Sara Königson (Sweden) regarding examination of the optimal distance between pingers, he said that some experiments were being undertaken, but manufacturers had little incentive to make changes resulting in wider spacing. Mats Amundin (SAMBAH) said that the 200 metres distance between pingers factored in the possibility of some of the devices malfunctioning. Mr Larsen said that manufacturers might want to improve the reliability of their equipment.

Iwona Pawliczka (CCB) felt that the geographic definition of where pingers should be used was insufficient; it was important to cover more vessels and problematic net types. It was also important to secure greater coverage than 5 per cent of the fleet and address gillnets rather than trawls. She urged the Secretariat to continue to press the Commission to reform the Regulation.

Sofia Brockmark (Sweden) suggested that a representative of the Commission be invited to the Advisory Committee and that no further action be taken until the results of SAMBAH were known. Concerns were raised about further delays and doubts voiced about extending

observer programmes because of the expense. It was suggested that monitoring effort be transferred to smaller ports. Both Mr Larsen and Peter Evans (Sea Watch Foundation) pointed out that the Regulation contained provisions that member states were evidently not implementing fully. Katarzyna Kamińska (Poland) countered that Poland was observing more vessels than the legislation required.

The Chair suggested that Parties be urged to implement the Regulation as it existed and that the Advisory Committee be asked to call for amendments to strengthen it. Heidrun Frisch (Secretariat) felt that existing recommendations from the Jastarnia Group provided a basis, while Mr Kock, Ms Pawliczka and Petra Deimer (GSM) felt that the Jastarnia Group was an important forum and should make its views known. Its advice and recommendations could be changed at a later date in the light of new evidence from the SAMBAH project.

There was some discussion about whether to recommend the extension of the area where use of pingers was mandatory to ICES Areas 25 to 29 and 32 and the need for such pingers to be inaudible to seals. The Chair pointed out that the current wording referred to “high risk areas” which was not specific whereas ICES Areas were clearly defined. Mr Evans suggested that it was important to flag the issue and perhaps be more specific when more information was available. Patricia Brtnik (Germany) pointed out that the recommendation was calling for greater use of pingers when these were seen as a short-term measure. Mr Amundin agreed but felt that extended use of pingers known to reduce bycatch was preferable to the alternative, which would be higher bycatch.

Bycatch in the Baltic

A holding response had been received from the Commission regarding the continuing problem of bycatch in the Baltic (Action Point 9). Mr Kock mentioned the ICES bycatch working group which met in February. Its remit was wider than just harbour porpoises and ASCOBANS was also rarely represented. Mr Larsen was a member of the Working Group and stressed that its remit was scientific rather than policy-oriented.

HELCOM BALTFIMPA Project

In pursuance of Action Point 12, Ms Frisch had been nominated to be the ASCOBANS representative on the HELCOM reference group for the BALTFIMPA project. She had been involved in some electronic exchanges, but so far had not been able to attend meetings because of other commitments.

Russian Federation

Ms Frisch reported that the Secretariat was in contact with the Russian Federation through their HELCOM SEAL representative in order to obtain information on harbour porpoise strandings in Kaliningrad, as set out in Action Point 21.

Action Points

- 20) Parties are strongly encouraged to fulfil their obligations under the current EC Regulation 812/2004 and the Habitat Directive.
- 21) The Chair of the Advisory Committee and the Secretariat should continue approaching the European Commission and the ICES Bycatch Working Group to draw attention to the need to address the bycatch problem in the Baltic.

5.5.1.2 Other related issues

There were none.

5.5.2 Other Jastarnia Plan APs (AP 22)

HELCOM

Penina Blankett (Finland) asked whether the Group wanted to convey any message to the forthcoming HELCOM ministerial meeting. In view of the timing, the Secretariat would have to write to the Baltic National Coordinators to obtain their endorsement. The Secretariat would then transmit the suggested wording to the HELCOM Secretariat.

Recommendations

With regard to the overview of recommendations contained in the Jastarnia Plan and made by the Group, Heidrun Frisch (Secretariat) said that the template prepared by the last meeting had been filled with all recommendations so far made. Many concerned related subjects and reiterated recommendations made at previous meetings; these had been merged where practical. The template included a column for the main actors. The columns for deadlines and level of priority were as yet empty. Where Jastarnia Group Meeting reports or national reports mentioned actions undertaken in relation to recommendations of the Group or in the Plan, reference had been made. She suggested adding a column on implementation progress for actions requested of the Secretariat, in line with those present for the Parties.

The Chair commended the Secretariat for the work done. Stefan Bräger (German Oceanographic Museum) asked whether deadlines could easily be added and Ms Blankett said that the table was a useful tool for Parties to chart their progress.

It was agreed that refinements to the template and verification or correction of the information on progress would be done through correspondence inter-sessionally. Care would be taken to ensure that the procedures did not replicate the burdens of national reporting and consideration would be given to a procedure for removing obsolete recommendations.

Action Point

- 22) ASCOBANS should request environment ministers to note the critical status of the harbour porpoise in the Baltic Sea and to address decisive action to work towards a favourable conservation status by implementing the ASCOBANS Jastarnia Plan and in part by addressing the pressing problem of bycatch.
- 23) Parties, the Secretariat and the Jastarnia Group are requested to review and update the overview of recommendations by 31 December 2013, providing guidance as to how to proceed with past recommendations.

6. Review of Terms of Reference for the Jastarnia Group

This issue had been added to the agenda for two reasons. First, it was necessary to regularize the presence of the North Sea Coordinator at the meeting and ensure that reciprocal arrangements would be made for any Baltic Sea Coordinator to attend meetings of the North Sea Group. The second reason was reviewing the membership, as there had been an expression of interest from Whale and Dolphin Conservation (WDC) to be accorded observer status. Currently the terms of reference allowed only one conservation NGO and

one fisheries organization to be represented at the meetings. Heidrun Frisch (Secretariat) said that the North Sea Group had modelled its terms of reference on those developed under the Jastarnia Group, but had made one important change that related to NGO attendance.

Finn Larsen (Denmark) asked about the status of NGOs on the Jastarnia Group. As the Group was advisory in nature and operated by consensus, there was no practical distinction between members and observers. All attending the meeting represented their own particular constituency. Signe Sveegaard (Denmark) pointed out that NGOs would essentially have a veto if they withheld consent in a forum operating by consensus. This issue was one that the Chair felt that Parties needed to bear in mind when considering changes to the terms of reference. Geneviève Desportes (North Sea Coordinator) said that the North Sea with its wider membership also operated by consensus, but had not experienced any problems.

There seemed to be no precedents to follow from other forums such as ACCOBAMS or the IWC. Penina Blankett (Finland) expressed concern about moving to a more formal process with voting. Peter Evans (Sea Watch Foundation) said a decision was needed about whether to restrict membership or have an "open door" policy. Stefan Bräger (German Oceanographic Museum) felt that the Group should remain a manageable size.

Mr Larsen reported that his colleague from the Danish Ministry of Food, Agriculture and Fisheries had gained the impression after contacting the Secretariat that her presence would not be welcome at the meeting. Ms Frisch explained that this was clearly a misunderstanding as the Secretariat had simply tried to make clear the nature of the meeting so that the representative of the Danish Ministry of Food, Agriculture and Fisheries could make an informed decision about whether to attend. The Secretariat also understood that the Danish Fisheries official was unable to attend because of other commitments. This was a point to bear in mind when reviewing the terms of reference of the Jastarnia Group.

The Chair proposed that the Parties be asked to review the terms of reference of the Jastarnia Group intersessionally.

Action Point

- 24) The Secretariat should consult the Jastarnia Group by email on the revision of the Terms of Reference.

7. Conservation Plan for the Harbour Porpoise Population in the Western Baltic, the Belt Sea and the Kattegat

The Chair opened the discussion on this agenda item pointing out that this was the first time that the Jastarnia Group would review the implementation of the Plan since its adoption at the Meeting of Parties in 2012.

After the floor had been opened for general comments, Signe Sveegaard (Denmark) observed that the provisions concerning bycatch in the earlier drafts of the Plan had been watered down, but she nonetheless welcomed the fact that the Plan was now in place.

7.1 Objective a. Involvement of All Stakeholders in the Implementation of the Plan and its Evaluation

7.1.1 Actively seek to involve fishermen in the implementation of the plan and mitigation measures to ensure reducing bycatch (GAP Recommendation 1)

The Jastarnia Group had been grappling with this issue for the Baltic proper for some time. The Chair asked whether participants had any suggestions as to how to approach this subject in the area covered by the new plan.

Signe Sveegaard (Denmark) advocated establishing as wide a forum as possible and holding meetings to persuade fishermen that the conservation measures proposed were based on sound science. Denmark was making positive experiences with this approach. Karl-Hermann Kock (Germany) said it was difficult to persuade fishermen to attend meetings and as they tended to be sceptical of scientists, it might be advisable to ensure the attendance of Ministry officials whom they trusted more. Petra Deimer (GSM) recalled a recent meeting convened by the Schleswig-Holstein fisheries minister which was attended by scientists, NGOs and fishermen. The fishermen had been aggressive and unconstructive, making the meeting a failure. Mr Kock stressed that there was a minority of fishermen who were open to new ideas and willing to assist with trials of new gear. Given the division of responsibility between the Federal and *Land* authorities, it was crucial to liaise well; it was also preferable if Fisheries Ministries took the lead rather than Environment ones, as this would help gain the fishermen's trust. Geneviève Desportes (North Sea Coordinator) suggested that ASCOBANS should be represented at RAC meetings, where it would be important to be well-briefed with a convincing case. Finn Larsen (Denmark) said that it was also an advantage to meet the fishermen on their ground. In his experience meetings held in Copenhagen were attended by the fishermen's representatives rather than the fishermen themselves, and were not necessarily a good use of time. Sofia Brockmark (Sweden) confirmed that in her experience, local meetings adopting the "bottom-up" approach were more effective; such local meetings were being organized in Sweden with regard to the proposed SACs. Erland Lettevall (Sweden) added that as well as seeking agreement on substantive issues it was important to build trust and to be accessible to stakeholders. Larsen (Denmark) stressed the need to explain policies in simple terms, while Peter Evans (Sea Watch Foundation) cited the example of the Sea Safe project in Portugal which had been funded by the EU and comprised locally organized workshops with direct contact with fishermen, engendering two-way learning.

The Chair commented that with different administrative systems operating in the three countries it was unlikely that one solution would be applicable across the area covered by the Plan. Given the language differences, it was impractical to undertake such meetings internationally. In some circumstances, one large national meeting might work, and to hold a series of local meetings would require funding and facilitators. Mr Kock suggested asking Fisheries Ministries for funding or to seek co-funding from Fisheries and Environment Ministries. Ms Sveegaard said that the national forum on Denmark was sub-divided into smaller working groups, but there was no fishermen's representative on the group dealing with harbour porpoises.

On the point of whether scientists or Fisheries Ministry officials should address the fishermen, Mr Evans suggested that both should; such an approach worked well in the Netherlands. Problems arose when the consultation process was inadequately funded. He had also spoken to representatives of the European Commission, who were keen to engage with stakeholders to address the shortcomings of regulations and to make policies more effective. Stefan Bräger (German Oceanographic Museum) concurred, saying that it was necessary to build a team of people to spread the message. He also saw motivation as the main issue rather than education. Fishermen presented with the incentive of a certification scheme were more likely to take an interest. Mr Evans added that a "carrot and stick"

approach might be necessary. Some problems would only be solved by changing practices and this was likely to meet resistance. Some coastal communities were suspicious of environmentalists and it was important to find the more receptive individuals to recruit them to win over the sceptics.

Mr Bräger felt that no one was taking responsibility for establishing the national forums of stakeholders and Ms Desportes said that she was under the impression that national governments were not fully aware of what activities were taking place on the ground. In Denmark, for instance, the national forum met twice or three times a year for two to three hours, not enough time to address all the issues exhaustively. It was difficult therefore to gain a proper sense of what needed to be done. Concerns were expressed that undertaking an in-depth review would take too much time, and Ms Sveegaard suggested that if each country were to have a stakeholder forum, lessons could be learned from all of them, if the international communication were improved.

Mr Bräger pointed out that the Plan contained a well-defined Objective, but it appeared that Parties might want guidance on how to set about implementing it rather than another exhortation to put it into practice. The Group should seek funds to do this. It was however questioned what role there was for the Group given that the wording of the Objective clearly placed the ball in the Parties' court. It was suggested that this might be an area to fall within the responsibility of the Baltic Coordinator, should the post ever be created.

Action Point

- 25) National Coordinators should provide an overview of measures currently ongoing in their countries to actively engage fishing communities and other stakeholders in the implementation of the Plan, in order to identify existing gaps and lessons learnt of interest to all Parties. Parties should provide the funding required for measures needed to fill the gaps. Parties should explore the possibility of obtaining EU funding for this purpose.
- 26) National Coordinators should commence the process of establishing the stakeholder working group required under Objective a. of the Plan.

7.1.2 Cooperate with and inform other relevant bodies about the Conservation Plan (GAP Recommendation 2)

Heidrun Frisch (Secretariat) said that she was waiting for final clearance to release the report of the MOP, which included the adopted Plan. The Secretariat would address this action promptly once the official document had been issued.

7.2 Objective b. Mitigation of Bycatch

The Chair commented that these issues were familiar to all those that had been dealing with the Plan covering the Baltic proper.

7.2.1 Protect harbour porpoises in their key habitats by minimizing bycatch as far as possible (GAP Recommendation 3)

Signe Sveegaard (Denmark) said that she doubted that there was a single measure that would solve the problem and so it was necessary to continue research and develop new gear and other mitigation and preventative measures. Finn Larsen (Denmark) intervened saying that the European Commission had made it clear that it felt that pingers were the best

available solution. Ms Sveegaard countered that concerns over the issue of exclusion had not been properly addressed. Stefan Bräger (German Oceanographic Museum) pointed out that the Recommendation referred to the vaguely defined “key areas”; he wanted to know what measures were foreseen in other areas, such as corridors. Mats Amudin (SAMBAH) said that it was irrelevant where bycatch took place – protected areas or elsewhere; the result was dead animals. Ms Sveegaard said that an earlier draft of the Plan had made a clearer distinction between “key areas” (i.e. SACs under the Habitats Directive) and elsewhere, but the adopted text was vaguer in this regard. Mr Amudin asked whether it was envisaged that certain types of fishery should be prohibited from SACs. Mr Larsen said that as SACs differed in size and features, no blanket solution would apply. In some, pingers would be suitable, especially as there was not definitive proof that they led to permanent exclusion. Research had been undertaken but had not established what distance porpoises kept from pingers, but the methodology was sound. Ms Sveegaard asked whether the effects being measured were from single devices or from the cumulative effect of an array of pingers (see also Agenda Item 7.5.1).

The Chair read the Recommendation set out in the plan. It made explicit reference to the Habitats Directive, SACs and the CFP and specifically called for Parties to act. He saw little scope for a recommendation other than to exhort parties to implement the measures set out in the Plan.

7.2.2 Implement pinger use in fisheries causing bycatch (Recommendation 4)

Stefan Bräger (German Oceanographic Museum) reiterated comments made earlier that the original draft of the Plan was in many respects stronger than the version adopted. The Jastarnia Group might wish to provide Parties with robust advice on implementation, especially with regard to harbour porpoise SACs designated under the Habitats Directive, particularly as these sites were relatively small and that protection needed to be afforded to the animals in wider areas. The Conservation Plan covered a clearly defined area, but this did not entirely reflect ecological realities, as it was almost certain that harbour porpoises from the Western Baltic, the Belt Sea and the Kattegat went into Polish waters. Finn Larsen (Denmark) said that the Parties had adopted a Plan at the MOP and the Group should concentrate on implementing it. The Chair said that the Group as a gathering of experts should make recommendations that might stretch the boundaries but not break them.

With regard to providing advice, Mr Bräger suggested that if a Baltic Coordinator were appointed with a similar mandate as the North Sea Coordinator, one of the tasks assigned could be organizing workshops. The Chair pointed out that while the idea of appointing a Coordinator had been well received, no funding was forthcoming to create the post. He suggested that the Group still urgently request Parties to provide the resources for a single Coordinator to cover both the Baltic proper and the Western Baltic, the Belt Sea and the Kattegat.

During the discussion on the wording for an Action Point on the use of pingers regardless of vessel size or type, Mr Larsen questioned the meaning of “controlled” in this context. The report of the MOP did not shed any light on what might have been intended. Erland Lettevall (Sweden) suggested that this might imply the monitoring of fisheries for bycatch. The question was also raised whether making the use of pingers compulsory for all vessels might require amendments to EC Regulation 812/2004, but the Habitats Directive allowed member states to implement additional measures to protect species listed in the Annexes. Doubts were voiced whether member states would actually do so, as it would place their vessels at a competitive disadvantage.

Geneviève Desportes (North Sea Coordinator) said that a further aspect was that fishermen from one country operated in the waters of another. This was also true in the Mediterranean where ACCOBAMS found that there were adjoining SACs designated in different countries,

necessitating complicated international liaison, to ensure that the various regulations were respected by all nationalities. Within the area covered by the plan there were sectors where German, Danish and Swedish vessels fished. It was however not thought that any vessels from outside the immediate region (e.g. from the Netherlands or Poland) operated in these waters. The Habitats Directive did not require a standard set of regulations to apply in all SACs, although this seemed to some to be the implication of the Conservation Plan.

Mats Amundin (SAMBAH) described the click loggers he was developing in cooperation with Aquatec, which had arisen from trials with interactive pingers. These had waterproof connectors for data download, battery charging and hydrophone connection. He also played a slowed-down recording of the noise the AquaClick 100 pinger made. Other relevant experiments with high frequency tones were carried out by Ron Kastelein. Some of these frequencies were inaudible to seals, and as effective deterrents as the broadband AquaMark or the traditional, narrow-band, Dukane ~10 kHz sounds, but would be especially interesting as an alternative for the Baltic region, where the 'dinner-bell effect' on seals was a major problem and worry for the fishermen.

Mr Bräger said that the SAMBAH findings might be relevant if they were able to detect the clicks emitted by the acoustic deterrent devices. Comparative studies of stations using new pingers would see what the effects of the different pinger designs were.

Heidrun Frisch (Secretariat) reminded participants about the update provided under Agenda Item 5.1.4. Boris Culik, who was developing the porpoise alerting devices (PAL) stimulating investigation of the animals' surroundings by making use of porpoise warning calls, was about to undertake trials starting in June 2013 on two German and one Danish vessel using 220 prototype devices and 220 dummies.

Action Point

- 27) Parties are strongly encouraged to take all necessary steps to develop as soon as possible:
- a) agreements on mutual observance of fisheries regulations to minimize bycatch rates within Harbour Porpoise SACs,
 - b) agreements to implement immediately the controlled use of pingers in gillnet fishery associated with bycatch irrespective of vessel size or type, as provided for in the Plan.

7.2.3 Where possible, replace gillnet fisheries known to be associated with high porpoise bycatch with alternative fishing gear known to be less harmful (GAP Recommendation 5)

Karl-Hermann Kock (Germany) regretted that the MOP had watered down the wording by adding "where possible". Signe Sveegaard (Denmark) said that there were other passages where the provisions had been toned down even more. The Chair critically noted that there were many interpretations as to what could be considered "possible" and Stefan Bräger (German Oceanographic Museum) was not clear whether Parties were being asked actively to undertake development of new gear, for which funding would doubtless be required.

Mats Amundin (SAMBAH) advocated the promotion of positive co-existence with fishermen, which might include allowing boats into wind farms to service fish traps, which were not detrimental to harbour porpoises.

Heidrun Frisch (Secretariat) said that a number of recommendations had been made concerning labelling schemes as suggested in the Plan, but few seemed to have been taken up. She asked whether Parties had sufficient knowledge on how to set such schemes up

and operate them successfully and whether it would be useful to compile a list of the basic steps.

Mr Bräger felt that labelling schemes were a good marketing tool, but the Marine Stewardship Council (MSC) criteria did not include the use of acoustic deterrents. Finn Larsen (Denmark) noted that the MSC almost certainly did take bycatch mitigation into account. Both the Chair and Peter Evans (Sea Watch Foundation) said that the criteria seemed lenient, citing levels of seabird bycatch allowed by the FSC (which were calculated in tonnes), and how stringently they were applied seemed dependent on which reviewer was assigned to undertake the assessment. Mr Larsen said that in the case of seabirds, some species' populations were high, so it was difficult to assess what constituted "high levels" of bycatch. The MSC took account of the target stock, the ecosystem and the management of the fishery; bycatch would therefore be covered by the second of these areas. While the criteria seemed to be sound in theory, there was the second question of whether they were applied properly in practice. The Chair noted that there had been some criticism of the MSC scoring system under which applications were accepted provided the fishery scored 60 per cent across the three criteria; some suggested that 80 per cent should be the pass mark.

