

To:

Swedish BALTFISH Presidency

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BSAC 2026-27/3

BSAC Executive Committee members comments on the BALTFISH draft Joint Recommendation for mitigation measures to reduce bycatch of the Baltic proper harbour porpoise


Dear Swedish BALTFISH Presidency,

Thank you for consulting the BSAC on the BALTFISH draft Joint for mitigation measures to reduce bycatch of the Baltic proper harbour porpoise.

The BSAC Executive Committee was consulted until 29th May 2026. Replies were received from the Executive Committee members by the deadline (Swedish Fishermen PO (SFPO) and the Swedish Pelagic Federation (SPF), Low Impact Fishers of Europe, National Chamber of Fish Producers and Association of Fisheries Protection, WWF, Coalition Clean Baltic and Swedish Society for Nature Conservation).

The full comments are attached to this letter.

Sincerely yours,



Jarek Zieliński

BSAC Executive Committee Chair

- **Comments to the BALTFISH draft joint recommendation for mitigation measures to reduce bycatch of the Baltic Proper harbour porpoise from WWF, Coalition Clean Baltic and Swedish Society for Nature Conservation**

Comments on the background

The Baltic Proper harbour porpoise is a critically endangered (CR) population. The only abundance estimate for this population is from the SAMBAH project that was carried out in 2011-2013. The abundance was estimated to 491 animals (95% CI 71–1105), and the reference should be Amundin, Carlström & Thomas 2022¹. The population is threatened by a multitude of pressures, of which bycatch is one of the most serious² and the main pressure which causes direct mortality.

The BALTFISH draft Joint Recommendation (JR) has an estimate of 0.55-0.66 individuals in 2022. NGOs request access to the calculations and/or references for this estimate. We are aware that fishing effort has decreased over the years, however, the decrease of the bycatch estimate from 7 harbour porpoise individuals in 2017 to 0.55-0.66 in 2022 is a significant change, which demands further explanation.

The document available for consultation explains that BALTFISH has prepared the JR based on the ICES advice published in 2020, 2024, and 2025. However, as far as we observe, the JR does not reflect ICES advice fully. We recommend that BALTFISH takes into account also valuable bycatch risk maps from the 2024/25 advice.

Comments on the scientific background

When citing the ICES special request advice from 2020, it is important to include the statement from ICES which explains that in order for the Baltic Proper harbour porpoise management unit to meet the management objective of achieving bycatches below PBR (< 0.7 individuals per year), all fisheries of concern should be closed.

When referring to results from the SAMBAH project, we recommend to use the scientific papers, Carlén et al. 2018³ for distribution, and Amundin, Carlström and Thomas et al. 2022⁴ for abundance, rather than referring to the project report from 2016.

The draft discusses at length reasons to not use pingers for bycatch mitigation. It should be underlined that despite these drawbacks of pingers, the ICES experts still recommended the use of pingers to

¹ Amundin, Mats, Julia Carlström, Len Thomas, m.fl. 2022. "Estimating the Abundance of the Critically Endangered Baltic Proper Harbour Porpoise (*Phocoena phocoena*) Population Using Passive Acoustic Monitoring". *Ecology and Evolution* 12 (2): e8554. <https://doi.org/10.1002/ece3.8554>.

² ICES. 2020. ICES Special Request Advice on Emergency Measures to Prevent Bycatch of Common Dolphin (*Delphinus delphis*) and Baltic Proper Harbour Porpoise (*Phocoena phocoena*) in the Northeast Atlantic. <https://www.ices.dk/news-and-events/news-archive/news/Pages/EmergencyBycatchMeasures.aspx>.

³ Carlén, Ida, Len Thomas, Julia Carlström, m.fl. 2018. "Basin-Scale Distribution of Harbour Porpoises in the Baltic Sea Provides Basis for Effective Conservation Actions". *Biological Conservation* 226 (oktober): 42–53. <https://doi.org/10.1016/j.biocon.2018.06.031>.

⁴ Amundin, Mats, Julia Carlström, Len Thomas, m.fl. 2022. "Estimating the Abundance of the Critically Endangered Baltic Proper Harbour Porpoise (*Phocoena phocoena*) Population Using Passive Acoustic Monitoring". *Ecology and Evolution* 12 (2): e8554. <https://doi.org/10.1002/ece3.8554>.

ensure minimising bycatch in the entire population range. This is clear in the special request advice from 2020, and is reiterated in the advice from 2024.

It is highlighted in these sections that areas of especially high bycatch risk occur where harbour porpoise presence overlaps with high fishing effort. We strongly recommend that this conclusion should lead to effective measures, such as obligatory use of pingers or replacement of static nets with alternative gear that does not cause harbour porpoise bycatch, in these areas.

