REPORT OF THE 19TH MEETING OF THE ASCOBANS JASTARNIA GROUP

Online Meeting

20-22 March 2023



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

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19TH MEETING OF THE ASCOBANS JASTARNIA GROUP

Online, 20-22 March 2023

1. Opening of the meeting

1.1. Welcoming remarks

Jenny Renell (Secretariat) welcomed everyone to the 19th meeting of the Jastarnia Group (JG19) which was being held online, noting that it had been agreed by the JG that every other meeting would be held online. She made some housekeeping announcements and referenced the Online Meeting Protocol for JG19.

The Chair of the Jastarnia Group, Ida Carlén (Swedish Society for Nature Conservation (SSNC)), welcomed all participants.

1.2. Adoption of the agenda

The Chair introduced the <u>Provisional Agenda</u> (Doc.1.2a) and <u>Provisional Annotated Agenda and Schedule</u> (Doc.1.2b), noting a small change to the Schedule. Without any further additions, these were adopted. A presentation by Signe Sveegaard (Denmark) on the Nord Stream gas leak was subsequently added to Agenda Item 4.1.

2. Progress under the Jastarnia Plan and the Western Baltic, Belt Sea and Kattegat Plan

2.1. National progress reports on activities since March 2022

Finland

Olli Loisa (Finland) briefed that on <u>increasing involvement</u>, <u>awareness and cooperation</u>, a press release was published annually in cooperation with the Ministry of Environment, Åland Government and the Turku University of Applied Sciences (TUAS) and projects included: an ongoing EU LIFE-IP BIODIVERSEA project with holistic assessment of marine protection status and protected area (PA) networks; the Finnish Environment Institute (SYKE) on noise monitoring; TUAS-funded pinger range studies; and a University of Turku (UTU) "Porpoise memories" project with a humanistic approach to investigating the historical human-porpoise relationship, using interviews and digitised newspapers.

On monitoring and estimating abundance and distribution, regular acoustic monitoring was ongoing in Northern Baltic Proper offshore areas with low numbers of opportunistic sightings. Some Full waveform capture PODs (F-PODs) had been deployed and equipment comparison studies had been funded. Monitoring was part of the EU Marine Strategy Framework Directive (MFSD) programme. Finland was part of the project team seeking funding for SAMBAH¹ II. There were no recent bycatch or strandings records and fisheries restrictions were in preparation for the Finnish South-West offshore waters, expected in Spring 2023.

On <u>underwater noise</u>, there was underwater noise I monitoring based on the methodology from the BIAS project now implemented as part of the MSFD programmes. Research on noise in archipelago conditions would be conducted in the LIFE-IP BIODIVERSEA and ANTERO projects and they were

¹ Static Acoustic Monitoring of the Baltic Sea Harbour Porpoise

trying to identify noisy areas in relation to the existing and new PAs. There was no harbour porpoise health monitoring in Finland due to lack of samples.

There were no harbour porpoise MPAs, but measures were under consideration. The offshore area south of Åland where harbour porpoises were regularly present was one of the focus areas for biological inventories and future MPAs.

Iwona Pawliczka (Poland) asked for recommendations on drafting guidelines for fisheries restrictions. Mr Loisa explained measures (rather than guidelines) were being prepared by the Finnish Ministry of Agriculture and Forestry and the Government of Poland. Heikki Lehtinen (Finland) added they were in the planning phase and would be implemented in Spring 2023. The Chair asked if this would be done as a delegated act or just for Finnish fisheries and Mr Lehtinen said there were no non-Finnish gillnet fisheries there. Ursula Krampe (European Commission (EC)) asked which area was being covered and Mr Lehtinen explained the restrictions would cover the area south-west from Åland island and the Government of Åland were applying similar measures.