Ms Sveegaard was aware of the MSC refusing accreditation to one Baltic Sea fishery because of the threat of bycatch. Mr Bräger said that it was appropriate for the Jastarnia Group to advise bodies such as the MSC on its labelling schemes.

The Chair suggested the Group should concentrate on locally operated schemes such as the one operating in Hel in Poland. Mr Evans asked what initiatives existed at international, national and local levels and what criteria they used. Erland Lettevall (Sweden) said that a national scheme existed in Sweden for fisheries.

Krzysztof Skóra (Poland) said that using the label for the pelagic sprat fishery was relatively easy given the degree of certainty that it did not cause bycatch. Consumers wanted to buy eco-friendly products and the producers were keen to acquire the recognition. Those operators denied accreditation could however become resentful. The criteria for accreditation could evolve in response to local conditions. Initially, schemes in Poland only considered the sustainability of the targeted stocks; only later was bycatch mitigation added.

As labelling schemes took time and money to be established, Mr Bräger advocated working with existing initiatives and trying to influence them and improve their standards. ASCOBANS could become recognized as the main adviser on matters relating to harbour porpoise bycatch. Mr Evans thought that if ASCOBANS were to become involved, then it should deal with all small cetaceans found in the Agreement Area, not just harbour porpoises.

Regarding the question whether ASCOBANS should consider setting up its own label, the Chair warned that there were strict rules about the use of UN logos on commercial schemes and he also asked how ASCOBANS could assess the validity of any green labelling initiative or any application made for accreditation, given the number of different fisheries and the number of vessels involved. It was clear that some fisheries were better than others, with some fisheries causing least concern and gillnets most.

Ms Frisch asked whether the terms of reference for the Bycatch Working Group might be changed in order to be mandated to assist with engagement with the MSC and other labelling organizations. It was suggested that the Working Group might even be able to provide advice to fishermen on how to obtain certification. However, if ASCOBANS were to provide advice to fishermen, then a contact number should be provided and that would have to be the Secretariat's rather than the Working Group's.

Action Points

- 28) Parties should allocate resources for a study aimed at obtaining an overview of promising alternative fishing gear and practices and provide funding for related research as needed.
- 29) ASCOBANS should seek to influence existing eco-labelling programmes to take full account of the need to avoid cetacean bycatch in certifying fisheries. ASCOBANS should offer to provide advice to fishermen as to how to achieve this aim. The Terms of Reference of the Bycatch Working Group should be amended to enable them to provide such advice.
- 30) Parties and the EU should be mindful of the need to observe the principles of the FAO Code of Conduct for Responsible Fisheries. National authorities should make fishermen aware of the Code of Conduct and the principles it contains.

7.3 Objective c. Assessment of the Bycatch Level

7.3.1 Estimate total annual bycatch (GAP Recommendation 6)

Three actions were foreseen in the Plan: effective monitoring, facilitating the landing of bycaught porpoises and identifying gear types responsible for bycatch.

Finn Larsen (Denmark) said that Denmark was trialling monitoring with cameras fitted on board 10 vessels within ICES Areas 22 and 23 with the aim of extending this to 16 vessels if funding allowed. It was unlikely that the scheme would be extended to ICES Area 21 South.

Cameras could only be fitted where the captains agreed and younger captains seemed more willing to accept them. Cameras were a more practical alternative to on-board observers in the case of smaller vessels. The footage recorded did show bycatch. It was hoped that more captains would accept cameras when they saw that there were no negative results. Mr Larsen had noticed a change of attitude; ten years earlier the idea of on-board cameras had been rejected out of hand, but fishermen's organizations had been won over; only individual fishermen remained opposed.

The Danish fleet included only 36 vessels between 10 and 12 metres operating in the Inner Danish Waters, with 500-600 vessels less than 10 metres in size. Only in the North Sea did the fleet contain a greater number of larger vessels. The cameras on board ten vessels meant that the percentage of the coverage of the total effort was reasonably high. There was no intention to extend the use of cameras to smaller vessels as it was necessary to have a covered wheel house to set up the control box. It would be possible to design a weather-proof cover but it was not worthwhile fitting cameras to vessels that were at sea for only a few days each year.

Karl-Hermann Kock (Germany) mentioned a project initiated by fishermen from the island of Rügen who had installed cameras as a means of proving that their operations did not cause bycatch. So far, no bycatch incident had been recorded.

Erlend Lettevall (Sweden) said that the former Swedish Board of Fisheries had tried to use on-board cameras but the experience had been discouraging. Three captains had agreed to have them installed but in the event only one went ahead and the equipment had been vandalized. Resources were limited but funding might be sought in the light of the success of the Danish project.

Geneviève Desportes (North Sea Coordinator) said that she was aware of a forthcoming initiative in the Netherlands using CCTV. The institute for which Meike Scheidat worked was involved so she might have more information. Signe Sveegaard (Denmark) said that one incentive offered to fishermen to participate was to increase their quotas.

The landing of carcasses and the legality of this had been discussed fully during the meeting of the Baltic Group (see item 5.1.2.2.above). The Group had issued recommendations on this issue previously and these could be reiterated.

Action Point

- 31) Parties should advise the Jastarnia Group and the Secretariat of any ongoing projects regarding bycatch estimation and of results of these projects.
- 32) Parties are encouraged to undertake or promote research regarding bycatch estimation.

7.4 Objective d. Monitoring the Status of the Population

7.4.1 Estimate trends in abundance of harbour porpoises in the Western Baltic, the Belt Sea and the Kattegat (GAP Recommendation 7)

7.4.1.1 Implementation of relevant JG8 APs (AP 13)

Signe Sveegaard (Denmark) reported that her university's applications for funding for a survey had been successful in both Denmark and Germany. Sweden had also participated in the project. The results were not yet available. A meeting would be held later in April 2013 and it was expected that the abundance estimates would be released in May. Karl-Hermann Kock (Germany) said that he was working on the figures for the various areas covered. Finn Larsen (Denmark) expressed regret that the figures were not available to the meeting and asked whether preliminary results could be released, given the dire predictions made concerning the likely extent of the species' decline. Ms Sveegaard said that the results were under embargo but Mr Kock said that they would be available shortly and in good time for the Advisory Committee.

Heidrun Frisch (Secretariat) said that the Plan called for such surveys to be carried out regularly and the Chair called for greater collaboration in general emulating the multinational nature of the recent research. Ms Sveegaard said that a small-scale project along the lines of SCANS was envisaged and consideration was being given to the appropriate reference area and the optimum time interval. Patricia Brtnik (Germany) said that Germany was also conducting its own surveys in parallel to collaborative surveys. Stefan Bräger (German Oceanographic Museum) asked whether it was too early to recommend the best survey techniques and whether aerial surveys were more effective than sea-bound ones. Ms Frisch said that Parties should be encouraged to support the idea of conducting a SCANS III survey and Geneviève Desportes (North Sea Coordinator) stressed the importance of consistency of approach so that results from different surveys would be comparable.

Action Points

- 33) Denmark, Germany and Sweden are strongly encouraged to continue to cooperate in order to survey the Western Baltic (gap area) harbour porpoise population and evaluate trends in population density and abundance.
- 34) Parties are strongly encouraged to lend their support to the projected SCANS III survey.

7.4.1.2 Other related issues

There were none.

7.4.2 Monitor population health status, contaminant load and causes of mortality (GAP Recommendation 8)

Signe Sveegaard (Denmark) said that each country should provide data for the database based on a sample of approximately 20 animals per year using standardized procedures. Geneviève Desportes (North Sea Coordinator) added that a common complaint among the North Sea states was that there was insufficient funding to conduct necropsies. Stefan Bräger (German Oceanographic Museum) said that in the Baltic 200 carcasses were available each year but far fewer necropsies were carried out. Erland Lettevall (Sweden) said that in Sweden some analysis was done on complete animals and some just on fin samples. Peter Evans (Sea Watch Foundation) asked for the rationale of setting the quota at 20; this figure had been reached as it seemed realistic given budgetary constraints, but the meeting agreed that determining the right sample size would require further discussion.

Heidrun Frisch (Secretariat) commented that such work was needed across the entire Agreement Area and not just in the seas covered by the Plan. Ideally there should be a single repository for all the data, and the Advisory Committee had in 2010 committed funds to the Zoological Society of London (ZSL) for a feasibility study on the creation of a web-accessed strandings database covering Agreement Party and Range States within the ASCOBANS region. Results had been very promising and the project report had been presented to AC19 and endorsed by the MOP. The Secretariat was now trying to raise the funds to commission someone to start implementing these ideas. Ms Sveegaard pointed out that the Western Baltic, the Belt Sea and the Kattegat contained a specific population and the three countries of the range were best placed to deal with the analysis.

Action Points

- 35) Parties should collect a certain number of stranded or bycaught animals annually. The number of animals to be collected should be determined by means of an informal consultation process between the responsible experts in the respective countries, possibly drawing on the experience gathered in other ASCOBANS Parties.
- 36) These animals should be necropsied and examined with regard to health status, contaminant load and causes of mortality. The resultant data should be fed into a common database, such as the future database required under MOP Resolution 7.4.

7.5 Objective e. Ensuring Habitat Quality Favourable to the Conservation of the Harbour Porpoise

7.5.1 Ensure a non-detrimental use of pingers by examining habitat exclusion and long-term effects of pingers (GAP Recommendation 9)

This issue had been discussed at length under item 7.2.1. Heidrun Frisch (Secretariat) pointed out that ASCOBANS was funding a project that was looking at long-term effects of pingers and was being undertaken by Aarhus University in Denmark. Results would become available in mid-2014.

The meeting discussed whether data from the SAMBAH project might be suitable for analysis regarding these effects. Mats Amundin (SAMBAH) thought that this might be possible, but would be outside of the scope of the project. The data would however remain available for additional types of analyses in the future.

Action Point

- 37) Parties should without delay commission additional research into resolving potential habitat exclusion and the long-term effectiveness of pingers. One possible option would be to explore whether data collected under the SAMBAH project could be used for this purpose.

7.5.2 Include monitoring and management of important prey species in national harbour porpoise management plans (GAP Recommendation 10)

The Chair pointed out that the wording of the Action Point and the Plan itself was explicit and was called for cooperation among the Parties regarding the management of prey species. Finn Larsen (Denmark) said that most prey species were being monitored in the area subject to the plan, but Peter Evans (Sea Watch Foundation) said that this generally only applied to commercially exploited species, and not to others equally important to harbour porpoises such as sprats. Mr Larsen added that stocks were being managed through the CFP and any separate national plans might contravene EU policy. Signe Sveegaard (Denmark) said that more needed to be known about the incidence of harbour porpoises and their prey. While a great deal was known about the position in general, detailed data on specific locations were lacking and a better understanding of the correlation between predator and prey would be helpful.

Action Point

- 38) Parties should undertake efforts to collect data on relevant prey and prey communities.

7.5.3 Restore or maintain habitat quality (GAP Recommendation 11)

Signe Sveegaard (Denmark) commented that a considerable number of gravel extraction activities were being undertaken. Peter Evans (Sea Watch Foundation) suggested that another forum for which this issue was of interest was the Noise Working Group. He added that research was needed to better understand how harbour porpoises were using the areas around wind farms. Heidrun Frisch (Secretariat) reported that several presentations at the ECS Annual General Meeting had stressed that for many construction and other activities baseline data were sketchy and insufficient monitoring was being carried out. Erland Lettevall (Sweden) agreed that the baseline level data were poor, so the picture of what was happening before construction was unclear, and that more monitoring was required to see how harbour porpoises were reacting after wind farms had been constructed.

Action Point

- 39) Parties should undertake or promote long-term monitoring of the effects of projects with a potential impact on harbour porpoise behaviour and distribution, and baseline studies on this issue. Research is also required on the context in which porpoises are using the habitats.

8. Any Other Business

Karl-Hermann Kock

To mark the fact that this was the last meeting of the Jastarnia Group to be attended by Karl-Hermann Kock (Germany) before his retirement, the Chair made a presentation of a book as a token of appreciation of his contribution over the years.

Baltic Sea Coordinator

The Group reiterated its recommendation endorsed by the 17th Meeting of the Advisory Committee that a Baltic Sea coordinator should be appointed as soon as possible.

Common Fisheries Policy

Sofia Brockmark (Sweden) suggested that at future meetings of the Jastarnia Group, the hosts should ensure the attendance of an expert on the Common Fisheries Policy.

Seabird Bycatch

Finn Larsen (Denmark) gave a presentation on seabird bycatch. The slides associated with the presentation are attached to this report at Annex 10.

Action Points

- 40) With a view to facilitating the implementation of the Plan, the Group reiterates its recommendation, as endorsed by AC17, to appoint as soon as possible a Baltic Sea Coordinator.
- 41) The Coordinating Authorities of the countries hosting the Group's meetings are asked to ensure the attendance of an expert on the CFP at the respective meetings of the Group.

9. Date and Venue of the 10th Meeting of the Jastarnia Group

The dates for the next meeting of the Jastarnia Group were provisionally set for 1-3 April 2014. If no Party came forward to offer to host the meeting, the venue would by default be the UN Campus in Bonn.

10. Close of Meeting

After the customary expression of thanks to the hosts and all those involved in the organization and conduct of the meeting, the Chair declared proceedings closed.

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Agenda

1. Opening of the Meeting
2. Adoption of the Agenda
3. Joint Session with SAMBAH Participants
4. Presentations by Invited Experts

5. Jastarnia Plan

Implementation of the Plan and Action Points (AP) recommended by the 8th Meeting of the Jastarnia Group, as endorsed by AC19

5.1 Bycatch Reduction

- 5.1.1 Reduce Fishing Effort in Certain Fisheries (Jastarnia Plan Recommendation 1)
- 5.1.2 Involve stakeholders in the work of reducing bycatch of harbour porpoises (Jastarnia Plan Recommendation 2)
 - 5.1.2.1 Implementation of relevant JG8 APs (AP 1, 2)
 - 5.1.2.2 Other related issues
- 5.1.3 Replace fishing methods known to be associated with high porpoise bycatch (i.e. set nets) and introduce alternative gear considered less harmful (Jastarnia Plan Recommendation 3)
 - 5.1.3.1 Implementation of relevant JG8 APs (AP 4, 5)
 - 5.1.3.2 Other related issues
- 5.1.4 Implement a pinger programme on a short-term basis (Jastarnia Plan Recommendation 4)
- 5.1.5 Cross-cutting action point recommended by JG8 (AP 6)

5.2 Research and Monitoring

- 5.2.1 Analyze stock affinities of harbour porpoises in the “transition zone” of the south- western Baltic (Jastarnia Plan Recommendation 5)
- 5.2.2 Develop and apply new techniques (e.g. acoustic monitoring) for assessing trends in abundance (Jastarnia Plan Recommendation 6)
- 5.2.3 Develop interactive pingers or pingers using frequencies not audible to seals (Jastarnia Plan Recommendation 7)
- 5.2.4 Investigate possible detrimental effects of various types of sound and disturbance (including pinger signals, noise from vessels, wind parks or construction and seabed exploration for oil and gas) on harbour porpoises (Jastarnia Plan Recommendation 8)
 - 5.2.4.1 Implementation of relevant JG8 APs (AP 10, 11)
 - 5.2.4.2 Other related issues

- 5.2.5 Monitor bycatch in fisheries known to be harmful to harbour porpoises to be able to estimate bycatch levels (Jastarnia Plan Recommendation 9)
 - 5.2.5.1 Implementation of relevant JG8 APs (AP 3)
 - 5.2.5.2 Other related issues
 - 5.2.6 Further develop sustainable alternative fishing gear with no bycatch of harbour porpoises (Jastarnia Plan Recommendation 10)
 - 5.2.7 Compile data on fishing effort (Jastarnia Plan Recommendation 11)
 - 5.2.8 Examine habitat preference for harbour porpoises (Jastarnia Plan Recommendation 12)
 - 5.2.9 Investigate the prevalence of derelict (“ghost”) gear and the feasibility of its removal (Jastarnia Plan Recommendation 13)
 - 5.2.9.1 Implementation of relevant JG8 APs (AP 14)
 - 5.2.9.2 Other related issues
 - 5.3 Marine Protected Areas
 - 5.3.1 Expand the network of protected areas in the Baltic Sea and improve its connectivity to ensure the development of appropriate harbour porpoise management plans for these areas (Jastarnia Plan Recommendation 14)
 - 5.3.1.1 Implementation of relevant JG8 APs (AP 15)
 - 5.3.1.2 Other related issues
 - 5.4 Public Awareness
 - 5.4.1 Develop a comprehensive public awareness campaign (Jastarnia Plan Recommendation 15)
 - 5.4.1.1 Implementation of relevant JG8 APs (AP 16, 17)
 - 5.4.1.2 Update on HELCOM-ASCOBANS harbour porpoise data base
 - 5.4.1.3 Other related issues
 - 5.5 ASCOBANS Cooperation with Other Bodies
 - 5.5.1 Strive for close consultation and cooperation between ASCOBANS and other relevant regional and international bodies (Jastarnia Plan Recommendation 16)
 - 5.5.1.1 Implementation of relevant JG8 APs (AP 7-9, 12, 18, 21)
 - 5.5.1.2 Other related issues
 - 5.5.2 Other Jastarnia Plan APs (AP 22)
6. Review of Terms of Reference for the Jastarnia Group

7. Conservation Plan for the Harbour Porpoise Population in the Western Baltic, the Belt Sea and the Kattegat

Implementation of the Plan ("Gap Area Plan", GAP) and action points (AP) recommended by the 8th Meeting of the Jastarnia Group, as endorsed by AC19

- 7.1 Objective a. Involvement of All Stakeholders in the Implementation of the Plan and its Evaluation
 - 7.1.1 Actively seek to involve fishermen in the implementation of the plan and mitigation measures to ensure reducing bycatch (GAP Recommendation 1)
 - 7.1.2 Cooperate with and inform other relevant bodies about the Conservation Plan (GAP Recommendation 2)
- 7.2 Objective b. Mitigation of Bycatch
 - 7.2.1 Protect harbour porpoises in their key habitats by minimizing bycatch as far as possible (GAP Recommendation 3)
 - 7.2.2 Implement pinger use in fisheries causing bycatch (Recommendation 4)
 - 7.2.3 Where possible replace gillnet fisheries known to be associated with high porpoise bycatch with alternative fishing gear known to be less harmful (GAP Recommendation 5)
- 7.3 Objective c. Assessment of the Bycatch Level
 - 7.3.1 Estimate total annual bycatch (GAP Recommendation 6)
- 7.4 Objective d. Monitoring the Status of the Population
 - 7.4.1 Estimate trends in abundance of harbour porpoises in the Western Baltic, the Belt Sea and the Kattegat (GAP Recommendation 7)
 - 7.4.1.1 Implementation of relevant JG8 APs (AP 13)
 - 7.4.1.2 Other related issues
 - 7.4.2 Monitor population health status, contaminant load and causes of mortality (GAP Recommendation 8)
- 7.5 Objective e. Ensuring Habitat Quality Favourable to the Conservation of the Harbour Porpoise
 - 7.5.1 Ensure a non-detrimental use of pingers by examining habitat exclusion and long-term effects of pingers (GAP Recommendation 9)
 - 7.5.2 Include monitoring and management of important prey species in national harbour porpoise management plans (GAP Recommendation 10)
 - 7.5.3 Restore or maintain habitat quality (GAP Recommendation 11)

8. Any other Business

9. Date and Venue of the 10th Meeting of the Jastarnia Group

10. Close of Meeting

Action Points

JASTARNIA PLAN

- 1) ASCOBANS and Parties are encouraged to continue efforts to promote SAMBAH and its use for harbour porpoise conservation in the Baltic Sea.
- 2) If required, Parties are asked to consider providing additional funding for the SAMBAH and RUMBAH projects.
- 3) Parties are strongly encouraged to use the data provided by SAMBAH once these become available, in particular in connection with the establishment of management plans for harbour porpoises, as well as with regard to mitigation measures.
- 4) ASCOBANS and the Parties should explore the possibility of co-funding and/or otherwise supporting dedicated follow-up studies for SAMBAH, for instance in connection with other studies such as BIAS starting in December 2013.
- 5) ASCOBANS should request HELCOM to provide updated and high resolution data on fisheries effort in gillnet and trammel net fisheries in their web-database.
- 6) Parties should supply VMS data and coastal gillnet and trammel net fisheries data to the Secretariat for use in connection with the SAMBAH project and other follow-up projects.
- 7) The Secretariat and the Chair of the Jastarnia Group should write to the President of the German Federal Agency for Nature Conservation, encouraging them to provide the additional funding required to enable the German Oceanographic Museum to supply the expertise needed for the finalization of SAMBAH.
- 8) ASCOBANS should explore the possibility of commissioning a desk study examining what definitions of the term 'fishermen' exist in the various Baltic Sea states.

