

Ieva Žundienė  
Department of Fisheries  
Ministry of Agriculture  
Gedimino Ave. 19  
LT-01103, Vilnius  
Lithuania

By e mail to: [ieva.zundiene@mfa.lt](mailto:ieva.zundiene@mfa.lt)  
cc: [Jolanta.Cesiuliene@zum.lt](mailto:Jolanta.Cesiuliene@zum.lt) ; [Ana.Sedenko@zum.lt](mailto:Ana.Sedenko@zum.lt)

BSAC 2022-2023/40

Copenhagen, Friday 24th March 2023

**Subject: BSAC comments on the BALTFISH draft Joint Recommendation on Control of mitigation measures to prevent bycatch of harbour porpoise in the Baltic Sea fisheries**

Dear Ieva Žundienė,

Thank you for consulting the BSAC on the draft Joint Recommendation on Control of mitigation measures to prevent bycatch of harbour porpoise in the Baltic Sea fisheries (received on 3rd March 2023).

In December 2020, on the basis of the ICES advice, BALTFISH, submitted a joint recommendation proposing mitigation measures to reduce incidental catches of Baltic Proper harbour porpoise. The joint recommendation proposed a closure of the Northern Midsea bank, a core area for the Baltic Proper harbour porpoise during the breeding season, to all fisheries except for pots, traps and longlines. It also proposed the closure of the Southern Midsea Bank and Høburgs bank (SE0330308) as well as a temporal closure of a number of Natura 2000 sites for fishing with static nets in line with the ICES advice of 26 May 2020.

In September 2021, in line with the same ICES advice, BALTFISH submitted another joint recommendation with additional mitigation measures for the Natura 2000 site Sydvästkånes utsjövatten (SE0430187), proposing a seasonal closure (from 1 November to 30 April) for fishing with static nets and seasonal obligatory use of acoustic deterrent devices in the Natura 2000 site Sydvästkånes utsjövatten, identified by ICES also to be an area of importance for Baltic Proper harbour porpoise.

The BSAC was consulted on the joint recommendations in October 2020<sup>1</sup> and July 2021<sup>2</sup> respectively.

---

<sup>1</sup> <http://www.bsac.dk/BSAC-Resources/BSAC-Statements-and-recommendations/BSAC-recommendations-concerning-mitigation-measure>

The two joint recommendations from BALTFISH provide that Member States should ensure control of fishing vessel activity in order to implement the measures proposed. The Member States also committed to endeavour to agree on more detailed control measures linked to the control of the mitigation measures.

In the draft Joint Recommendation, BALTFISH refers to the importance of solid and meaningful input from stakeholders in the process of developing Joint Recommendations and asks the BSAC for input on the draft Joint Recommendation for additional control measures.

The BSAC membership was consulted, and we received comments from 5 members (detailed in the Annex hereunder). The short deadline did not allow for a BSAC meeting dedicated to this topic.

Kind regards,



Jarek Zieliński  
BSAC Executive Committee Chair

---

<sup>2</sup> <http://www.bsac.dk/BSAC-Resources/BSAC-Statements-and-recommendations/Baltfish-Presidency-draft-supplementing-Joint-Reco>

**Annex: BSAC members comments on the draft Joint Recommendation received during the consultation periods (06/03/2023-20/03/2023 + 22/03/2023-24/03/2023).**

**Swedish Fishermen's Producer Organization (SFPO)**

We think this will just bring more administration to fishermen (and authorities) without helping the situation for harbour porpoise. The fishing areas are becoming more and more limited due to wind farms among other restrictions and we find it very unnecessary to make it even more difficult to fish in the existing areas.

**Swedish Society for Nature Conservation (SSNC)**

We welcome the BALTFISH initiative to implement control measures to ensure that the measures in the Commission Delegated regulation (EU) 2022/303 are complied with. However, we would like to underline the urgency in proposing additional bycatch mitigation measures. Given

- The status of the Baltic Proper population as critically endangered
- The ICES advice and STECF opinion clearly stating that while the closures implemented through the Commission Delegated Regulation (EU) 2022/303 are an important first step but that further measures are needed
- The recently published EC Marine Action Plan including the demand to adopt further bycatch mitigation action for the Baltic Proper harbour porpoise before the end of 2023

We are seriously concerned that BALTFISH has not agreed on any further measures to minimise bycatch of harbour porpoise in the Baltic Sea.

The Delegated Regulation 2022/303 prescribes bycatch mitigation measures in harbour porpoise Natura 2000 areas and two other important areas for the harbour porpoise, but bycatch mitigation is still desperately needed in the rest of the range of the Baltic Proper harbour porpoise, as specified in the ICES advice. The lack of progress in the BALTFISH process is worrying and we urge BALTFISH countries to step up and propose effective bycatch mitigation action for the entire Baltic Proper.