It is correct that ICES did not analyse the filament or twine thickness and how this affects bycatch rates. This is because ICES did not consider there to be sufficient evidence that filament/twine thickness has a significant effect. The FAO report⁵ referred to in the JR clearly states that the studies from the North Sea and West of Scotland are not clear on the influence of twine size, because there were confounding factors such as different mesh sizes. Furthermore, the FAO report states that under the US Harbour Porpoise Take Reduction Plan, a minimum twine size is required after analysis showed that thinner twine nets had higher bycatch rates. Lastly, despite the fact that the use of thicker twines have decreased in the Baltic after the closure of the cod fishery in 2019, there is evidence that bycatch is still taking place, see for example results from the Swedish bycatch monitoring in 2023⁶.

There is still no evidence that mesh size has a significant impact on bycatch risk. Therefore, the proposal from BALTFISH to ban nets higher than 4 m and with a mesh size of <120 mm, does not have scientific backing.

Comments on the BALTFISH recommendations on bycatch mitigation measures for Baltic Proper harbour porpoise

Citing the ICES advice from 2020: “For the Baltic Proper harbour porpoise management unit, to meet the management objective of achieving bycatches below PBR (< 0.7 individuals per year), all fisheries of concern should be closed”. In our view, the presented JR are not ambitious enough to secure real reduction of the Baltic Proper harbour porpoise bycatch.

Given that no evidence is present on the impact of mesh size on harbour porpoise bycatch, NGOs request to see a motivation on why a limitation in mesh size is introduced in BALTFISH JR. In the absence of this information, we recommend deleting this measure.

Net height is not recorded at all in German fishing effort data, and in Sweden, net height/net depth is often reported only as a maximum value for all nets used over a month for smaller vessels. Therefore, there is no way to know the baseline or how net height will impact bycatch risk. If BALTFISH do have data on how this measure would impact fishing effort, those data should be presented.

NGOs recommend obligatory pinger use on static nets or replacing static nets with alternative gear that do not cause harbour porpoise bycatch, in areas of high bycatch risk.

⁵ FAO. 2018. Report of the Expert Workshop on Means and Methods for Reducing Marine Mammal Mortality in Fishing and Aquaculture Operations. Report No. 1231. Food and Agriculture Organisation of the United Nations.

⁶ Carlén 2026. Progress Report on the Jastarnia Plan: the Recovery Plan for the Harbour Porpoise in the Baltic Proper. ASCOBANS report.

- **Comments by the Swedish Fishermen PO (SFPO) and the Swedish Pelagic Federation (SPF)**

BALTFISH bases its assessment of high-density areas for harbour porpoises in the Baltic Sea on the SAMBAH 2016 study. This EU project mapping the critically endangered harbour porpoise in the Baltic Sea is now going to be updated by SAMBAH II. Based on current information, we believe that BALTFISH's proposed measures should await the results of SAMBAH II.

The proposed ban will have negative effects on parts of the small-scale flounder and turbot fishery.

Furthermore, it can be stated that the risk of porpoises getting caught and injured in fishing nets also depends on the thickness of the nets. If SAMBAH II continues to demonstrate the relevance of additional measures to protect harbour porpoises we are of the opinion that only nets with a yarn thickness of more than 0.3 mm should be banned. If a porpoise is trapped in a net with thinner yarn than 0,3 mm it will be able to come loose on its own. We therefore propose that any future proposal of a ban be amended as follows:

1.1. The BALTFISH HLG recommends the following conservation measures for union fishing vessels:

1. The use of static nets with a net height above 4 metres is prohibited for all nets with mesh sizes larger than 120 millimetres and with a yarn thickness of more than 0.3 mm, within the geographical areas specified below.

For small-scale commercial fishermen who are forced to replace their nets to continue to operate, we believe that it should be ensured that they receive support to finance the purchase of new nets.

- **National Chamber of Fish Producers, Ustka, Poland (Krzysztof Stanuch)**

First of all, the problem needs to be clarified and its scale properly determined. The information on the number of harbour porpoises produced under the SAMBAH 1 and SAMBAH 2 programmes remains highly questionable. In particular, concerns have been raised as to whether the electronic sensors used in the SAMBAH methodology are capable of distinguishing between different individuals, including individuals from other species. According to the comments received, this question has not been satisfactorily resolved, making it difficult to rely fully on this methodology.

Furthermore, the administrations of the Baltic Member States, which are obliged under the ASCOBANS Agreement to report harbour porpoise bycatch, have, to our knowledge, not produced research confirming the scale of this problem.

Fishermen also report harbour porpoise bycatch only very rarely.

In light of these facts, it is necessary to consider whether the problem actually exists and whether it is justified to allocate further substantial financial resources to additional restrictions.

We would also like to recall that, due to concerns related to harbour porpoises, an entire segment of the Baltic fisheries sector that relied on driftnet fishing was completely eliminated.

According to the Regulation in force at the time, the Commission was required to prepare a report on the impact of driftnets within two years. However, this report was never presented.

As a result, driftnet fisheries disappeared from all EU Baltic Sea Member States without any demonstrated change in the alleged harbour porpoise problem. No one was held accountable for this

decision at the time — neither the Commission, which failed to prepare the report required under the Regulation, nor the BALTFISH Member States.