BYCATCH REDUCTION

- 9) The Secretariat and the Chair of the Jastarnia Group should write to ICES requesting statistics on IUU fisheries in the Baltic Sea, broken down by ICES areas. An intersessional working group should be established to evaluate the data received prior to the next meeting of the Jastarnia Group.
- 10) A small drafting group comprising Sofia Brockmark, Rüdiger Stempel, Penina Blankett and Geneviève Desportes should develop briefing notes on ASCOBANS positions regarding bycatch, insofar as possible based on any drafts that the North Sea Coordinator may prepare for fora in this area. These should be used by anyone representing ASCOBANS at Baltic RACs and other meetings of relevant EU and Baltic Sea bodies in order to maintain a consistent and appropriate approach.
- 11) The ASCOBANS Secretariat should produce a synopsis of bycatch-related regulations of relevance to individual fishermen, especially with regard to legal sanctions for bycatch and incentives for those delivering carcasses with a view to using the carcasses obtained for porpoise conservation research. The ASCOBANS Secretariat, with the support of the ASCOBANS Coordinators should also investigate what incentives are offered to those delivering carcasses, irrespective of whether such incentives are laid down in national legislation.
- 12) Noting the successful application of cod pots in Sweden, Parties should undertake or continue efforts to test and implement pots, traps and other porpoise-friendly gear.

RESEARCH AND MONITORING

- 13) Given the positive experiences in the Danish fishery, Parties should implement video surveillance widely in order to document bycatch of porpoises and identify and implement effective mitigation measures, and at the same time reduce discards of fish. Currently video surveillance is the most accurate measure for bycatch estimates and total documentation of the fishery, applicable also to small vessels, and meets the requirements of Article 12 of the Habitats Directive.
- 14) Parties should collect data on the extent of ghost nets in their waters, including net types and locations. Regular assessments should then be made of the total quantities of nets lost or discarded, taking account of the distribution of different types of fisheries.
- 15) Taking into consideration the future requirements under the MSFD, Parties should implement mitigation measures for ghost nets, such as regular clean-ups, provision of disposal containers at ports, deposit systems, mandatory reporting of lost gear, marking of nets etc. Wherever possible fishing communities and other relevant stakeholders should be actively involved. A review of progress should be conducted by JG10.

MARINE PROTECTED AREAS

- 16) Parties, Range States and NGOs seeking to develop management plans for SACs and MPAs designated for the harbour porpoise are encouraged to make use of the expertise available within the Jastarnia Group.
- 17) Noting the ongoing process of elaborating a conservation programme for harbour porpoises in Poland the Jastarnia Group encourages all stakeholders involved to maintain the momentum of the process and to adopt and implement the programme as soon as possible.

PUBLIC AWARENESS

- 18) Parties should establish sightings and strandings programmes, preferably in a coordinated fashion for all Baltic Sea states. They should consider initiating sightings days or weeks, comparable to the National Whale and Dolphin Watch in the UK. They should also consider developing a sightings and strandings app for smartphones.
- 19) Parties are encouraged to consider producing an updated and slightly modified English-language version of the German Oceanographic Museum's publication on marine mammals of the Baltic Sea. Depending on the reaction of HELCOM HABITAT, this publication could be produced jointly with HELCOM.

COOPERATION WITH OTHER BODIES

- 20) Parties are strongly encouraged to fulfil their obligations under the current EC Regulation 812/2004 and the Habitat Directive.
- 21) The Chair of the Advisory Committee and the Secretariat should continue approaching the European Commission and the ICES Bycatch Working Group to draw attention to the need to address the bycatch problem in the Baltic.

OTHER MATTERS

- 22) ASCOBANS should request environment ministers to note the critical status of the harbour porpoise in the Baltic Sea and to address decisive action to work towards a favourable conservation status by implementing the ASCOBANS Jastarnia Plan and in part by addressing the pressing problem of bycatch.
- 23) Parties, the Secretariat and the Jastarnia Group are requested to review and update the overview of recommendations by 31 December 2013, providing guidance as to how to proceed with past recommendations.
- 24) The Secretariat should consult the Jastarnia Group by email on the revision of the Terms of Reference.

WESTERN BALTIC, BELT SEAS AND KATTEGAT PLAN

STAKEHOLDER INVOLVEMENT

- 25) National Coordinators should provide an overview of measures currently ongoing in their countries to actively engage fishing communities and other stakeholders in the implementation of the Plan, in order to identify existing gaps and lessons learnt of interest to all Parties. Parties should provide the funding required for measures needed to fill the gaps. Parties should explore the possibility of obtaining EU funding for this purpose.
- 26) National Coordinators should commence the process of establishing the stakeholder working group required under Objective a. of the Plan.

BYCATCH MITIGATION

- 27) Parties are strongly encouraged to take all necessary steps to develop as soon as possible:
 - a. agreements on mutual observance of fisheries regulations to minimize bycatch rates within Harbour Porpoise SACs,
 - b. agreements to implement immediately the controlled use of pingers in gillnet fishery associated with bycatch irrespective of vessel size or type, as provided for in the Plan.
- 28) Parties should allocate resources for a study aimed at obtaining an overview of promising alternative fishing gear and practices and provide funding for related research as needed.
- 29) ASCOBANS should seek to influence existing eco-labelling programmes to take full account of the need to avoid cetacean bycatch in certifying fisheries. ASCOBANS should offer to provide advice to fishermen as to how to achieve this aim. The Terms of Reference of the Bycatch Working Group should be amended to enable them to provide such advice.
- 30) Parties and the EU should be mindful of the need to observe the principles of the FAO Code of Conduct for Responsible Fisheries. National authorities should make fishermen aware of the Code of Conduct and the principles it contains.

ASSESSMENT OF BYCATCH LEVEL

- 31) Parties should advise the Jastarnia Group and the Secretariat of any ongoing projects regarding bycatch estimation and of results of these projects.
- 32) Parties are encouraged to undertake or promote research regarding bycatch estimation.

POPULATION STATUS

- 33) Denmark, Germany and Sweden are strongly encouraged to continue to cooperate in order to survey the Western Baltic (gap area) harbour porpoise population and evaluate trends in population density and abundance.
- 34) Parties are strongly encouraged to lend their support to the projected SCANS III survey.
- 35) Parties should collect a certain number of stranded or bycaught animals annually. The number of animals to be collected should be determined by means of an informal consultation process between the responsible experts in the respective countries, possibly drawing on the experience gathered in other ASCOBANS Parties.
- 36) These animals should be necropsied and examined with regard to health status, contaminant load and causes of mortality. The resultant data should be fed into a common database, such as the future database required under MOP Resolution 7.4.

HABITAT QUALITY

- 37) Parties should without delay commission additional research into resolving potential habitat exclusion and the long-term effectiveness of pingers. One possible option would be to explore whether data collected under the SAMBAH project could be used for this purpose.
- 38) Parties should undertake efforts to collect data on relevant prey and prey communities.
- 39) Parties should undertake or promote long-term monitoring of the effects of projects with a potential impact on harbour porpoise behaviour and distribution, and baseline studies on this issue. Research is also required on the context in which porpoises are using the habitats.

OTHER MATTERS

- 40) With a view to facilitating the implementation of the Plan, the Group reiterates its recommendation, as endorsed by AC17, to appoint as soon as possible a Baltic Sea Coordinator.
- 41) The Coordinating Authorities of the countries hosting the Group's meetings are asked to ensure the attendance of an expert on the CFP at the respective meetings of the Group.

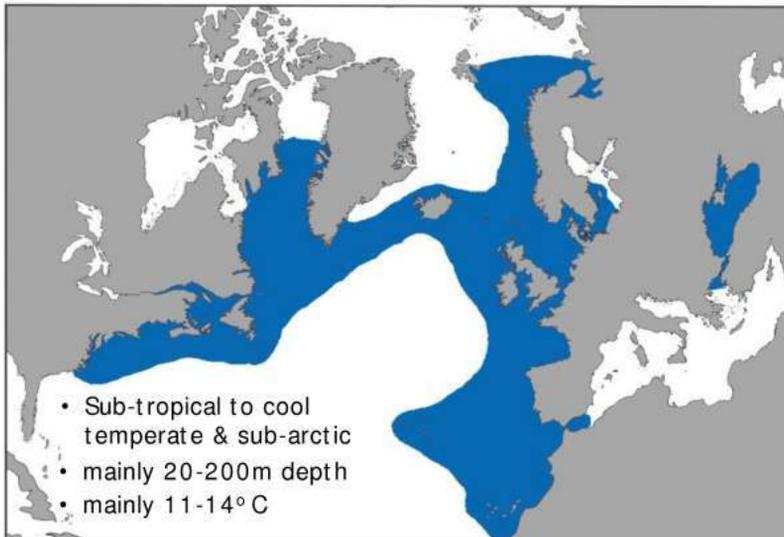
THE HARBOUR PORPOISE IN NW EUROPE: MORE QUESTIONS THAN ANSWERS



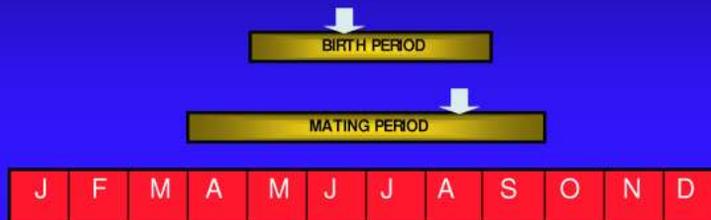
Peter G.H. Evans

Sea Watch Foundation & School of Ocean Sciences, University of Bangor, UK

Harbour Porpoise distribution in North Atlantic & adjacent seas



ANNUAL CYCLE & LIFE HISTORY PARAMETERS OF THE HARBOUR PORPOISE IN EUROPE



Gestation Period: 10-11 months
 Lactation Period: 4-10 months
 Calving Interval: 1-2 years

Life span: c. 12; max. 24 years
 Age at sex. maturity: 3-5 years
 Dispersal: male biased

SOCIAL STRUCTURE BEHAVIOUR & ECOLOGY



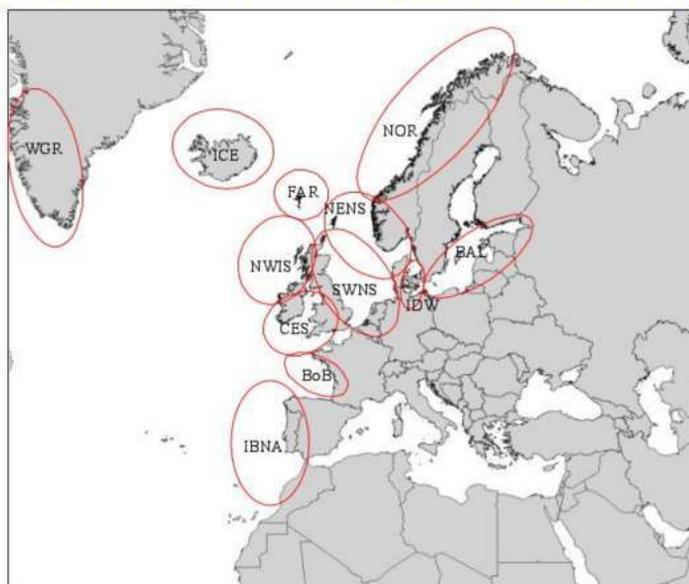
- Often associated with areas of high tidal energy and frontal systems of high primary productivity (Evans, 1990; Pierpoint, 2008; Marubini *et al.*, 2009)
- Usually solitary or in small groups of 2-10; occasional large aggregations of hundreds associated with feeding or migration (Read 1999; Evans *et al.*, 2008)
- Very mobile, often travel more than 50 km per day (Read & Westgate, 1997)
- Swim speeds: 6-12 km/h; can reach 22 km/h (Evans *et al.*, 2008)
- Max. dive durations typically 4-6 mins (possibly 10-15 mins); av. 29 dives/h in Apr-Aug & 43 dives/h in Oct-Nov (Teilmann *et al.*, 2007)
- Max. dive depths: 30-50 m in Belt Seas/Kattegat; 132 m in Skagerrak, 226 m in Bay of Fundy (Westgate *et al.*, 1995; Teilmann *et al.*, 2007)

Population Structure of Harbour Porpoise

- Eastern North Atlantic population appears to have continuous genetic structure, with significant isolation only by distance
- Black Sea population genetically distinct from Eastern North Atlantic population
 - Some indication of differentiation of Iberian porpoises, linked to oceanography; may be more similar to West African ones
- Baltic porpoise population shows significant differentiation from those in Inner Danish waters
- Some evidence for substructuring between Skagerrak/North-eastern & Southernmost North Sea, and between North Sea & Western British Isles/Ireland/Irish Sea

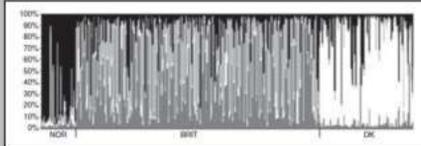
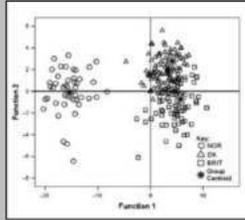
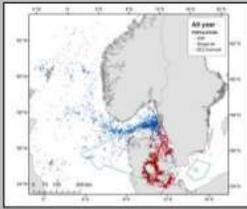
(Sources: Kinze, 1985, 1990; Tiedemann, 1996; Walton, 1997; Andersen *et al.*, 1997, 2001; Lockyer, 1999, 2003; Handley, 2005; Tolley *et al.*, 1999, 2001; Andersen, 2003; Fontaine *et al.*, 2007a, b; Wiemann *et al.*, 2010; De Luna *et al.*, 2012)

ASCOBANS PROPOSED MANAGEMENT UNITS



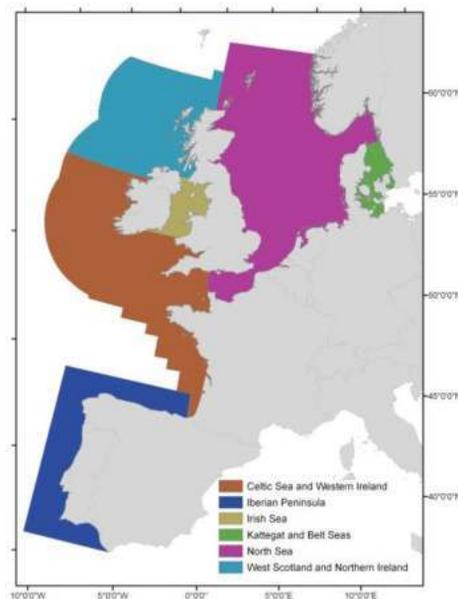
(Source: Evans & Teilmann, 2009)

HARBOUR PORPOISE POPULATION STRUCTURE IN THE NORTH SEA?

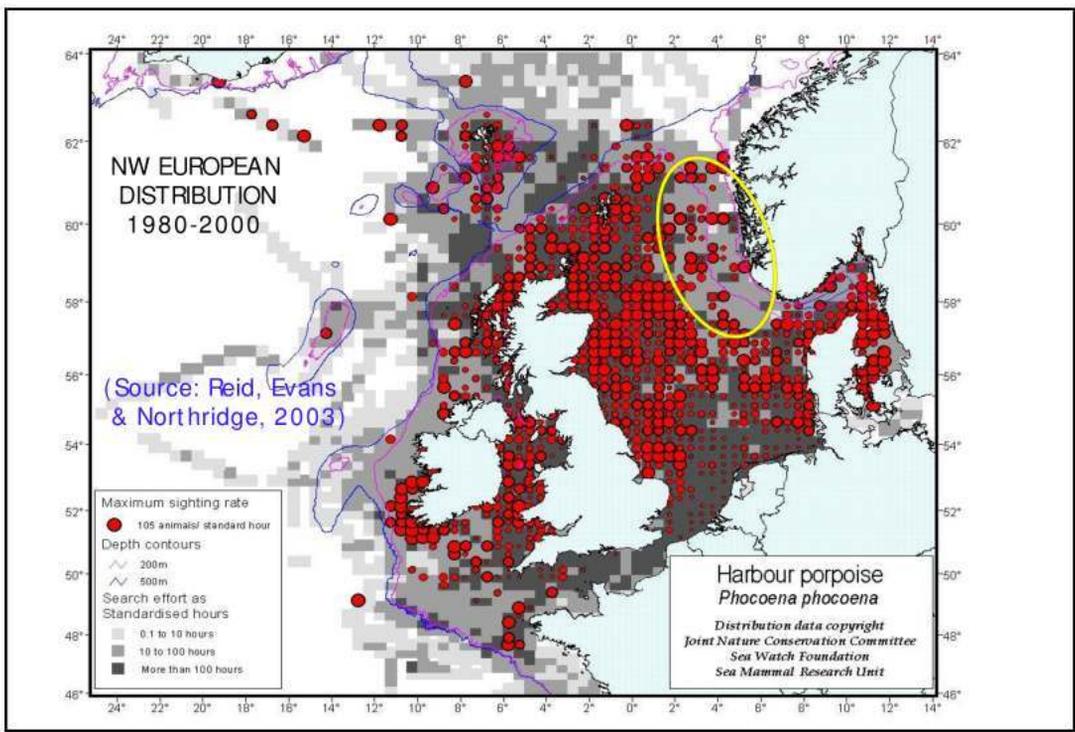
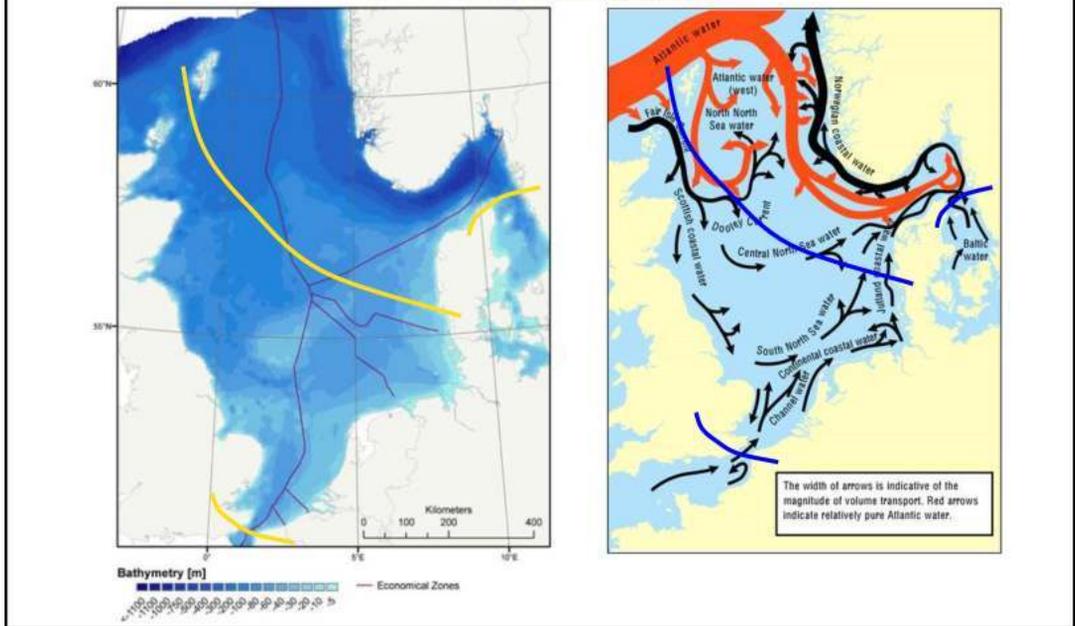


- Significant differences between Dutch, German and Danish North Sea samples using non-metric skull characters (Kinze, 1990)
- Significant differences between northern & southern North Sea samples using mtDNA (Walton, 1997)
- Significant differences between northern, central and southern North Sea samples using tooth ultrastructure (Lockyer, 1999)
- Significant differences found between Norwegian, Danish and British North Sea samples using microsatellite DNA and skull morphometry (De Luna *et al.*, 2012)
- Individual movements of satellite tagged porpoises between Skagerrak and northern North Sea but not southern North Sea (Sveegaard & Teilmann, 2007; Teilmann *et al.*, 2008)

ICES WGMME PROPOSED MANAGEMENT UNITS



HARBOUR PORPOISE MANAGEMENT UNITS IN THE NORTH SEA



Harbour Porpoise Seasonal Patterns of Occurrence

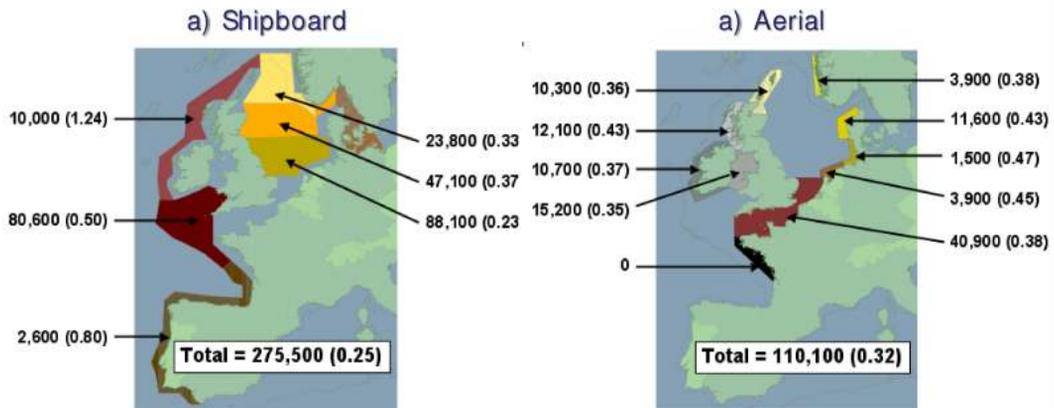


- mainly late summer peaks in coastal waters around northern & western Britain
- mainly spring peaks in the southern North Sea and English Channel

Question: Do these represent movements of local populations, offshore-onshore movements reflecting prey choice, or shifts in patterns of dispersion from solitary to group foraging?

