

## BSAC RECOMMENDATIONS ON SEALS

To: European Commission, Baltic Sea Member States, HELCOM, ICES

In 2023 and 2024, the Baltic Sea Advisory Council (BSAC) organised two workshops dedicated to seals and cormorants<sup>1</sup>. The first workshop dealt with the applicable legislation and research on these two groups of predators in the Baltic Sea. The second one, on 30 October 2024, focused on discussions around conservation and management.

The BSAC wishes to thank participants in the workshops for their contributions which have shed light on the complex issues and considers the work done as an important step forward towards creating a common understanding of how to better balance conservation and management of seals and cormorants.

The BSAC recalls that conservation and management of seals take place in a Baltic Sea which is challenged by simultaneous developments, among other species interaction and climate change, eutrophication, and changes in salinity.

The BSAC notes that shortly before its second workshop, on 22 October 2024, the Council of the European Union had an exchange of views on the *need for revised rules to allow for ecosystem-based hunting for cormorants and seals in order to protect sensitive fish stocks*. During this debate most Baltic member states called for more robust measures for seals, including the possibility of selling seals products emanating from seals hunted in the context of management. The Commission representative acknowledged the serious problems which can occur in certain localities, but reserved the Commission's position until the finalisation, in early 2025, of the ongoing "fitness check" of the current trade ban and pups directive. He underlined that possible future changes would have to be WTO-compliant and take account of animal welfare considerations.

These recommendations below are in relation to seals.

The BSAC acknowledges that seals have always been part of the ecosystems in the Baltic Sea Basin. According to HELCOM, seals "*are important, unique and valuable components of the Baltic Sea ecosystem, and that their continued survival and well-being are inextricably linked to, and dependent on the quality of the Baltic Sea environment.*" (HELCOM recommendation 27-28/2, adopted in 2006). In addition, according to the recent HELCOM HOLAS 3 Report "State of the Baltic Sea 2023 – Third HELCOM holistic assessment 2016-2021" – none of the seal species populations occurring in the Baltic Sea achieved good status<sup>2</sup>

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<sup>1</sup> [https://www.bsac.dk/past-meetings/?meeting\\_search=workshop+predators+seals&meeting\\_year=&loc=](https://www.bsac.dk/past-meetings/?meeting_search=workshop+predators+seals&meeting_year=&loc=)

<sup>2</sup> HELCOM (2023): State of the Baltic Sea. Third HELCOM holistic assessment 2016-2021. Baltic Sea Environment Proceedings no. 194.

To recall, Advisory Councils exist under the Regulation (EU) 1380/2013 on the EU's common fisheries policy, and their main task is to contribute to the achievement of the objectives of the Common Fisheries Policy (Art. 2). Notably the human exploitation of fish stocks (fishing) can take place provided it is at a level where the stock in question can produce the maximum sustainable yield as further defined in the said Regulation. All Members of Advisory Councils must adhere to the objectives of the Common Fisheries Policy.

Although, seals are not subject of fisheries management in a strict traditional sense but are an element in the goal of an ecosystem-based fisheries management, seals have a direct impact on fish stocks, at least locally, and exert pressure on the same fish stocks as exploited by fishing. At the same time, however, an ecosystem-based fisheries management approach would also take account of the fact that fisheries impact seals by direct mortality (by-catches), including rare cases of culling in some Member States, and indirectly by food web interactions. Therefore, the BSAC chose to organise these workshops to reflect the keen interest in seals of many of its members across the board.

The BSAC takes note of the requirements under the Marine Strategy Framework Directive<sup>3</sup> and the Habitat Directive, including the derogation possible under Articles 16<sup>4</sup>.

HELCOM, as the competent Regional Sea Convention dealing with seals in the Baltic, undertakes important work to ensure *“the continued existence and prosperity of the seal populations, and consequently the quality of their habitats”*. This is a *“shared responsibility of the Contracting Parties”* which are all Baltic Member States as well as the European Union to whom the BSAC can also address advice and recommendations within its field of competence.

HELCOM's work has a direct impact on fisheries management because fisheries managers, be it at national, EU or international level, must manage fisheries in a manner mindful of concerns in relation to the conservation of seals.

The BSAC notes that HELCOM organised a workshop on the topic in June 2019<sup>5</sup> which concluded among other things that there was a *possible need to revise HELCOM Recommendation 27-28/2* on conservation of seals. It also concluded that the Baltic Sea Action Plan which calls for an ecosystem-based management approach, was not yet accomplished, and that this would require the involvement from all stakeholders.

The BSAC is aware that a revision of a HELCOM Recommendation is a time-consuming process with formal steps to go through.