Regarding the document itself and the definitions of fishing gear contained within it, we would like to reiterate not only our position but also the definitions of fishing gear developed over the years. There is no such gear as a half-driftnet, so it is difficult to discuss about it.

We are also unfamiliar with gillnets with a thickness of 2-4 mm.

We propose to include all our this information in the BSAC response to the authors of this document, express our serious doubts as to the existence of the problem and not escalate further restrictions, but on the contrary, to hold institutions, including ICES, whose documents the author refers to, accountable for the presented theses and the research methodology used to create these theses.

- **Low Impact Fishers of Europe**

They note with concern the proposal from BALTFISH to impose a Joint Recommendation for mitigation measures to reduce bycatch of the Baltic proper harbour porpoise.

We are concerned due to:

1) The underlying scientific research on bycatch risk is weak. Projections are made from the Belt population and ICES state that there is a lack of bespoke Baltic Sea research in their evaluation which increases the uncertainty behind their findings.

2) No evaluation of the effectiveness of the existing Delegated Acts has taken place. Despite increasing regulation, with closed areas coupled with a general reduction of fishing effort in the static net fishery in the Baltic, there has been no measured positive benefit to the harbour porpoise population.

3) The scientific consensus in the Baltic is that salmon drift nets were both the gear with the largest amount of harbour porpoise bycatch as well as the gear with the most harmful interaction, these have been banned for many years without a measurable benefit to the cetacean population.

4) The ICES evaluation states that the threshold value for bycatch risk of harbour porpoise is 0.7 individuals per year. Hence even catching one individual poses a risk to the population. Despite this, the pelagic trawl fishery is allowed to continue without any restriction despite have a small risk of bycatch with observed harbour porpoise in the herring trawl fishery, as cited in the study "Bycatch as a potential threat to harbour porpoises (*Phocoena phocoena*) in Polish Baltic waters" - <https://septentrio.uit.no/index.php/NAMMCOSP/article/view/2831/2684>

If all risks are to be minimised then all fleet segments that have a demonstrated bycatch risk, no matter how small, should be prohibited from fishing by spatiotemporal regulations.

To conclude, measures need to be taken to improve the Baltic harbour porpoise population. As a first step, data quality and quantity need to be improved. Financing to ensure that gillnets can be equipped with cameras that can be used to monitor catches, seals and harbour porpoise interactions would allow for policies to be implemented with a solid knowledge base. In addition, ensuring greater prey availability for harbour porpoise through management measures designed to increase the biomass of their prey species would also be an effective measure. Further, we recommend that the existing delegated acts regarding harbour porpoise protection, such as (EU) 2022/303, have coherence with regards to gear regulation so that it is specified that restrictions apply to static nets with a height above 4 metres and mesh sizes **larger than 120 mm.**

- **Fischereischutzverband (Association of Fisheries Protection), Germany (Erik Meyer)**

Comments on reducing porpoise bycatch in the Baltic Sea

- Porpoises are hunted by seals, which destroy their tail fins; the porpoises, now unable to manoeuvre, are then eaten. This could be a starting point for helping both the fishing industry and the porpoises.
- PALs are currently being used by fishermen in Schleswig-Holstein under a voluntary agreement, and porpoise bycatch is approaching zero; other gear is not preferred
- Alternative gillnets are fitted with glass beads and have been tested positively by the Thünen Institute; personally, I cannot comment on their effectiveness
- Bycatch of seabirds in longline and angling operations when setting the gear is also a very significant problem; therefore, it does not provide a solution if it results in other creatures suffering
- At least based on the figures available for Schleswig-Holstein (*see below*), the widely promoted classification of gillnet fishing as the main cause of the stock decline cannot be seriously substantiated. If this argument were valid, the number of dead birds found would have had to decrease due to the sharp reduction in fishing effort since 2019, caused by the pandemic and quota reductions. However, this was not the case.
- In general, it could be noted that the ‘problem’ of gillnet fishing will no longer be economically viable if there is a further delay or rejection of management measures for seal and cormorant populations, due to the destruction of fishing gear and damage to catches caused by predation and will therefore resolve itself in due course.

Tabelle 5: Strandfunde, Verdacht auf Beifänge, Beifänge (und Beifangmeldungen) an der schleswig holsteinischen Ostseeküste von 2014 bis 2023 (Quelle: Mitteilung ITAW vom 13.05.2024 und OIC)

Jahr ⁷	Strandfunde (ohne Verdachtsfälle Beifang)	Verdacht auf Beifang	Beifang (-meldungen)	Gesamt
2014	98	7	0	105
2015	82	9	8	99
2016	155	14	10	179
2017	86	9	3	98
2018	126	6	2 (2)	134
2019	131	15	4 (3)	150
2020	94	19	0 (5)	114
2021	182	14	5 (2)	202
2022	109	3	3 (1)	115
2023	73	0	1 (1)	74