(Sources: Evans *et al.*, 2003, 2009; Evans & Anderwald, 2009; Haelters & Camphuysen, 2009; Anderwald *et al.*, 2010; Berrow *et al.*, 2010; Evans & Baines, 2010; Scheidat *et al.*, 2010; Gilles *et al.*, 2011; Sveegaard, 2012; Baines & Evans, 2012; Sveegaard *et al.*, 2012)

BOTTLENOSE DOLPHIN ABUNDANCE ESTIMATES FROM SCANS II SURVEYS, JULY 2005



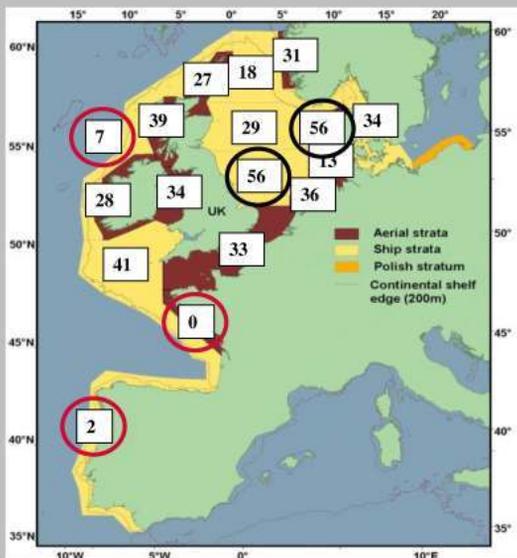
(Source: Hammond, 2008)

Porpoise densities – SCANS II

- Porpoises per 100 km²

Questions:

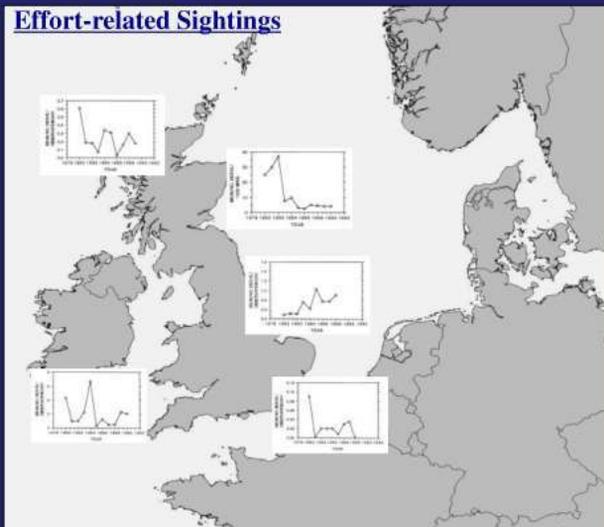
- Do these high- and low-density areas persist, both seasonally and longer-term?
- Could they represent boundaries between Management Units, and maybe other lower density areas also?



(Courtesy of P.S. Hammond)

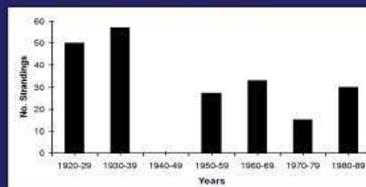
STATUS CHANGES OF THE HARBOUR PORPOISE IN THE NORTH SEA DURING 20TH CENTURY

Effort-related Sightings

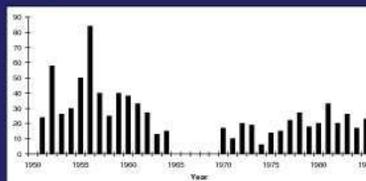


No. of Strandings

a) South-east England



b) The Netherlands



(Sources: Kayes 1985; Kroger, 1986; Evans et al., 1986; Smeenk, 1987; Evans, 1990, 1992; Addink & Smeenk, 1999)

IMPACTS UPON N. EUROPEAN PORPOISES



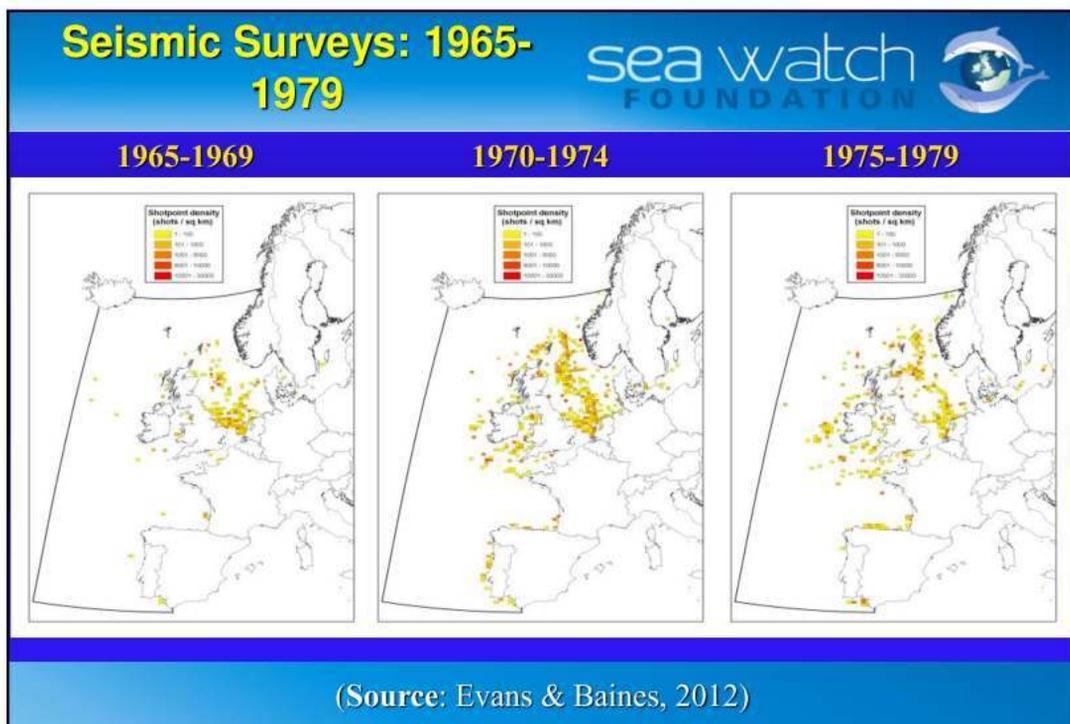
Over fishing: throughout European seas but particularly North Sea - e.g. herring & sandeel

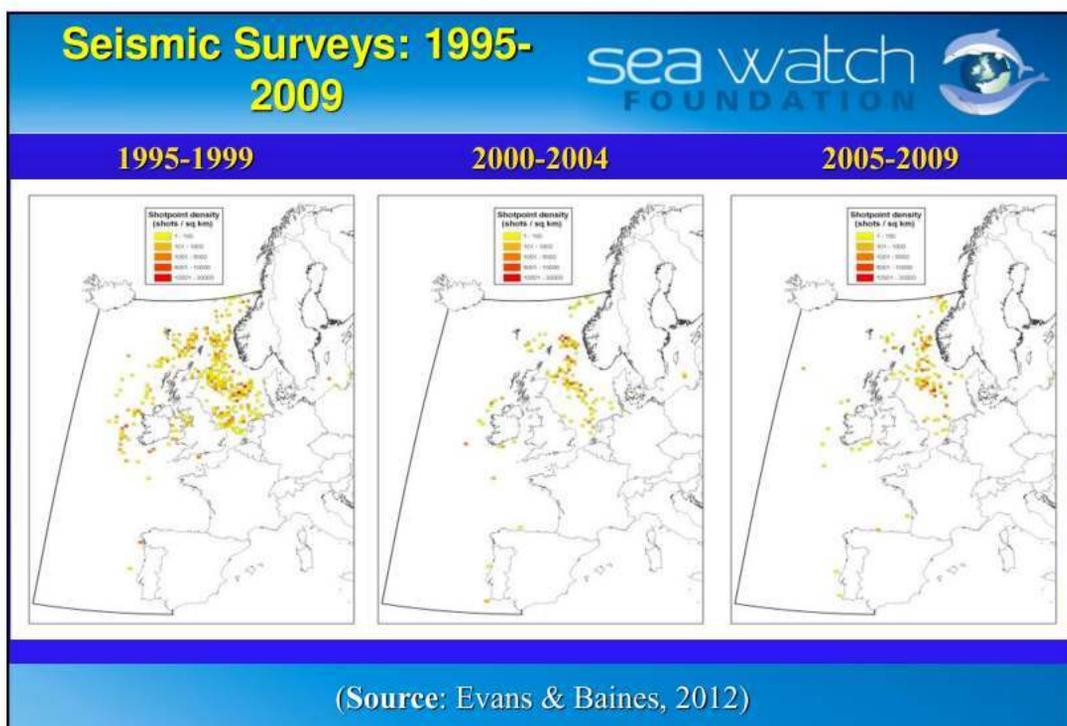
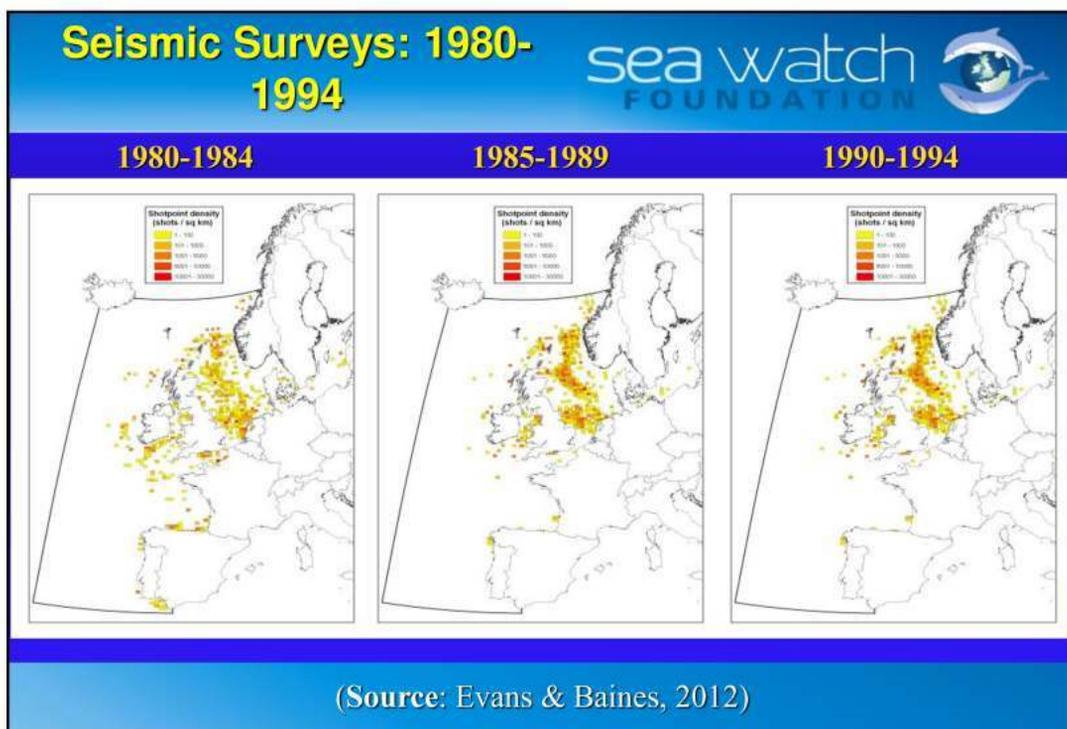
By-catch: North Sea, Celtic Sea, Western Approaches, and Baltic Sea - e.g. bottom-set gill nets, driftnets

Pollution: Baltic, southern North Sea, & northern Irish Sea - e.g. PCBs, mercury, brominated flame retardants

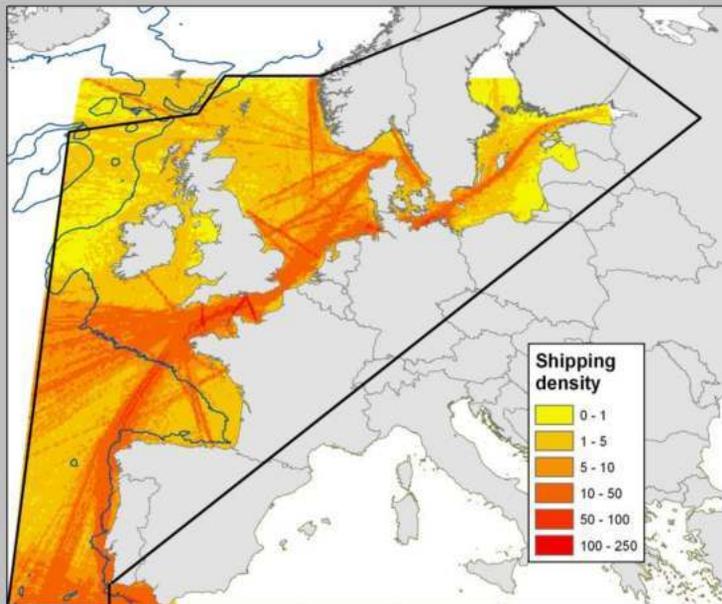
Disturbance: North Sea, Irish Sea & English Channel - e.g. seismic, shipping, recreational craft, detonations

Habitat Change: North Sea & Irish Sea - e.g. wind farm construction



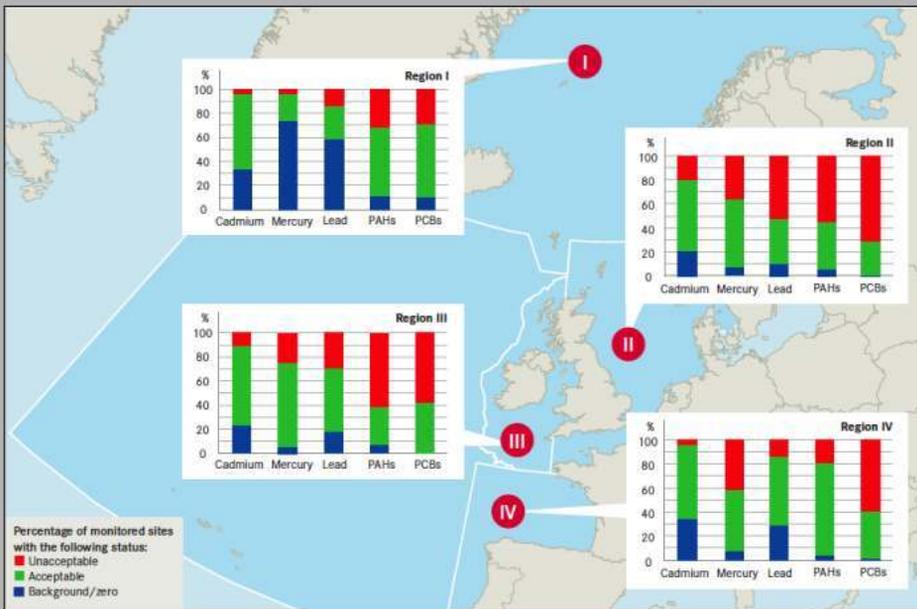


SHIPPING DENSITIES IN THE ASCOBANS AGREEMENT AREA



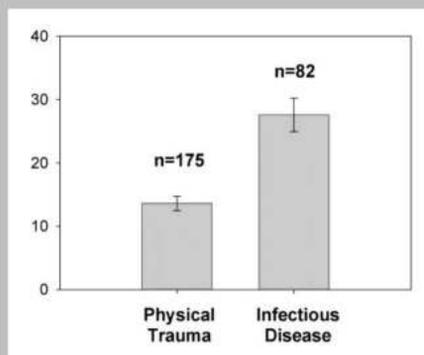
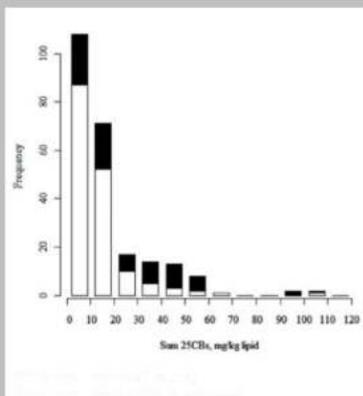
(Source: Evans & Baines, 2010)

CHEMICAL CONTAMINANTS IN NORTHERN EUROPE



(Source: OSPAR Quality Status Review, 2010)

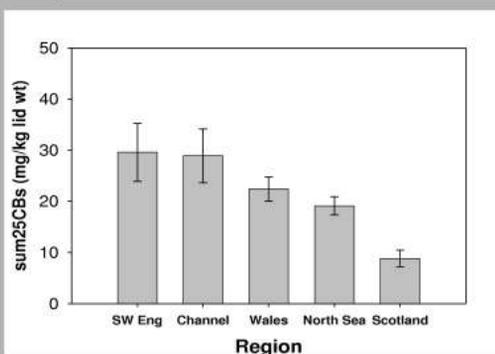
PCBs & the incidence of infectious disease in UK harbour porpoise (1990-2001)



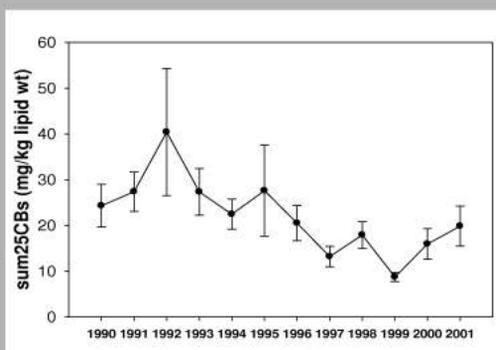
17mg/kg total CH level = threshold for toxicity

(Source: Jepson *et al.* (2006) *Cetacean Strandings Investigation and Co-ordination in the UK 2000-04*. Final report to Defra. 79pp. <http://www.defra.gov.uk/wildlifecountryside/resprog/findings/index.htm>)

Trends in levels of chemical pollutants: PCBs in UK harbour porpoise (1990-2001)



- lowest PCB levels in Scotland



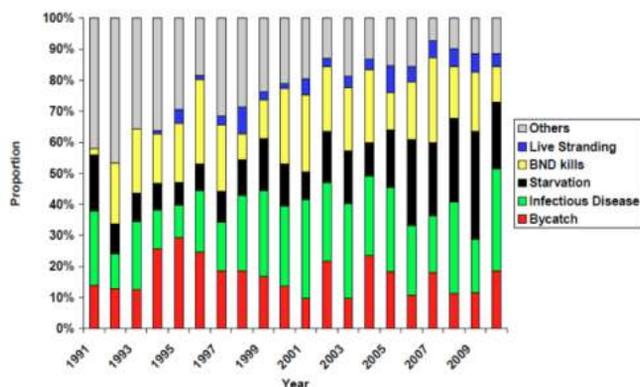
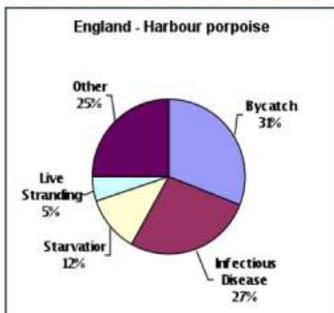
- gradual decline in PCB levels since 1990 (historical levels greater)