In our opinion, the ICES proposal to use pingers in static net fisheries should be re-considered. The scientific community has repeatedly offered their support to try to resolve any obstacles to the use of pingers. We encourage countries to initiate dialogue with their military forces on the issue, involving experts from both the military and the scientific community in an effort to work out possible solutions.

Lastly, we are aware of the discussions in BALTFISH on so-called real-time or dynamic closures. We agree with for example the ASCOBANS Jastarnia group that such measures would not be effective, and would propose that BALTFISH does not continue to use valuable time on these discussions but instead focus on measures that will have a real effect on minimising bycatch.

These comments have been compiled by Ida Carlén, senior policy officer oceans, and Therese Börjesson, head of department for oceans, waters and toxics.

## **Coalition Clean Baltic (CCB) and World Wide Fund for Nature (WWF)**

We support the proposal of additional control measures but must strongly urge Baltfish to continue forward with new bycatch avoidance measures. In particular, as ICES has specified as most effective short term measure, the matter of pingers to be used on static nets. We are aware of previous - and note that this was well ahead of the war in Ukraine - resistance from some countries military experts to use such pingers. Both science and designers of pingers devices are more than ready to engage to solve any issues and to develop and test new devices that reduces any problems.

We request that all the Member States in question that have hesitations towards pingers open up discussions immediately with the Ministry of defense on this matter. In those talks, it is crucial also to bring up the increasing use of so called “seal scarares” in archipelago areas around the Baltic Sea since these devices are much louder and are static and in place for a long time. [In a report from the Nordic Council](#), new autonomously moving drone like devices using loud noise to scare seals away from certain areas are being tested as well. It is important to understand how these devices are not creating a problem but that pingers may do so.

Sound emitting devices can likely be designed and used in ways that do not create problems but the dialogue must start via the Ministries represented in BALTFISH.

Finally, we would like to propose a small addition to the last paragraph in section 5:

“In addition to measures included in this Joint Recommendation Member States may also adopt more stringent national measures to improve monitoring and control of incidental catches of harbour porpoise, such as the application of Remote Electronic Monitoring system including CCTV in their waters in accordance with relevant provisions and procedures.”

## **Fishermen’s Federation for Small-Scale Fishery in Sweden (SYEF)**

We fishermen are concerned to see how the need to protect harbour porpoises has snowballed to include measures that have no conservation benefits but create exclusions for the commercial passive gear flatfish fishery. To explain this more clearly, let’s look back at the substandard basis for the decisions taken so far.

1. The scientific evidence from the SAMBAH project, on which the decision to ban fishing activities is based, relies on signals received, known as clicks, from potential harbour porpoises. Harbour porpoises communicate at frequencies similar to those of sonar used in ships. It has not yet been established beyond doubt that the clicks perceived during the data collection of the SAMBAH project have indeed come from harbour porpoises and not from ships’ sonar. The level of interpretation required makes the results dubious to say the least.
2. There is no physical evidence (observations) to establish that the presence of harbour porpoises is of the magnitude stated in the scientists’ reports.
3. No physical observations of harbour porpoises have been made, according to our enquiries with fishermen who have been in the areas in question over the last 20 years.

4. No harbour porpoises have been caught as by-catch when fishing with gillnets.

The only fishery that will be authorised for a long time to come is the flatfish fishery. For vessels fishing with passive gear, gillnets are the only way to catch flatfish. These bans that have now been enforced remove a significant livelihood opportunity for the few remaining units of passive gear vessels. There is a clear socio-economic cost to these rules for no measurable conservation or environmental benefit.

Another important aspect is that the now proposed ban on fishing in these areas with gillnets means that there is no presence of fishing and then there will also be subsequent data gaps, a weaker basis to obtain reference points as a basis for advice and management. We wish to emphasise that we are not opposed to the control of fishing, but it must be proportionate to the benefits of the same. The control measures now proposed will impose an even greater administrative burden on an already hard-pressed sector of the industry (this is also stated in the STECF reports on fishing with passive gear).

During the meetings held on the subject, we have appealed to be able to use pingers as a measure to continue fishing in all the areas that are now proposed to be protected from gillnet fishing. These proposals have been rejected.

In light of the above, we therefore propose the following that you take into account in the further process;

In order to be able to maintain a presence for reference data in catches and physical observations, we suggest that you take under consideration that;

in combination with the proposed control measures, grant exemptions to those vessels that have been fishing with gillnets during a reference period of, for example, the last 5-10 years in the decided closed areas. Catch statistics are available for the Union vessels that have been fishing.

To summarise, we are of the opinion that such a measure proposed by us would strengthen cooperation between fisheries and the decision-making authorities, researchers and advisory services.