Denmark

Signe Sveegaard (Denmark) and Line Kyhn (Denmark) briefed on progress for Denmark. Ongoing projects in <u>increasing involvement</u>, <u>awareness and cooperation</u> included: the "Marine Tracker" App capturing incidental porpoise detections in Fjord & Belt in Keterminde; the Middelfart listening station (with a hydrofoil recording video and audio); and active social media via @hvaler.dk on Facebook.

On monitoring and estimating abundance and distribution, SCANS-IV results were awaited with coverage in the Belt Sea area as high as the previous MiniSCANS (2020), meaning this would be the first time they had completely comparable abundance estimates (see Agenda Item 4.1). In the Danish monitoring programme, rotation of passive acoustic monitoring (PAM) stations in special areas of conservation (SACs) continued and PAM results in all six N2000 sites in the WBBK area had shown a stable or increasing trend in detections since 2012. This was an interesting result as the overall abundance measurements from MiniSCANS had reduced which could be due to harbour porpoise gathering in high density spots with good food.

Ms Kyhn gave an update on SAMBAH II where funding was still needed. The scientific steering group had met weekly in 2023 and the German Federal Agency for Nature Conservation (BfN) had funded a study at CREEM to design a cheaper programme with the same statistical weight. The result was a new lay-out based on the old SAMBAH grid. The Danish Environment Protection Agency (EPA) had joined two meetings with Baltic ministries to plan for the joint monitoring effort with the aim to achieve new abundance estimates. The project team hoped to start deploying PAM stations in Spring 2024, with the one-year long field work period starting in summer 2024. There was still a need to find additional funding.

Ms Sveegaard continued by highlighting that CCTV monitoring was now part of the Danish Data Collection Framework (DCF) monitoring, and was currently in place on 8-10 vessels; and a <u>publication on bycatch estimates</u> was available based on this data. Pingers were being used more regularly on vessels >12m and DTU Aqua was carrying out a trial using pots. There were no results as yet, but fishers were engaged. Ms Kyhn added that the Danish part of a porpoise alert (PAL) project led by Germany was studying acoustic behaviour of harbour porpoises to exposure to a new type of PAL pinger in a fishery. Fieldwork would take place in 2023 and 2024.

On <u>monitoring and mitigation of the impact of underwater noise</u>, monitoring continued through national noise monitoring stations. Project updates included: the TANGO project had ended, and the report had been published (https://dce2.au.dk/pub/SR535.pdf); SATURN, 2021-2025, impacts of disturbance on marine populations – the importance of animal movements and energetics; tagging of

porpoises; and the BLUES project led by Tallin University of Technology, Estonia, provided underwater noise mapping of the Baltic for 3rd HELCOM Holistic Assessment (HOLAS 3). New guidelines for pile driving from the Energy Agency were also in place (2022).

Ms Kyhn reported on data from the 2021 Report of the National Contingency Plan: 274 dead harbour porpoises were registered, mainly on the west coast of the islands; 38 were necropsied and 10 of these were handed in from fishers so known to be bycaught. One animal had Salmonella, four were well-fed, eight normal and 11 emaciated. No harbour porpoise from the Baltic Proper were necropsied as their condition was too bad. She also referenced a national project monitoring the health status of three Danish marine mammal species. They were working with several HELCOM countries to assess how to best monitor nutritional status.

Ms Sveegaard highlighted a project analysing polychlorinated biphenyls (PCBs) in harbour porpoises which indicated that levels were reducing but the results had not yet been published.

On <u>investigating habitat use and protect important areas</u>, in the Belt Sea there had been several windfarm EIA assessment studies using PAM in Kattegat 2020–2022. Results confirmed known distribution. In the Baltic Sea the 'Energi Island Bornholm, 3 GW wind farms' Assessment in 2021-2023 was ongoing with PAM and aerial studies. Twenty new N2000 sites had been added to the existing 16 sites but there was still no monitoring or conservation management in place for any of the areas.