(Source: Jepson *et al.* (2006) *Cetacean Strandings Investigation and Co-ordination in the UK 2000-04*. Final report to Defra. 79pp. <http://www.defra.gov.uk/wildlifecountryside/resprog/findings/index.htm>)

 DIAGNOSES OF CAUSES OF DEATH OF HARBOUR PORPOISES & COMMON DOLPHINS STRANDED IN ENGLAND & WALES, 1990-2010 		
DIAGNOSIS	Hbr Porpoise (n=1495)	Com Dolphin (n=468)
By-catch	264 (18%)	249 (53%)
Physical Trauma	102 (7%)	10 (2%)
Starvation	206 (14%)	16 (4%)
Live Stranding	53 (3%)	66 (14%)
Infectious Disease	353 (23%)	31 (7%)
Bottlenose Dolphin Attack	276 (18%)	0
Neoplasia	10 (1%)	0
Other	25 (2%)	11 (2%)
Not Established	206 (14%)	85 (18%)

Data provided by UK Cetacean Strandings Investigation Programme: www.ukstrandings.org

UK HARBOUR PORPOISE TRENDS IN CAUSES OF DEATH, 1991-2010



Source: UK Cetacean Strandings Investigation Programme

THE BYCATCH PROBLEM

Bottom set gill nets & tangle nets

- Harbour porpoise

Pelagic trawls

- Common and striped dolphins

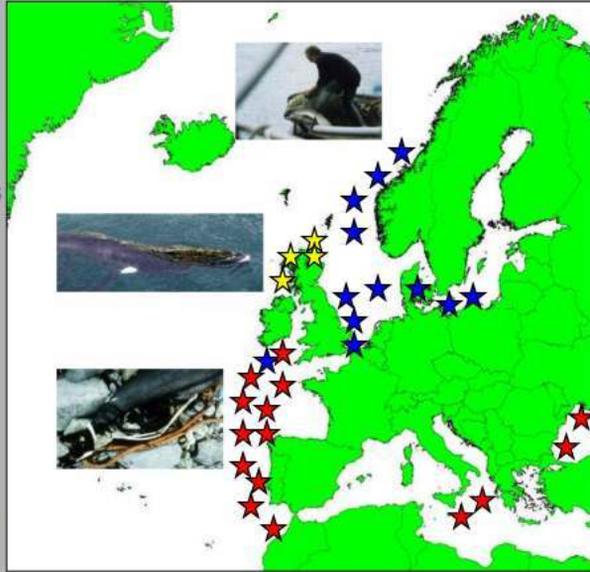
Driftnets

- Harbour porpoise

Creel lines, ghost netting

- Minke & humpback whales

- ★ Harbour Porpoise
- ★ Common & Striped Dolphin
- ★ Minke & Humpback Whale

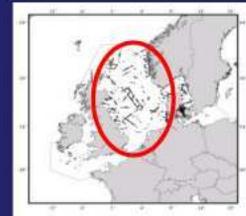


Impact of bycatch on porpoises in the 1990s

North Sea

- Estimated annual bycatch \approx 8,000
- Estimated abundance = 250,000

} 3%



Celtic Sea

- Estimated annual bycatch \approx 2,200
- Estimated abundance = 36,000

} 6%

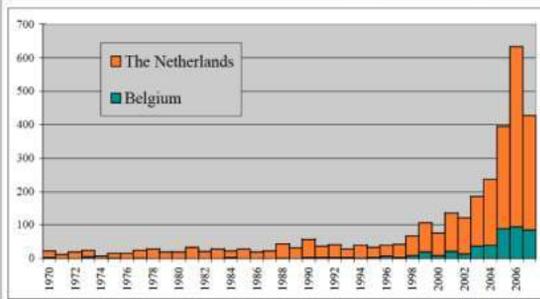


Management Recommendation (ASCOBANS/ IWC):

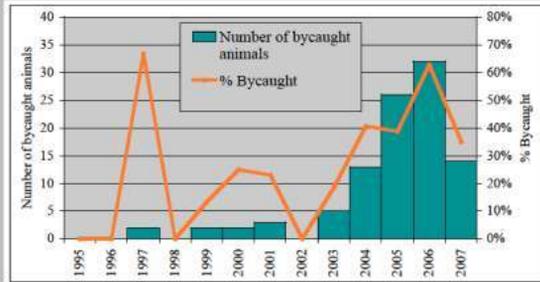
"Any estimated annual by-catch of 1.7/2.0% may cause population to decline and requires immediate attention to reduce by-catch"

(Sources: Tregenza *et al.*, 1997; Vinther, 1999; Northridge & Hammond, 1999; Hammond *et al.*, 2002)

TRENDS IN PORPOISE STRANDINGS & BY-CATCH IN SOUTHERNMOST NORTH SEA



a) Porpoise strandings in Belgium and The Netherlands

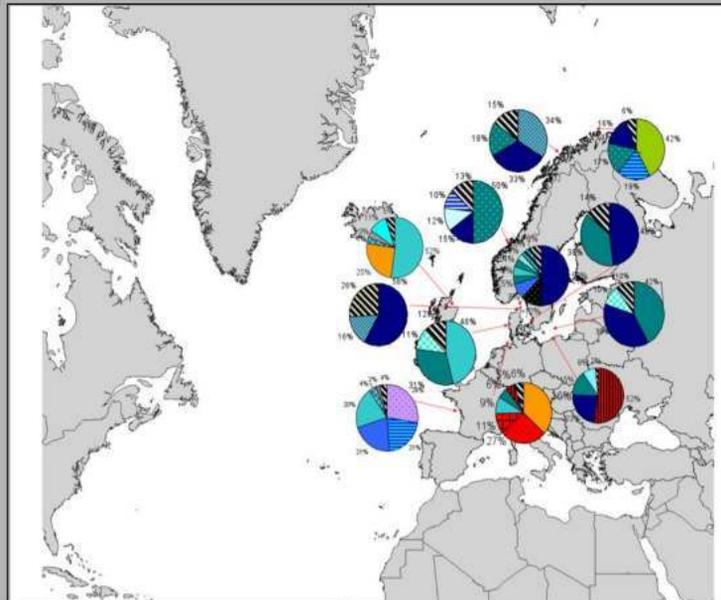


b) Porpoise bycatch in Belgium

(Source: Haelters & Camphuysen, 2009)

HARBOUR PORPOISE DIET IN NW EUROPE (BY WEIGHT)

- Gadidae
- Cod
- Saithe
- Eelpout
- Haddock
- Whiting
- Trisopterus spp.
- Blue whiting
- Other Gadidae
- Sandeel
- Sprat
- Capelin
- Goby
- Dab
- Sole
- Herring
- Horse Mackerel
- Hagfish
- Cephalopod
- S.oweniana
- Other fish
- Other Gadidae



Source: Evans & Hintner (2010) *Review of Direct & Indirect Impacts of Fishing Activities on Marine Mammals*

Geographic Variation in Harbour Porpoise Diet

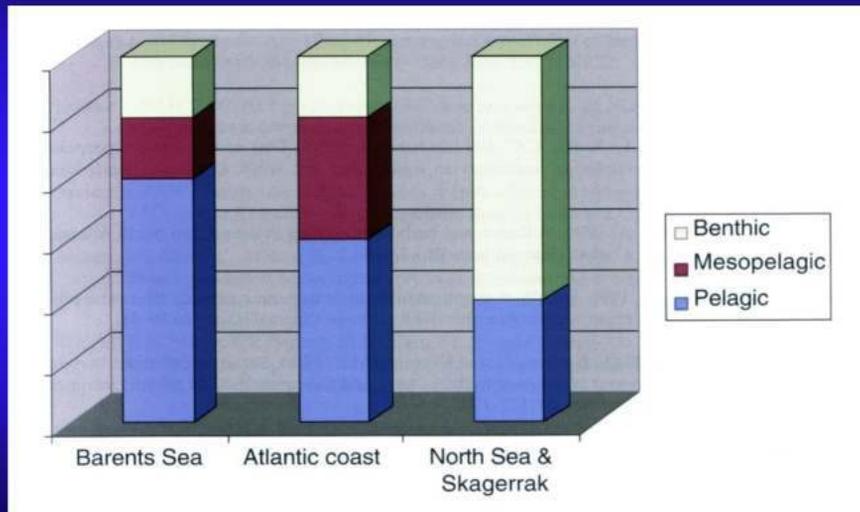


Principal Species

- 1 Capelin, herring
- 2 Herring, gadoids
- 3 Capelin, sandeels
- 4 Herring, cod, whiting
- 5 Sandeels, whiting, *Trisopterus* spp.
- 6 Sole, cod, sandeels
- 7 Whiting, sandeels, gobies
- 8 Blue whiting, horse mackerel, hake
- 9 Sprat, whiting
- 10 Sprat, whiting
- 11 Whiting, herring, *Trisopterus* spp.
- 12 Horse mackerel, sandeels, *Trisopterus* spp.

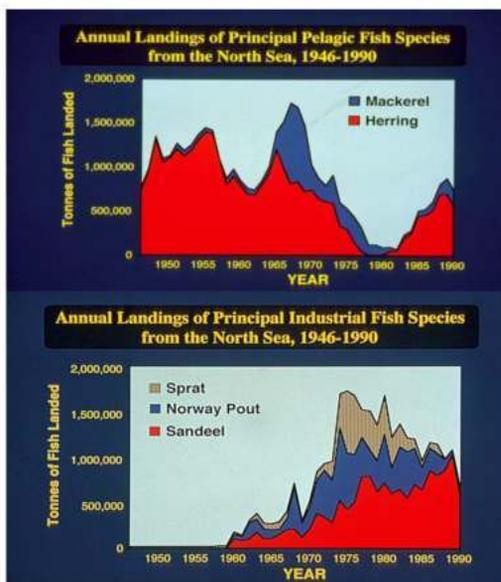
(Sources: Desportes, 1985; Lick, 1991; Aarefjord *et al.*, 1995; Benke & Siebert, 1996; Rogan & Berrow, 1996; Martin, 1996; Berggren, 1996; Santos, 1998; Santos & Pierce, 2003)

VARIATION IN NE ATLANTIC HARBOUR PORPOISE PREY TYPES

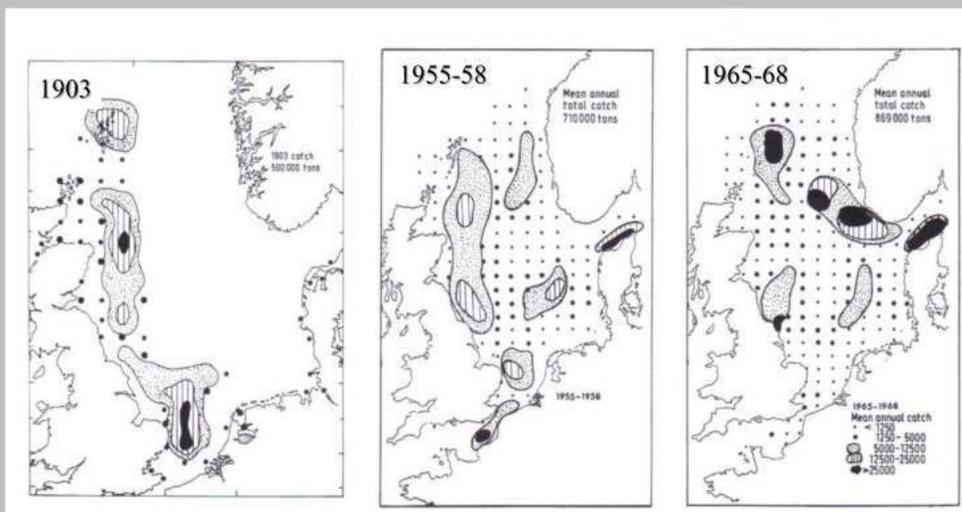


(Sources: Aarefjord *et al.*, 1995, Bjørge, 2003)

Resource Depletion

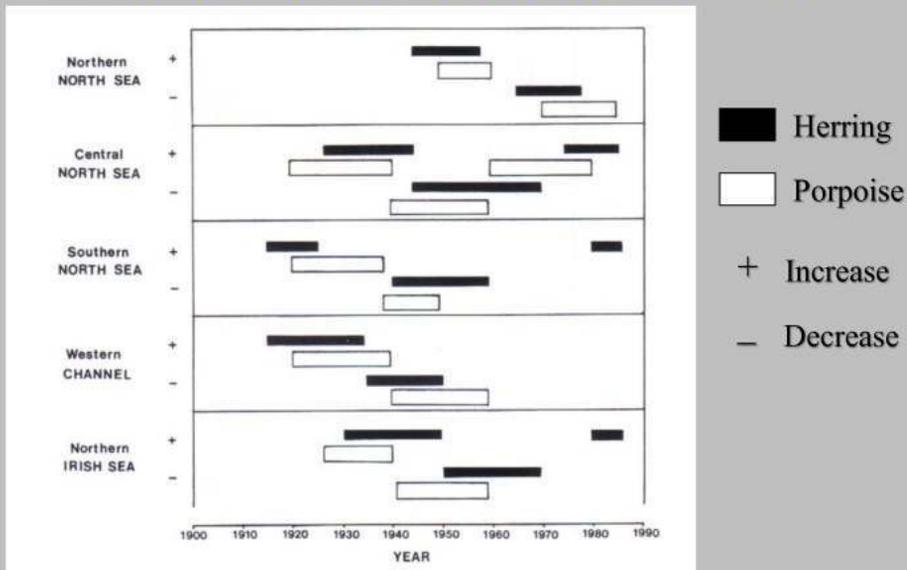


DISTRIBUTION OF HERRING CATCHES IN THE NORTH SEA



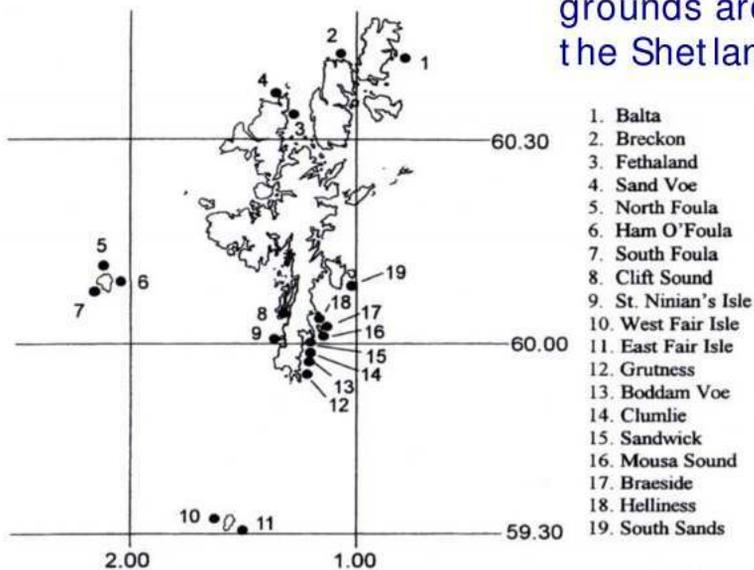
(Source: Evans, 1990)

HARBOUR PORPOISE TRENDS IN STRANDINGS vs TRENDS IN HERRING STOCKS: 1900s - 1990s

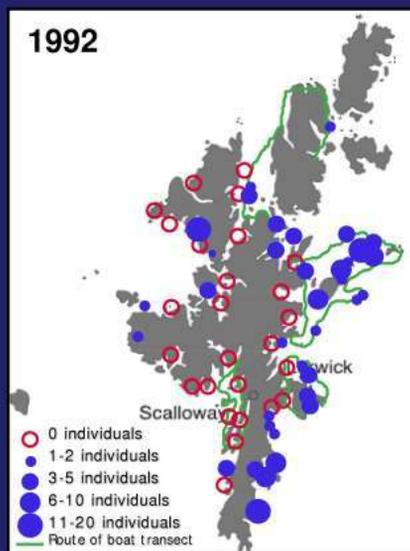
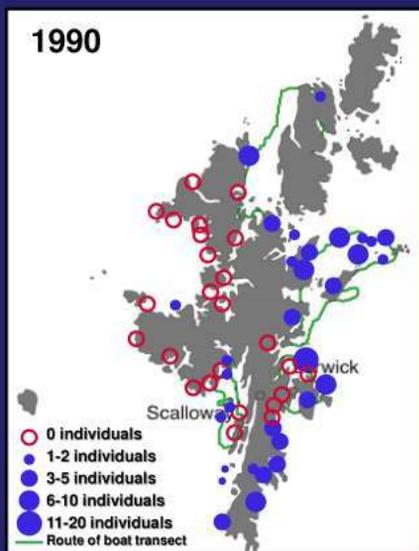


(Source: Evans, 1990)

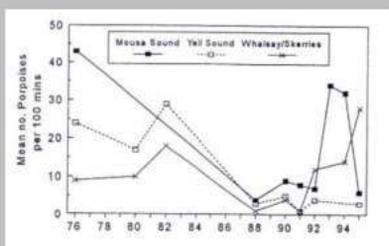
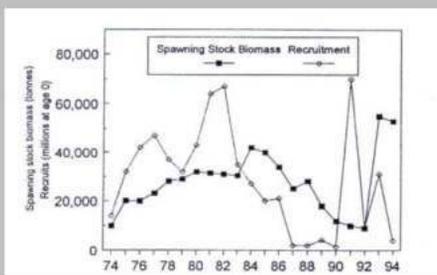
The Sandeel fishing grounds around the Shetland Isles



Distribution of Harbour Porpoises in Shetland from Land-Based Watches and Boat Transects



Abundance Trends in Sandeels & Porpoises in Shetland



- Catches in sand eel & sprat increased in 1970s, reaching a peak in early 1980s, then markedly declined through 1980s.

- Seabird species dependent upon sand eel and sprat (kittiwake, arctic tern, auks) exhibited massive breeding failure in the Shetland Islands for eight years during the 1980s.

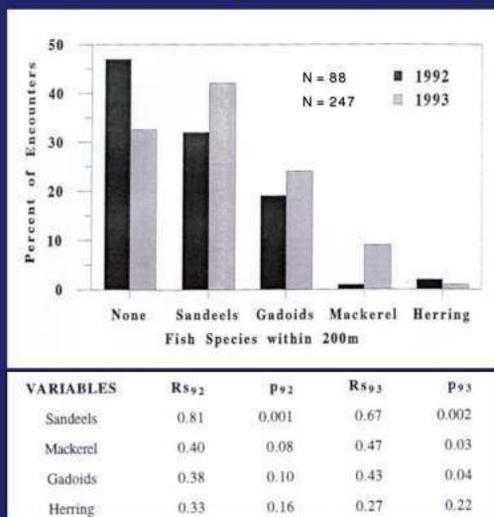
- Harbour porpoise numbers exhibited declines in Shetland coastal waters during the 1980s.

- Visual and acoustic surveys of porpoises and potential fish prey (sand eels, herring, mackerel, and gadoids) showed significant spatio-temporal correlations only with sand eels.

- Shetland sand eel stocks recovered in the early 1990s, as did porpoise numbers and seabird breeding success, but in the last few years the trend has reversed again.