From discussions in the BSAC workshops, it has become clear that there are various uncertainties. Organisations such as ICES could usefully include, in all cases, in its advice information on the total mortality of a fish stock, with estimates for natural mortality,

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<sup>3</sup> 4 criteria to assess 'good environmental status' for marine bird and mammal species are defined in the Directive: • Bycatch levels • Population abundance • Species distributional range (same as BHD) • Species habitat extent (same as BHD)

<sup>4</sup> Allowing to derogate from Articles 12-15 under specific conditions

<sup>5</sup> <https://www.bsac.dk/wp-content/uploads/2023/08/Outcome-SFI-WS-1-2019.pdf>

mortality due to predation, fishing and pollution of a given fish stock. It could also be useful to conduct more work to fully understand seals' impact on fish stocks on population level and fisheries' impact on seals on population level. This might require the broadening of existing data collection activities.

During discussions in the workshop, the issue of seal management kept coming up. The BSAC considers that management has a role to play in all areas where seals have a growing impact on the ecosystem (carrying parasites), on fish stocks (predation), and on fishers (gear damages) and the ability to provide locally sourced food. Management already takes place to varying degrees at national level. Management decisions should be based on science, i.e. on setting reference population levels.

Workshop discussions drew attention to sub-regional differences in the abundance of seal populations. There is a clear need for identifying spatial and temporal distribution of seal populations. A clear indication of the actual abundance of the seal populations in the various areas (management units) of the Baltic Sea could be very valuable for fisheries managers. BSAC is aware that according to HELCOM "the grey seals of the Baltic Sea all belong to the same management unit, as they forage across the entire region. However, the abundance of grey seals varies between areas"<sup>6</sup>. The population status should be evaluated against the criteria for carrying capacity for different areas as a complement to Baltic wide evaluations.

The BSAC takes note of varying conditions of the different seal species and that these recommendations apply first and foremost to *grey seals*. The populations of other Baltic seal species, i.e. ringed seals and harbour seals are in different state and their management should be considered separately.

The BSAC takes the view that non-lethal management methods such as seal proof gears or other deterrents must always first be employed. However, like HELCOM, the BSAC also recognises that in a few localities and under strict conditions, culling of grey seals may be required.

Management should focus on preventing damages rather than compensating for them. The BSAC recognises that management is costly and recommends that the Member States and the EU work together with fishers to find ways to cover the arising costs. In this context, the issue of a possible amendment to the EU ban on trade in seal products should be mentioned and to this effect BSAC delivered a full recommendation in July 2024<sup>7</sup>.

The BSAC underlines that close cooperation is required on all levels between stakeholders, scientists and authorities to find workable solutions to enable co-existence between seals and viable, sustainable fisheries, and a healthy Baltic Sea.

### **In the light of the above, the BSAC recommends that**

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<sup>6</sup> HELCOM HOLAS III Thematic assessment of biodiversity 2016-2022. Baltic Sea Environment Proceedings No. 191; [State-of-the-Baltic-Sea-2023.pdf](#)

<sup>7</sup> [https://www.bsac.dk/wp-content/uploads/2024/08/BSACreply-to-fitnesscheck\\_tradeinsealproducts\\_2024-2025-15rev.pdf](https://www.bsac.dk/wp-content/uploads/2024/08/BSACreply-to-fitnesscheck_tradeinsealproducts_2024-2025-15rev.pdf)

- Baltic Member States work together towards a regional management of seals in the Baltic Sea.
- HELCOM undertakes further work in relation to HELCOM Recommendation 27-28/2, notably with regard to:
  - Updating the Limit Reference, Precautionary Approach and Target Reference Levels for seal populations of the described Management Units, based on best available science
  - Considering Management Units that can be closer to what is experienced in the different areas and could bring a more differentiated picture of status evaluation results as a complement to Baltic wide evaluations.
  - Exploring non-lethal methods of minimizing the conflict between fishers and seals.
  - Clarifying under which strict conditions culling (licensed anthropogenic removals) could be an option. In particular, looking at the species-specific growth rate requirements that might not be achievable when species population have recovered.
  - Finally, a review should also consider the broader environmental and economic consequences of the objectives stated.
- HELCOM and ICES work closely together to ensure that ICES can provide advice which takes better account of all sources of mortality, including predation mortality.
- All Baltic Member States include in their operational programmes provisions for support of especially preventive measures, but also compensation to fishers and aquaculture operators who suffer serious damage.
- The Commission and Member States, HELCOM and ICES continue to involve BSAC stakeholders on this topic as the ones primarily affected.

The BSAC resolves to return to this important issue at a later stage.