Ms Krampe urged researchers to apply for EU funds and asked for a further update on the PAL project, but Ms Kyhn did not have further information. The Chair underlined that PAL were not yet being recommended. Patricia Brtnik (Germany) noted that the project investigating PAL effectiveness in Germany was not yet finalized.

Sweden

Kylie Owen (Sweden) presented the National Progress Report for Sweden. Highlights of activities increasing awareness included: CCB social media activities; Swedish Agency for Marine and Water Management (SwAM) press releases on ASCOBANS 30th Anniversary; activities to celebrate Baltic Proper Porpoise Day; a Skåne County Administration Board communication about harbour porpoise biology/ecology; and a Gotland/Kalmar County Administration Board press release on management plan/monitoring in a N2000 site in the Baltic. SwAM had continued dialogue meetings with different fisheries and hosted an online seminar for people working in management, monitoring, research and outreach related to small cetaceans and MPAs, and the Swedish University of Agricultural Studies (SLU) had had many meetings with fishers in relation to research projects and monitoring projects. SwAm also planned to create a reference group for management of issuing permits to individual fishers in Nordvästra Skånes havsområde where fisheries were closed and there had been numerous communications/meetings with windfarm developers as well as energy and transport authorities for work developing the new Ocean Plan (Havsplan).

On <u>national monitoring and large-scale surveys</u>: Sweden was involved in SCANS IV (see Agenda Item 4.1); there had been the first live sighting of a Baltic Proper harbour porpoise in the field; a report summarising data collected via PAM on the Belt Sea population since 2019 had been produced; and a power analysis to determine future plans for stations was to be published by the end of 2023. Expansion of the regional monitoring programme was planned and due to the security situation, they were still not allowed to deploy devices (see Agenda Item 4.1).

In Summer 2022, the Gotland and Kalmar County Administrative Boards had completed acoustic monitoring using a towed hydrophone in the large Natura 2000 area in the Baltic (see Agenda Item 4.1). A qualitative assessment of the abundance and distribution of the Baltic Proper population had been completed using historic newspapers and records for HOLAS 3 (part of the HELCOM BLUES project), as had production of indicator documents on abundance and distribution of harbour porpoises. Both populations were classified as bad status.

Sweden was assisting Poland and Germany with B8 (review of threats) of the Baltic Sea Action Plan (BSAP) (see Agenda Item 4.1). Starting in September 2023, a postdoc will begin investigating historic population size of the Baltic Proper population using genetics and their capacity for recovering given management scenarios, and Ms Owen invited JG members to contribute samples from pre-1960 and to collaborate. The SAMBAH II consortium was still seeking funding as there were no relevant EU funding opportunities, and the hope was to fund it as a reduced project to start monitoring in Spring 2024. Ms Owen stressed its importance as the SAMBAH data was now >10 years old.

There were various projects and research on <u>underwater noise</u>, including joint monitoring of harbour porpoise and underwater noise at Northern Midsea Bank (Baltic), Hönö (South Skagerrak) and off Sundsvall (Bothnian Sea). The TANGO project had been completed and Ms Owen would present results under Agenda Item 4.1.

On <u>population health</u> a total of 41 porpoises were examined by necropsy in 2022, with 22 found stranded, and 19 bycaught. The first fatal case of highly pathogenic avian influenza virus (H5N1) was found in a stranded harbour porpoise coinciding with the large bird flu outbreak in seabirds. Three porpoises died from *Erysipelothrix rhusiopathiae* bacterial pneumonia. This apparent increase in cases might reflect a more pathogenic strain of bacteria, lowered host immune status or both. Skin infections were commonly seen, and further characterisation was on-going (see Agenda Item 4.1).

Other work included: investigation of the extent of microplastics in harbour porpoises by a Master's student with results to be available by end 2023; an ongoing diet study in stranded and bycaught porpoises in Sweden 2006-2023; and Sweden was involved in the indicator work on the reproductive status and nutritional status of marine mammals within HELCOM and OSPAR.