(Source: Borges & Evans, 1995; Evans, 1996)

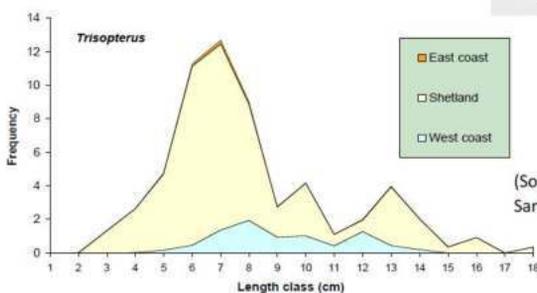
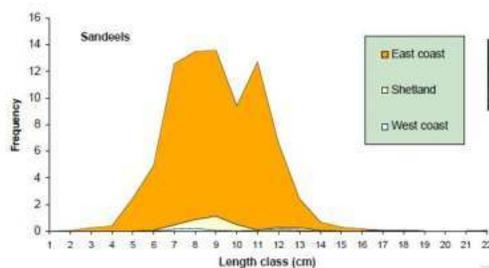
Spatio-temporal Relationships between Shoaling Fish & Porpoises



(Source: Borges & Evans, 1995; Evans, 1996)

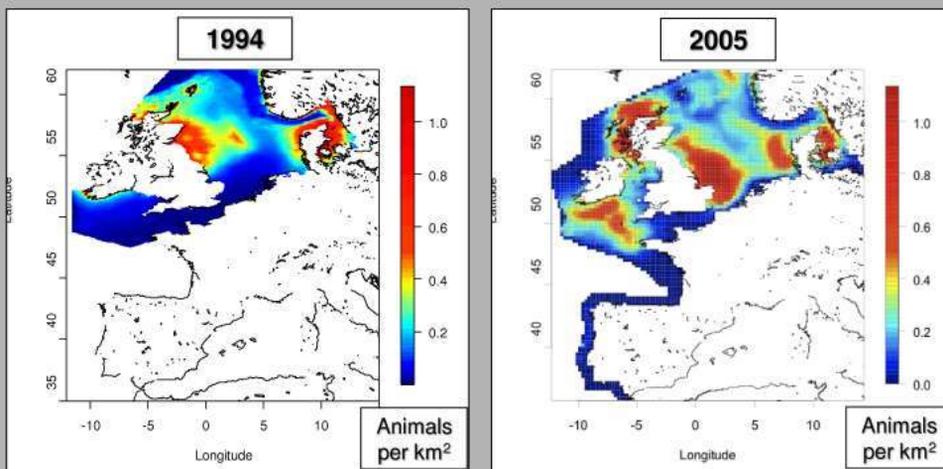
Harbour Porpoise Food Preferences

Mainly small schooling fish
60-200 mm length



(Source: Santos et al., 2004)

CHANGES IN HARBOUR PORPOISE DENSITY, 1994 vs 2005

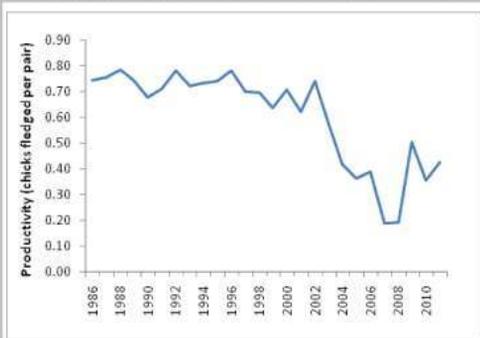


(Source: SCANS & SCANS II Surveys)

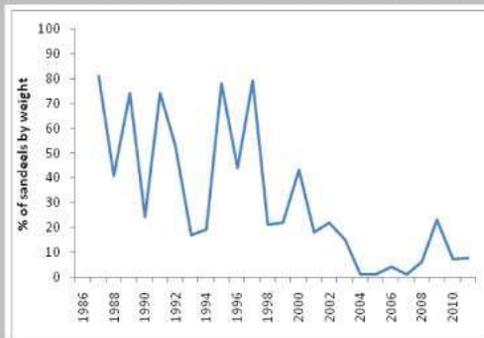
FOOD SHORTAGES IN GUILLEMOTS IN NORTHERN NORTH SEA



a) Breeding Productivity (chicks fledged / pair)

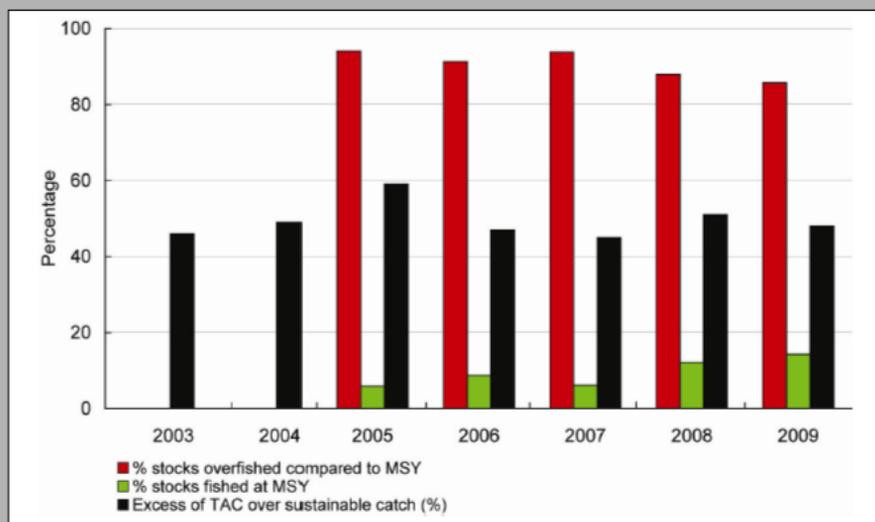


b) Percent sand eels brought to guillemot chicks



(Source: Joint Nature Conservation Committee, 2012)

STATUS OF FISH STOCKS IN NORTHERN EUROPE



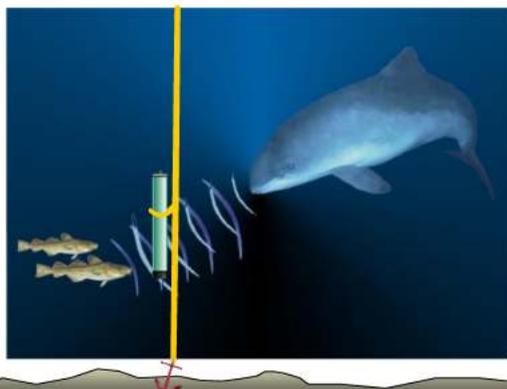
(Source: ICES, 2010)

SOME QUESTIONS

- How many Management Units best describe harbour porpoise populations in the North Sea?
- Do harbour porpoises favour particular fish prey over others? If so, which are they?
- What are the most likely reasons for seasonal peaks in regional abundance?
- Did porpoise populations decline throughout the North Sea between the 1960s and 1980s?
- What were the major causes for observed declines? Are they still evident?

A decade of acoustic monitoring in the Baltic Sea: Status and area use of two populations of harbour porpoises

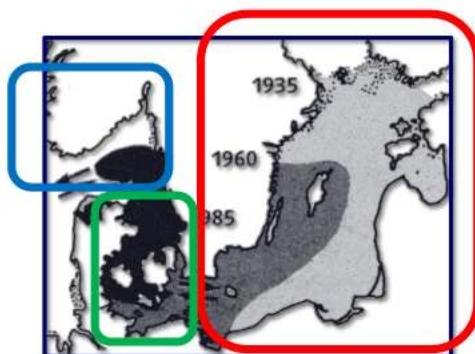
Harald Benke
Stefan Brüger
Michael Dähne
Anja Gallus
Sophie Hansen
Christopher G. Honnef
Jens C. Koblitz
Kathrin Krügel
Alexander Liebschner
Ingo Narberhaus
Ursula K. Verfuß



 Deutsches
Meeresmuseum
Stralsund

 BfN
BUNDESAMT
FÜR NATURSCHUTZ

Status of harbour porpoise populations in the larger Baltic Sea area



Kinze et al.

Skagerrak/North Sea population:

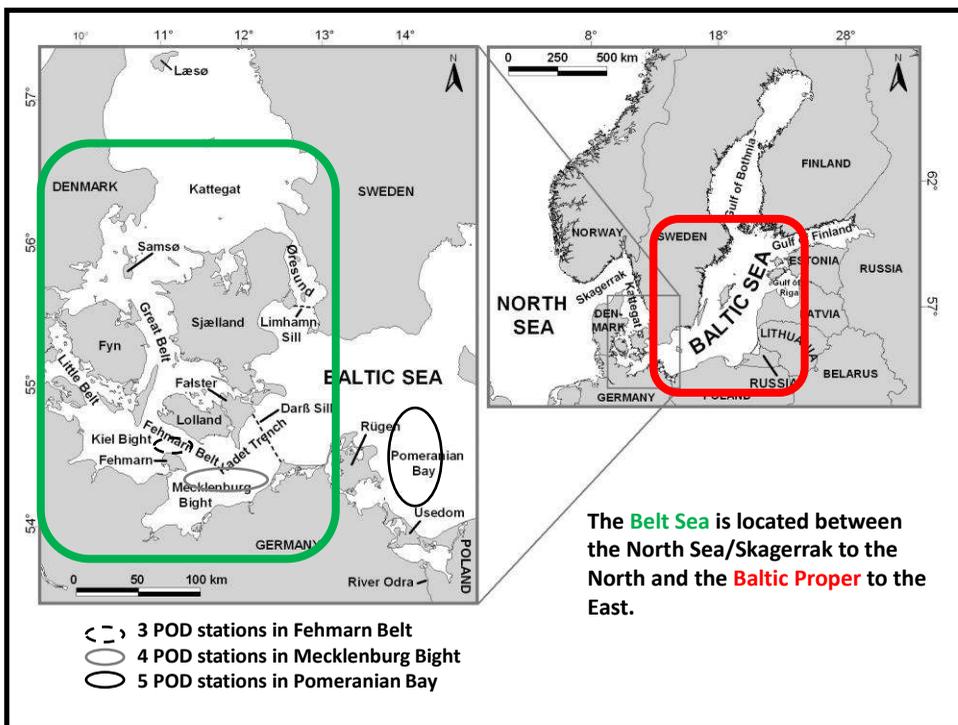
Possibly healthy
(>300,000? individuals)

Belt Sea population:

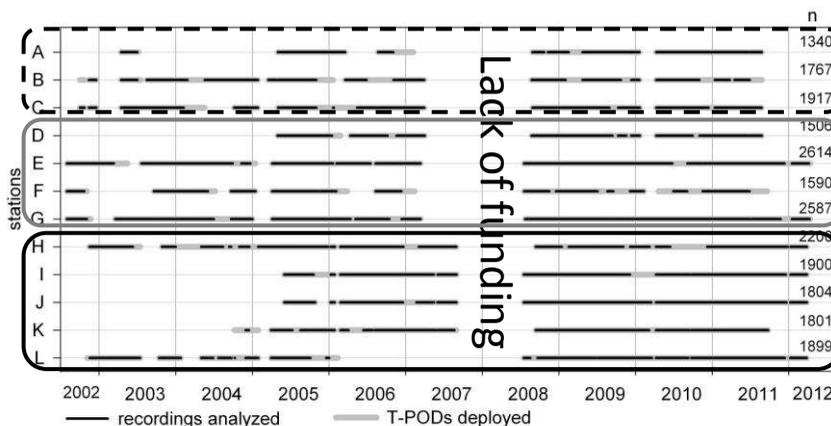
Possibly rapidly decreasing
(currently 5840 - 20,214 ind.)

Baltic Proper population:

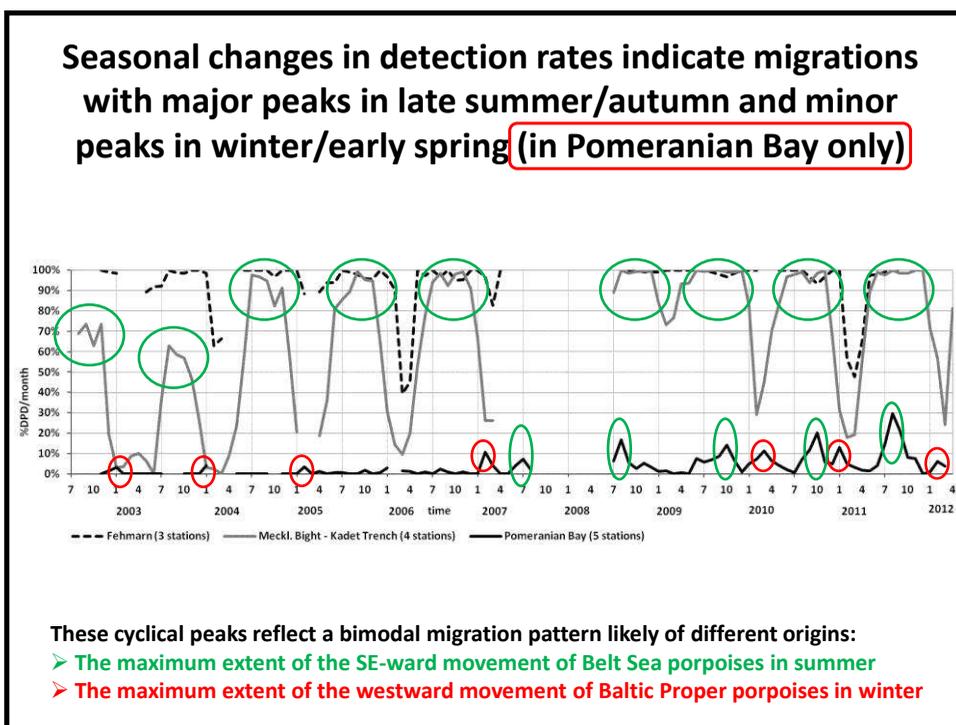
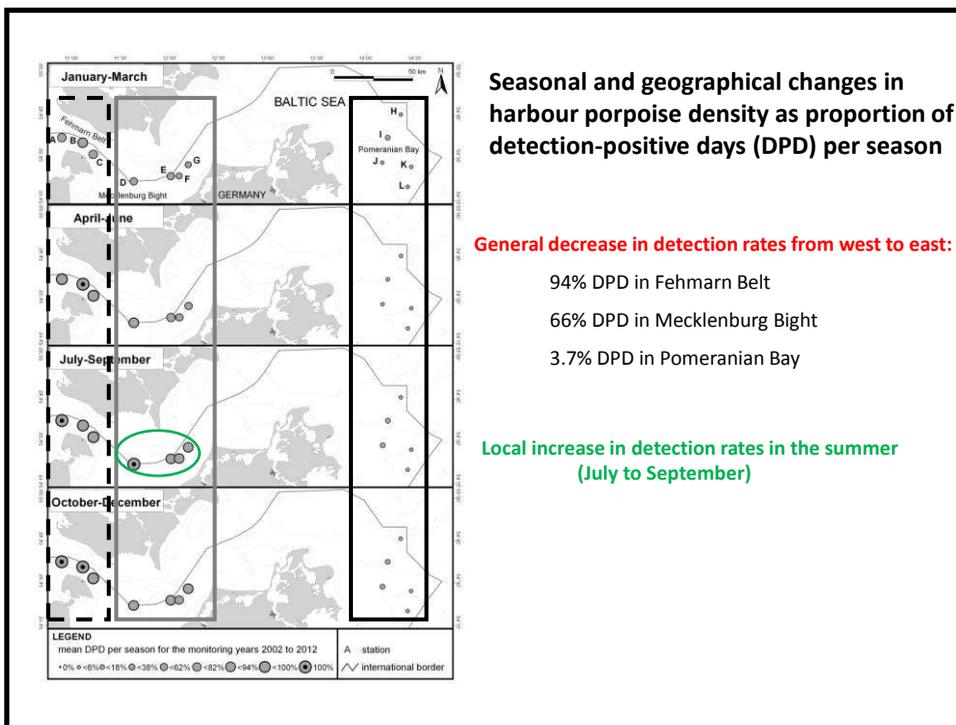
"Critically endangered" [IUCN 2008]
(< 460 groups; < 250 adults)

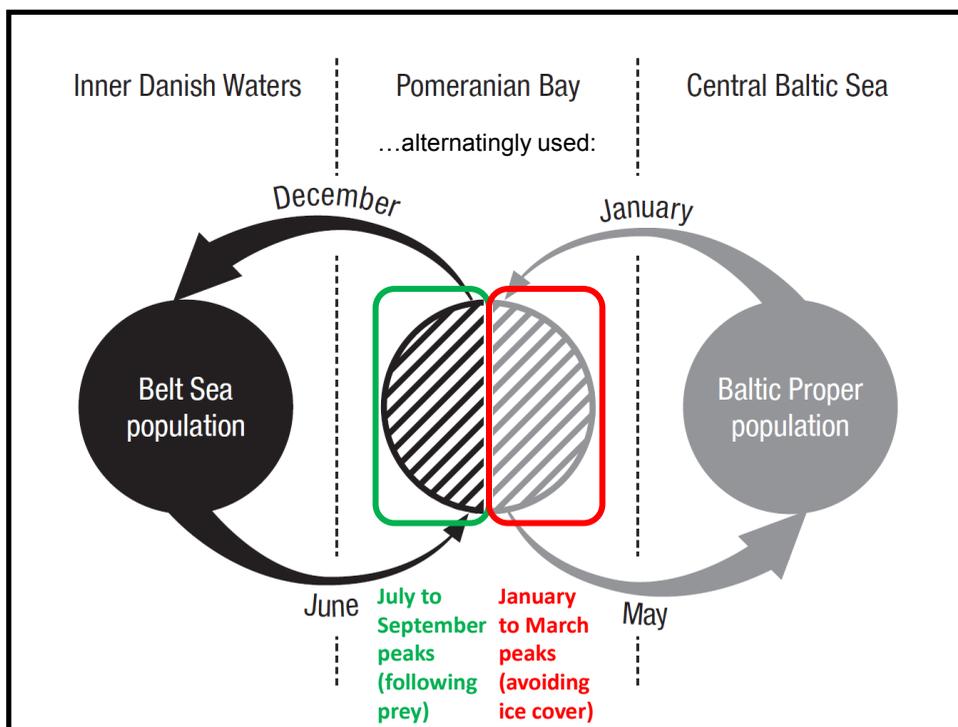


Temporal distribution of recording effort at the twelve long-term click detector stations (equipped with T-PODs from Chelonia Ltd.)



(n = number of days recorded per station; over 62.8 station-years in total)





Baltic harbour porpoise conservation in the territorial waters of Schleswig-Holstein

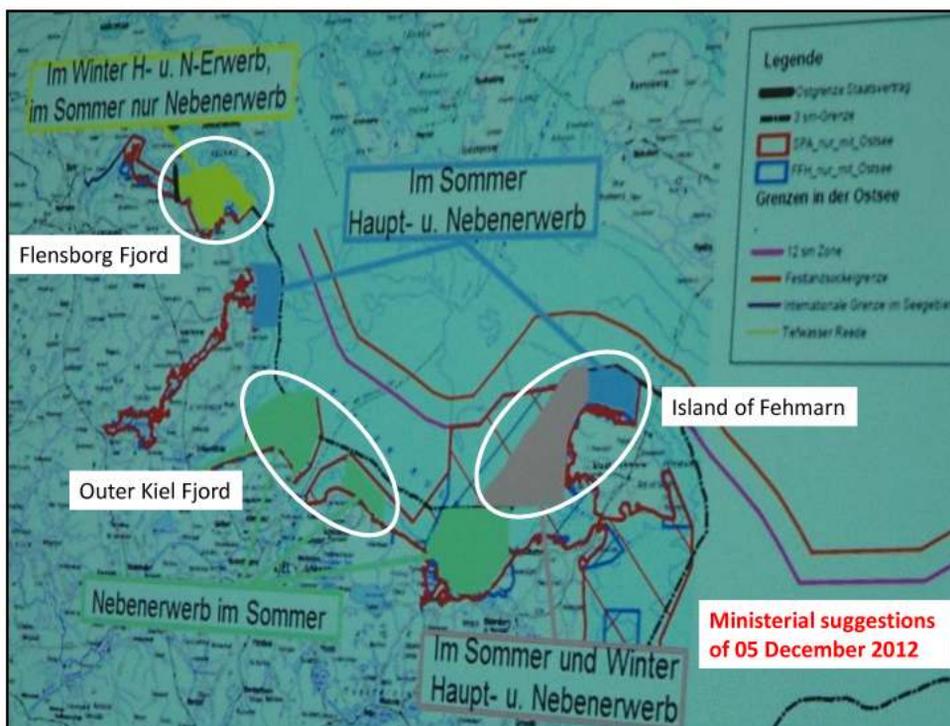


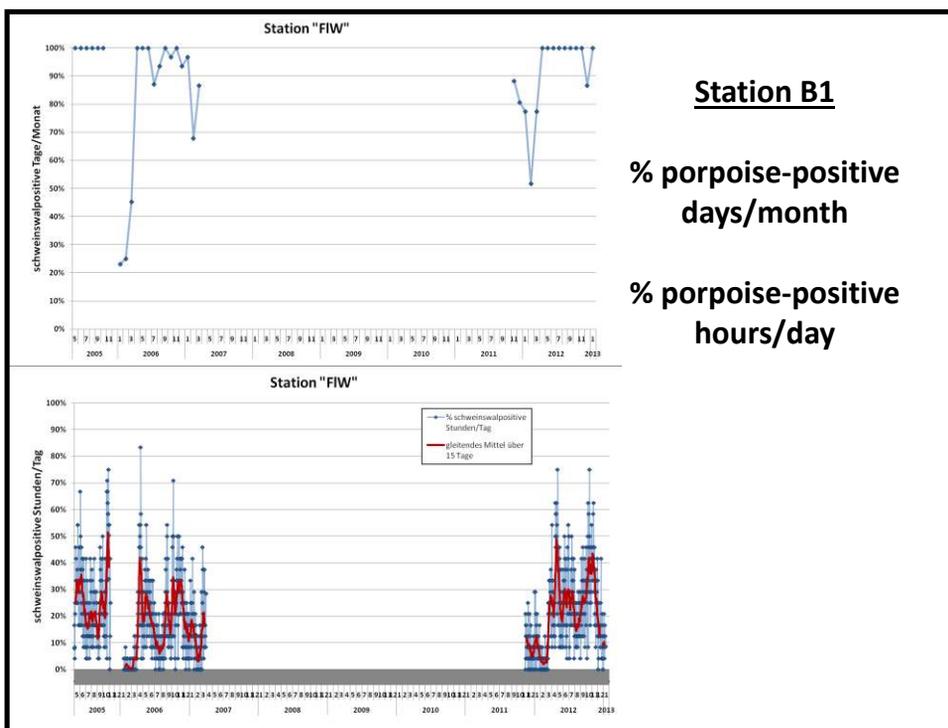
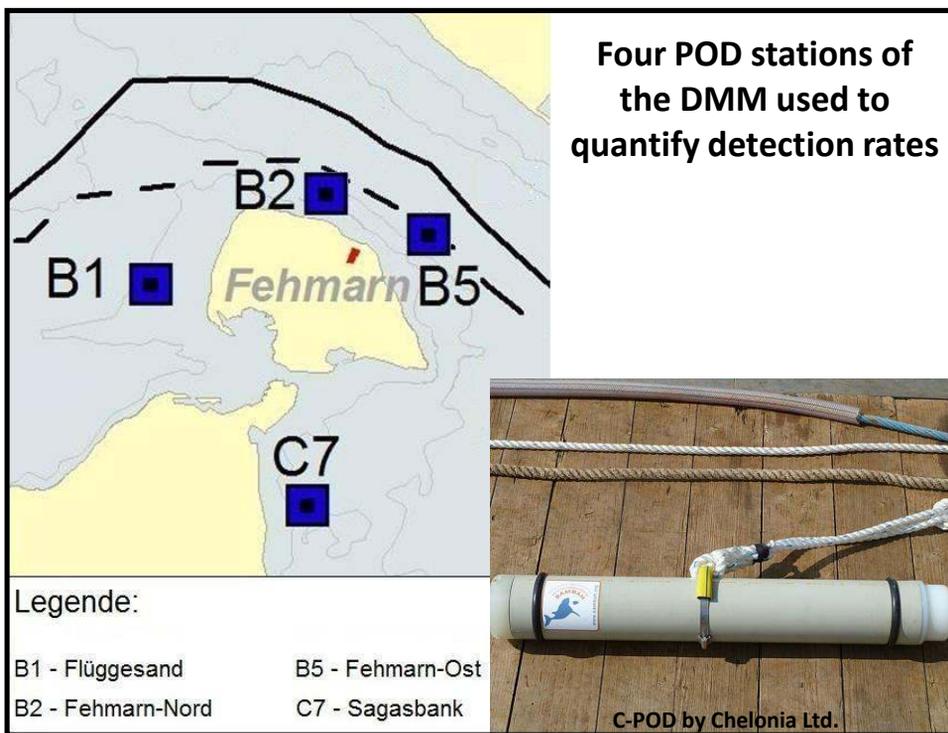
May 2012:

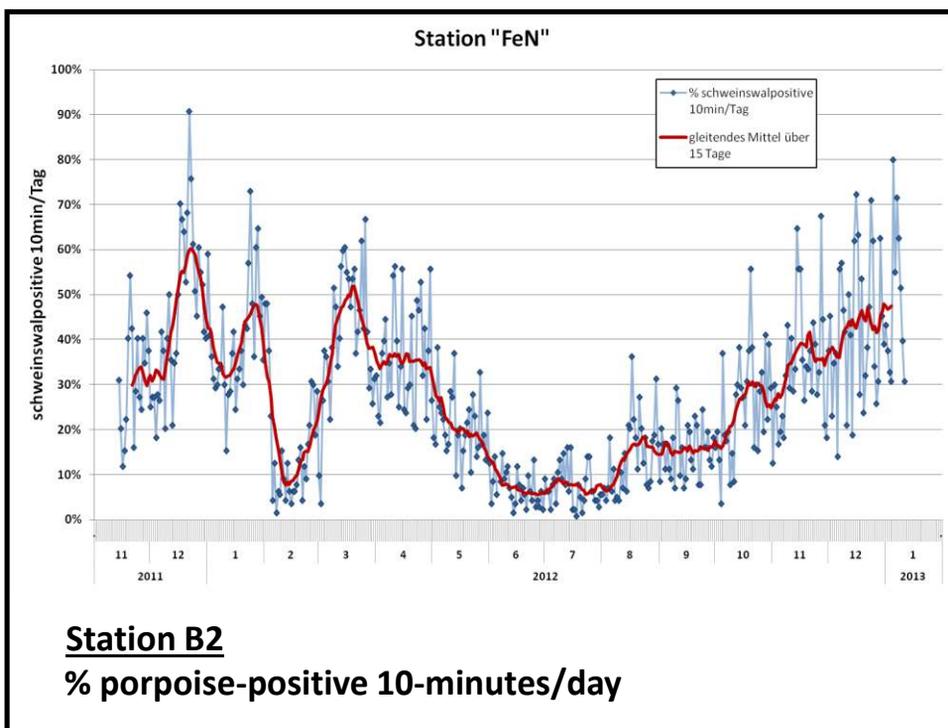
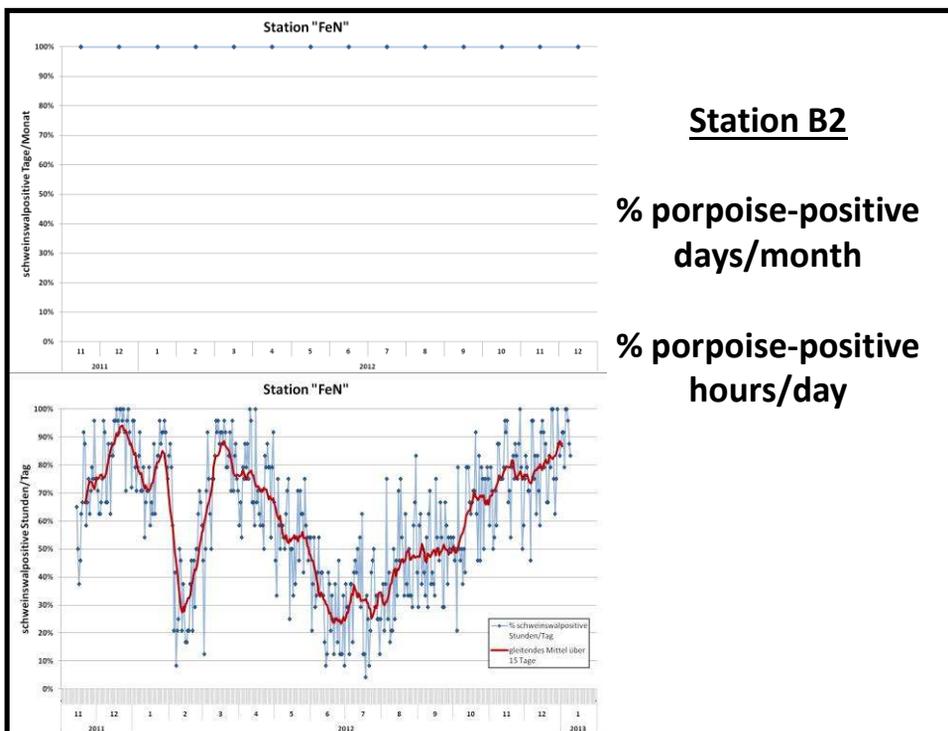
After elections, the state of Schleswig-Holstein has a new government consisting of three parties that agree on a “coalition contract 2012 to 2017”. In chapter V.3.2 Fisheries it reads:

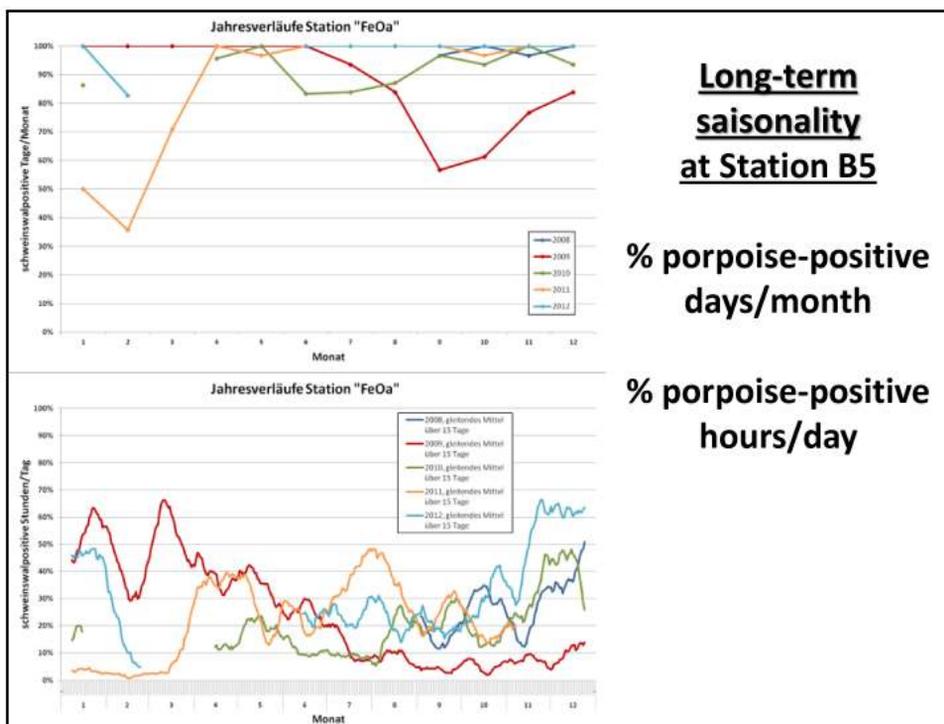
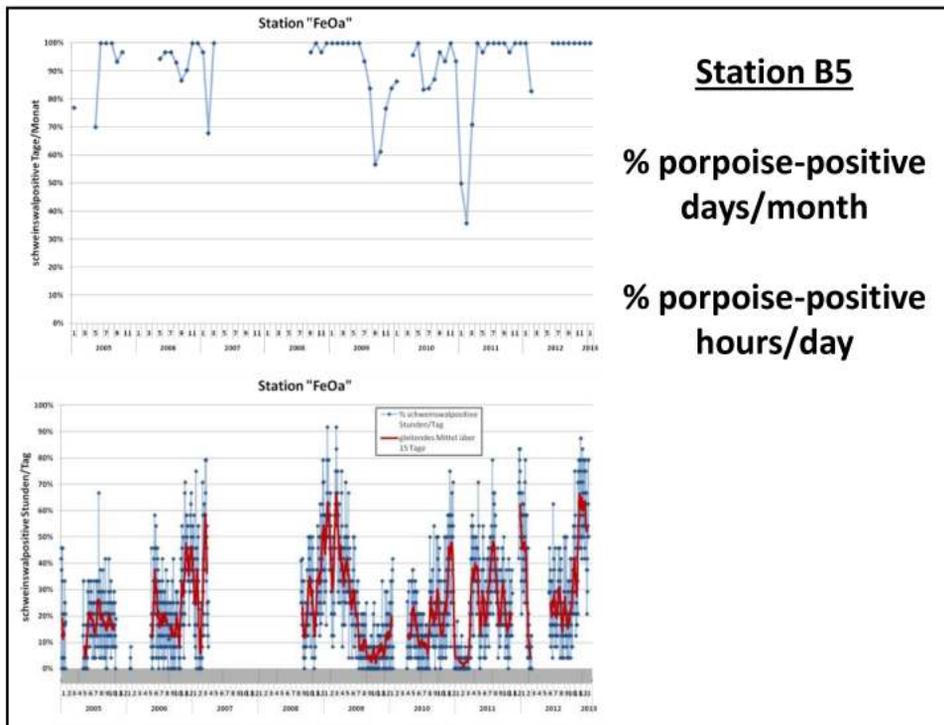
“The current use of set-nets and trawl-nets has severe environmental impacts and endangers the highly threatened porpoise population in the Baltic Sea. We champion the fastest possible introduction of gentle and compatible fishing methods.” (my emphasis & translation)

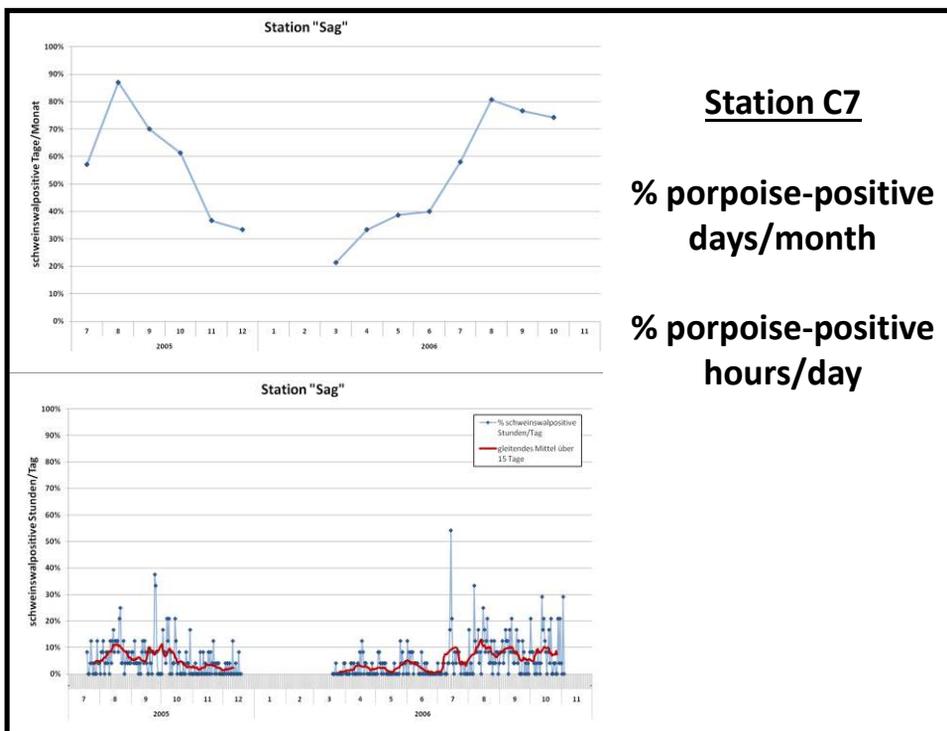
The ‘green’ minister, Dr Robert Habeck, is responsible for both fisheries and conservation. His goal is to **regulate set-netting within SACs** (Special Areas of Conservation under the Habitats Directive) by May 2013. He strives for **consensus between fishers and conservationists** as well as for protection of porpoises and seaducks from bycatch (as demanded by the EU Commission).











Frequency of porpoise registrations at 4 POD stations as PPD, PPH and PP10min

Station Name	Period of data collection	% ppd/m	% ppd/d	% pp10min/d
Flüggessand (B1)	May 2005 – March 2007 & Nov 2011 – Jan 2013	23% - 100% (31/36 months >75%; 33/36 months >50%)	10% - 40%	
Fehmarn-Nord (B2)	Nov 2011 – Dez 2012	100% (in all 14 months)	30% - 95%	10% - 60%
Fehmarn-Ost (B5)	Jan 2005 – March 2007 & Sep 2008 – Jan 2013	35% - 100% (57/66 months >75%; 65/66 months ≥50%)	5% - 65%	
Sagasbank (C7)	July 2005 – Oct 2006	20% - 90% (3/14 months >75%; 8/14 months >50%)	1% - 13%	

What is going to happen in the next weeks?



The upcoming compromise could look like this (according to a ministry spokesperson, 3 April):

- Testing and evaluating of alternative gear (fish traps & long-lines) together by NGOs and fishers
- Testing and evaluating of Porpoise Alarms ("PAL") also in SACs
This new pinger might avoid habitat exclusion & adaptation, but it will be more expensive, does not need to be used by vessels < 12m, and does not save seabirds. Its development was co-funded by Friends of CMS.
- Seasonal closure of "small parts" of 4 SACs (Flensburg Fjord, Outer Kiel Fjord [East & West], Northwest Fehmarn) to setnetting
- All three measures are supposed to be agreed by NGOs and fishers consensually (but possibly also without them, if one of the parties decides not to collaborate any longer).

What is happening at the federal level (i.e., in the EEZ)?



From an outsider's perspective:

- **2004:** The federal government listed pSACs to the EC.
- **Nov. 2007:** The EC accepted SACs in the German EEZ and asked for management plans within 6 years.
- **2010:** The relevant ministries for fisheries and conservation designated their agencies (vTI and BfN, respectively) to create the needed compromises -> they succeed for all species except for harbour porpoises.
- **2013:** The upcoming federal election makes an agreement and publication of management plans by November unlikely. The BfN is hoping for the Schleswig-Holstein government to lead the way.
- **2014:** The European Commission could issue a penalty to discourage disregard of the Habitats Directive.

CHANGES IN GILLNET FISHERY IN THE CONTEXT OF BALTIC HARBOUR PORPOISE (*PHOCOENA PHOCOENA*) PROTECTION IN POLAND



Skóra K.E., Górski W., Pawliczka I.

University of Gdańsk, Institute of Oceanography, Hel Marine Station, Poland, 84-150 Hel, Morska 2, www.hel.ug.edu.pl hel@ug.edu.pl

INTRODUCTION: The population of harbour porpoise (*Phocoena phocoena*) in the Baltic Sea has been classified as critically endangered (IUCN 2008). In 2002 it was estimated at 93 groups (Berggren et al.2004). One of the factors that contributed to the low numbers of this species in the Baltic Sea is by-catch, in particular by-catch in gill nets. 67 by-catches of harbour porpoises in fishing nets were reported by fishermen in the Polish Baltic Sea between 1990 and 2011, of which 58 concerned by-catch in gill nets (Fig.1). In order to determine the current scale of the threat that gillnet fishing poses to the harbour porpoises in the Polish part of the Baltic Sea area, the analysis was conducted based on data that reached back to the year 2004, when Poland started implementing the Common Fisheries Policy(CFP), Habitat Directive (1992) and Regulation EC 812/2004.

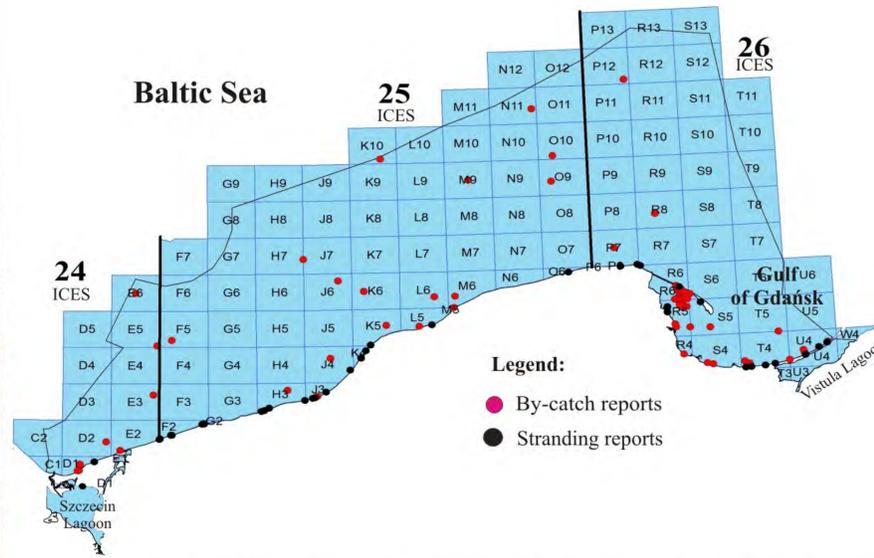


Fig.1 Map indicating points of by-catch and strandings of harbour porpoises in the Polish part of the Baltic Sea in 1990-2011 (Skóra, Pawliczka 2003 and un.pub. data).

METHOD: The data covered the years 2004-2010. Data about the structure and fishing operations by gillnets fisheries were isolated from the data base of the Polish Fisheries Monitoring Centre. Data do not include vessels operating in the Szczecin and Vistula Lagoons, where harbour porpoises do not occur.

RESULTS: The results show a significant reduction in the number of gillnetters operating in the Polish part of the Baltic Sea. Their numbers have fallen by more than 40% between the years of 2004 and 2010. In 2004 there were 686 vessels which used gill nets. By 2010 this number had decreased to 404 (Fig.2). The changes concerned mostly fishing vessels ≥12 meters. This was why in 2010 90% of Polish gill net fishery consisted of fishing vessels below 12 meters (Fig.3). The reduction in the numbers of gillnetters had an impact on the number of fishing operations. Between 2004-2010 this value fell about 60% (Tab.1). The number of set gill nets decreased even more, by nearly 70%. The areas where most of those nets were deployed were coastal waters, which are preferred by harbour porpoises. The red and orange colors on the maps mark those areas where the majority of fishing took place (Fig.4). In all these years, the Gulf of Gdańsk (ICES 26) was the region with the greatest number of fishing operations. At the same time the greatest number of data about by-catch and strandings of harbour porpoises were reported from this region.



Tab.1 Number of gillnets fishing operations in Polish area of the Baltic Sea

Year	Number of fishing operations in Polish area of the Baltic Sea	ICES area					
		24		25		26	
		Fishing operations	%	Fishing operations	%	Fishing operations	%
2004	55,784	4,114	7.3	24,696	44.2	26,974	48.3
2005	45,954	5,108	11.0	16,679	36.0	24,167	52.0
2006	36,807	3,439	9.3	12,759	34.6	20,609	55.9
2007	30,614	3,856	12.5	9,609	31.3	17,149	56.0
2008	27,194	2,412	8.8	9,652	35.4	15,130	55.6
2009	26,648	1,969	7.3	9,077	34.0	15,602	58.5
2010	23,138	1,301	5.6	8,345	36.0	13,492	58.3

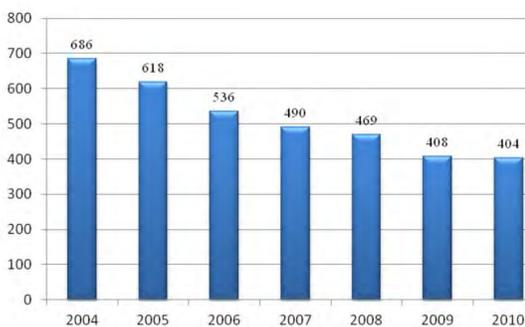


Fig.2 Number of vessels which used gill nets in the Polish part of the Baltic Sea in 2004-2010.

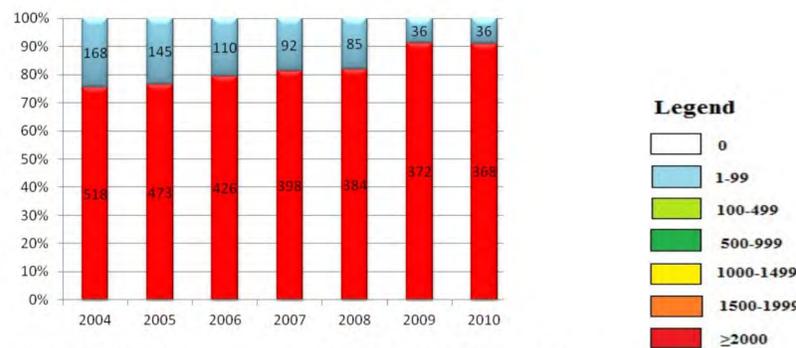


Fig.3 Number and percentage of vessels over 12 meters (blue color) and below 12 meters (red color) which used gill nets in the Polish part of the Baltic Sea in 2004-2010.

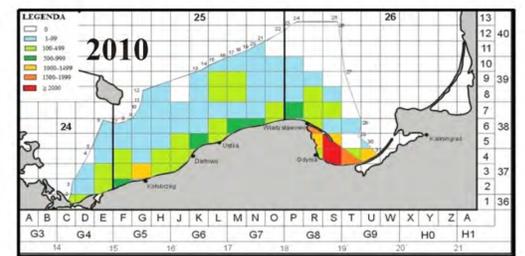
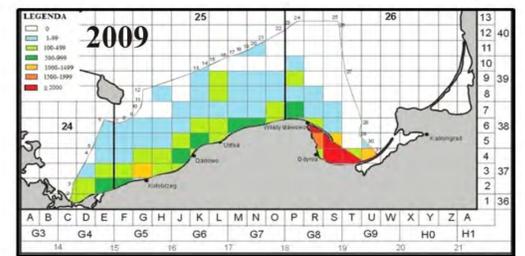
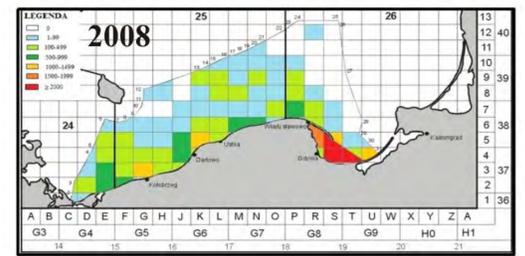
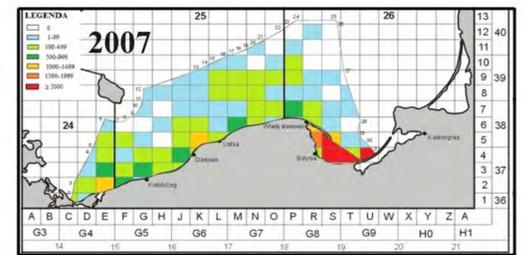
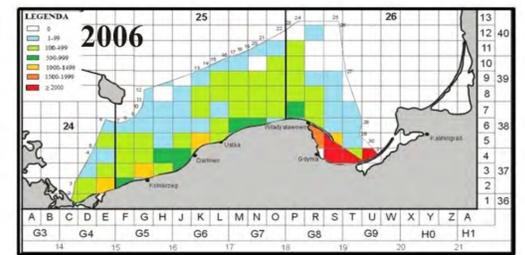
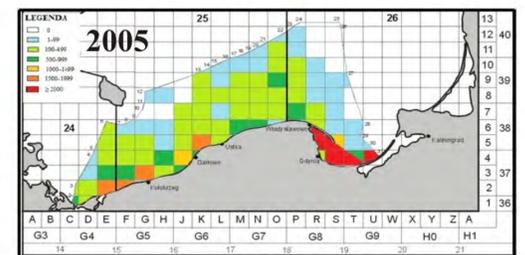
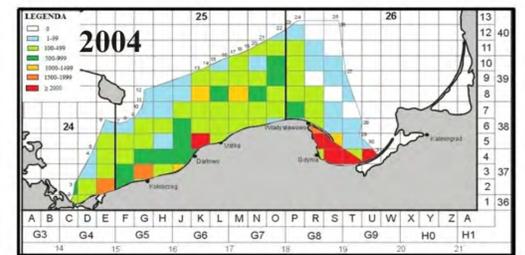


Fig. 4 Activity of gillnet fishery in the Polish part of the Baltic Sea 2004-2010 (colors indicate the scale of number fishing operations).

CONCLUSION: Changes in gillnet fishery indicate that the pressure on harbour porpoise in Polish area of Baltic Sea has decreased. Nevertheless the potential pressure is still high, because the resources of this species have probably been reduced in the meantime. It is important to continue monitoring changes in gillnet fisheries and observe areas where gill nets are used to assess the scale of the main threat.

REFERENCE:

Berggren P., Hiby L., Lovell P. and Scheidat M. 2004. Abundance of harbour porpoises in the Baltic Sea from aerial surveys conducted in summer 2002. Paper S.C./56/SM7 presented to the IWC Scientific Committee, July 2004, Sorrento Italy. 16pp.
 Hammond P.S., Bearzi G., Bjorge A., Forney K., Karczmarski L., Kasuya T., Perrin W.F., Scott M.D., Wang J.Y., Wells R.S., Wilson B. 2008. *Phocoena phocoena* (Baltic Sea subpopulation). In: IUCN 2010. IUCN Red List of threatened Species. Version 2009.2. IUCN website accessed on 30 January 2010.
 Skóra K.E., Kuklik I. 2003 : Bycatch as a potential threat of harbour porpoises (*Phocoena phocoena*) in Polish Baltic Waters. NAMCO Scientific Publications 5 : 1-14.



WWF

Ghost nets

Invisible problem of the (and not only) Baltic Sea
Piotr Prędko

BalticSea2020

The Collecting Ghost Nets in the Baltic Sea Project was funded by Baltic Sea 2020

2011 - POLAND		2012 – LITHUANIA AND POLAND	
15 days of actions at sea aimed at retrieving ghost nets from the sea bottom	4 288 kg	67 days of actions at sea aimed at retrieving ghost nets from the sea bottom	14 429 kg
2 shipwrecks cleaned up by divers	1807 kg	8 shipwrecks cleaned up by divers	2 826 kg
		Ghost nets retrieved by Maritime Office in Gdynia (Poland)	4 020 kg
TOTAL	6 095 kg	TOTAL	21 275 kg

 **OUTCOMES OF THE PROJECT**



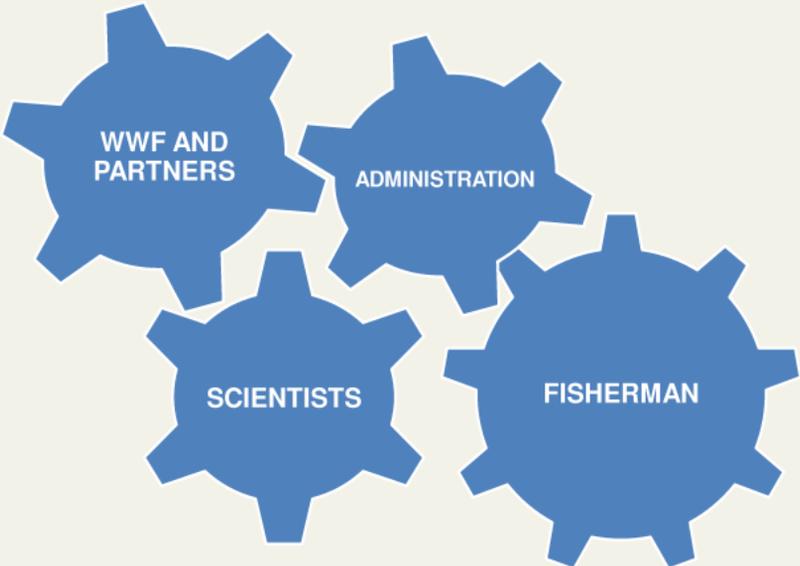
Five fishing vessels engaged in retrieving actions

82 days of actions at sea in Poland and Lithuania and **10 shipwrecks** cleaned up

27 370 kg of ghost nets retrieved during two years of actions

3

 **COOPERATION**



WWF AND PARTNERS

ADMINISTRATION

SCIENTISTS

FISHERMAN

4

WWF

INTERACTIVE MAP OF „HOOKS”

Interactive map of hooks

Wreck
Position on map
(54.8100 N, 17.3288888 E)
Object's depth (m)
Object description
Depth above the ship wreck: 23.00 m (above the sea bottom 30.00 m)

5

WWF

INTERACTIVE MAP OF „HOOKS”

Add a observation - Hook Data Sheet

(*) Obligatory field (should be filled in)

Name	<input type="text" value="Name"/>
Surname	<input type="text" value="Surname"/>
Vessel number	<input type="text" value="Vessel number"/>
E-mail (*)	<input type="text" value="E-mail"/>
Phone number	<input type="text" value="Phone number"/>
Latitude (*)	<input type="text" value="Latitude"/>
Longitude (*)	<input type="text" value="Longitude"/>
Object's depth	<input type="text" value="Depth (in meters)"/>
Type of object (*)	<input type="text" value="select the object"/> <input type="button" value="legend"/>
Was the net lost? (*)	<input type="text" value=""/>
Has the location of the hook been confirmed at sea? (*)	<input type="text" value=""/>
Object description	<input type="text" value="Object description"/>
Additional information	<input type="text" value="Additional information"/>
Photo	<input type="text" value=""/> <input type="button" value="Przeglądaj..."/>

6



27,3 tonnes of ghost net retrieved

1 500 set nets lost annually in the Polish economic zone and **150** in the Lithuanian economic zone

270 – 810 tonnes of ghost nets deposited in the Polish economic zone and **67 - 100 tonnes** in the Lithuanian economic zone

© WWF/PA. Węgrzyn



WHAT'S NEXT?

WHO?

HOW?

FUNDED BY?



Thank you for your attention

Piotr Prędko
Project leader
WWF Poland

BalticSea2020

The Collecting Ghost Nets in the Baltic Sea
Project was funded by Baltic Sea 2020





Harbour Porpoise Conservation Programme - Draft

Monika Łaskawska
WWF Poland



PROGRAM OCHRONY MORŚWINA – PROJEKT
(19.12.2012)

[FOTOGRAFIA: HOCOCINA L. S. 1738]



INFRASTRUKTURA I ŚRODOWISKO

Projekt współfinansowany przez Unię Europejską ze środków Europejskiego Funduszu Rozwoju Regionalnego w ramach Programu Infrastruktura i Środowisko





Supporting restitution and protection of Baltic mammals in Poland

Project partners

- Hel Marine Station of the Institute of Oceanography of the University of Gdansk
- the Foundation for the Development of the University of Gdansk

Funding

- 85% - EU
- 15% - own contribution (Foundation for the Development of the University of Gdansk)









Task

Elaboration and social consultation of conservation programmes for grey seal and harbour porpoise



Team

Agata Gójska – Mediatorzy.pl
Iwona Pawliczka – expert in biology and ecology of marine mammals
Paweł Pawlaczyk – legal adviser

Review

Randall Reeves – head of IUCN Cetacean Specialist Group





Plenary meetings

- 12/01/2012
- 20/09/2012

Working groups

- interaction with fisheries (2 meetings)
- disturbance, noise and pollution (2 meetings)
- research and monitoring
- information, education and social communication

Social consultation process

Participants

98 people from
42 institutions and organisations
wide circle of stakeholders



The goals of the programme



- To decrease the mortality of harbour porpoises as a result of by-catch to **less than one in four years** in Polish waters while at the same time maintaining the quality and the current habitat range of harbour porpoises.
- To limit the spatial range of disturbances of marine environment which could be assumed to have a negative impact on harbour porpoises:
 - in protected areas where harbour porpoises are under protection to below 1% of the surface of each area,
 - in other parts of Polish waters below 5% of their surface.
- To increase the knowledge on the Baltic harbour porpoise population as well as the use of marine space by harbour porpoise and the use of new information through adaptive management of the species conservation.
- To increase the public knowledge on the Baltic harbour porpoise.



Proposed conservation measures

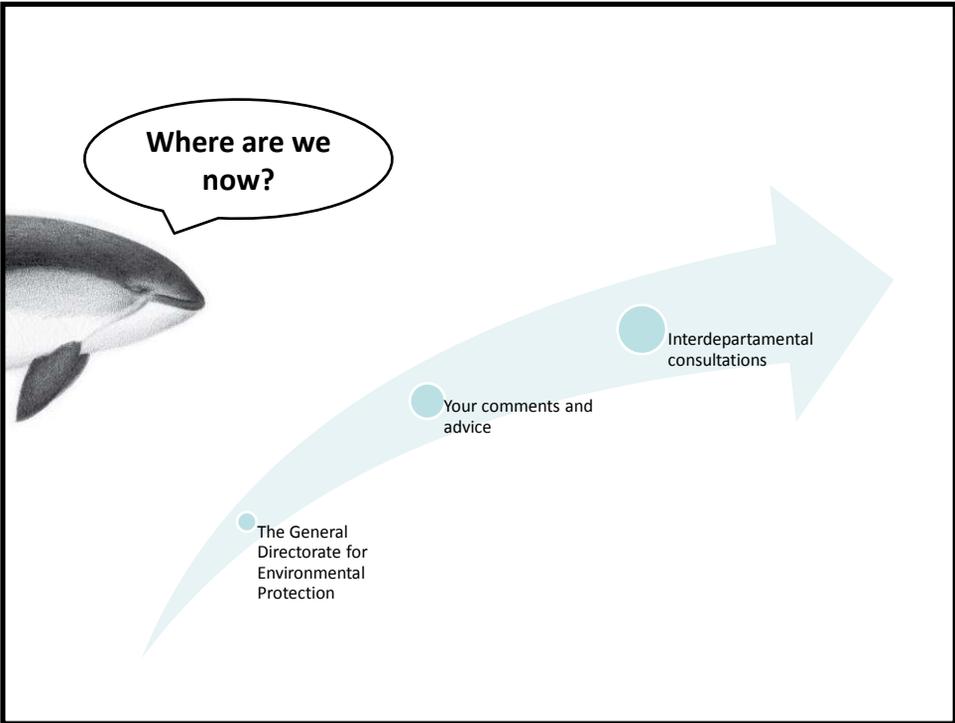
1. **Achieving good environmental status of the marine environment:**
 - Populations of commercially exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of as healthy stock
 - Concentrations of contaminants are at levels not giving rise to pollution effects
 - Human-induced eutrophication is minimised, especially adverse effects thereof, such as losses in biodiversity, ecosystem degradation, harmful algae blooms and oxygen deficiency in bottom waters
 - Properties and quantities of marine litter do not cause harm to the coastal and marine environment
 - Introduction of energy, including underwater noise, is at levels that do not adversely affect the marine environment
2. **Reduction of disturbances, including underwater noise**
 - i.a. maritime and coastal spatial planning
3. **Implementation of a high standard pre-investment monitoring and monitoring during the construction and exploitation of investments in marine and coastal areas**



Proposed conservation measures

4. **Changing the fishing gears and fishing techniques to porpoise-safe nets and techniques**
 - Changing the fishing gears and fishing techniques to porpoise-safe nets and techniques (JP, Recommendation 3)
 - Pro-environmental certificates of fish products (JP, Recommendation 2)
 - Wide-spread pinger use (JP, Recommendation 4)
 - Reporting of by-catch (JP, Recommendation 2, 9)
 - Establishment of a forum for discussion and co-operation on marine protected species (JP, Recommendation 2)
5. **Extending the network of the marine protected areas for harbour porpoises** (JP, Recommendation 14)
6. **Improvement of research and monitoring programme** (JP, Recommendation 6, 7, 11, 12)
7. **Information, educational and communication activities** (JP, Recommendation 15)
8. **International co-operation**





USING CAMERAS TO MONITOR BYCATCH OF SEABIRDS

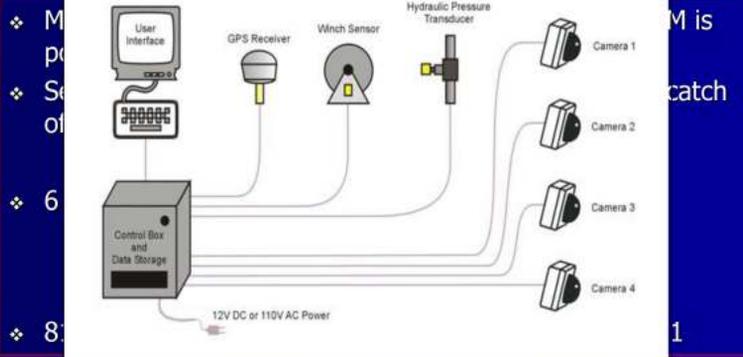
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BirdLife Workshop on Seabird Bycatch in Gillnet Fisheries, Berlin, 3-4 May 2012

USING CAMERAS TO MONITOR BYCATCH OF SEABIRDS



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USING CAMERAS TO MONITOR BYCATCH OF SEABIRDS

SEABIRD BYCATCH

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USING CAMERAS TO MONITOR BYCATCH OF SEABIRDS

SEABIRD BYCATCH

Preliminary results based on viewing every 10th trip except vessel B

Vessel	Guillemots			Cormorants	Eiders	Gulls	Un-known	SUM
	IV	IIIan	IIIb					
A	-	-	0	0	0	0	0	0
B	-	-	28	16	12	5	3	64
C	-	0	-	0	0	0	1	1
D	-	1	-	0	0	0	0	1
E	0	0	-	0	0	0	0	0
F	1	1	0	0	0	0	0	2
Sum	1	2	28	16	12	5	4	68

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