On <u>habitat and protecting important areas</u>, a new publication Stedt et al (in Press) on micro-scale spatial preference and temporal cyclicity linked to foraging in harbour porpoises showed that activity could vary greatly between very close locations and presence seemed to be driven by foraging opportunities; the more frequently a site was used, the higher degree of foraging occurred. NRM had participated in an EU project on management effectiveness of N2000 sites and other EU MPAs and a Master's student (Stockholm University) was investigating the overlap between bycatch risk and location of N2000 sites in Skåne, with results to be available by end 2023.

Sara Königson (Sweden) then presented on two pilot projects (2017-2019 and 2020-2021) resulting in a Mobile Electronic Monitoring (MEM) system and monitored days and observers in gillnet fisheries in Skagerrak, Kattegat, the Sound and Baltic. The systems and process were now integrated into the DCF programme collecting data on protected species round the Swedish coast. She also mentioned development of a machine learning programme to analyse bycatch and other initiatives including the International Council for the Exploration of the Sea (ICES) Workshop on Estimation of Rare Events (WKRARE) 2022 and the Regional Database and Estimation System (RDBES).

Kristin Öhman (Sweden) reported on the numbers from bycatch monitoring with observers and cameras included in DCF. Ms Königson then shared a colour-coded map showing 2022 bycatch monitoring with observers and cameras (June-December). A bycatch threshold (73 animals) for the Belt Sea population had been developed using a modified potential biological removal (PBR) approach that was used within HELCOM HOLAS 3. Both populations were classified as bad status (see Agenda Item 4.1). Measures in place to reduce bycatch included: voluntary use of pingers, funding for fisheries to utilise pingers and selective gears; the EU regulation measures banning fisheries in PAs in the Baltic Sea were already in Swedish legislation; significant reduction in gillnet effort due to the EU cod fishery ban; and pingers to be used within Natura 2000 areas. There were various other projects underway including: evaluating effectiveness of Future Ocean Pingers and Banana Pingers in a commercial fishery; evaluating harbour porpoise presence around pingers developed by Future Ocean and harbour porpoise presence around buoys; developing alternative gears for catching flat-fish; and an EU-LIFE project developing new acoustic technique recording harbour porpoise clicks.

Ms Pawliczka asked where the first observation of the harbour porpoise had taken place and whether it was the first time H5N1 had been recorded in marine mammals in Swedish waters. Ms Neimanis

confirmed that it was the first case worldwide in a harbour porpoise; two previous cases had been recorded where cetaceans had been infected but it was unclear whether it was the cause of death (see Agenda Item 4.1).

Ms Owen asked about the LIFE project developing new acoustic technique for recording harbour porpoise clicks and Ms Königson explained it was a HORIZON project with Aquatec and Kolmården Wildlife Park to try and develop a less expensive alternative to F-PODs and C-PODS with some other features. It was still in the development phase with a couple more years to go.

Cinthia Tiberi (Invited Expert) reported on a regional harbour porpoise monitoring programme in relation to national defence security issues. A dialogue was started in December 2020 to define the area where monitoring with F-PODS could not take place. The reasons for restrictions were not being made clear which made finding solutions challenging. They had been working on improving the information security and had given the Swedish Defence Research Agency the F-POD to study. The current suggestions were to set digital filters to 100KHX to remove sensitive data, never connect F-PODs with coordinates, and never analyse data on connected computers which would be a lot of extra work, but there was no response yet from the National Defence. It was not illegal to record the data but was illegal to handle sensitive data. The initial planned programme was in seven counties, 41 stations over six years but it was now four counties, 24 active stations, a different time period and 43% data collection loss. She was concerned this might affect SAMBAH II.

Offshore windfarms were also collecting data on porpoises in the Nyköping area with F-PODS and they had asked for data. They hoped to get further information in Summer 2023.

The Chair was interested in the local detection patterns. Ms Sveegaard asked whether there were any results from the monitoring stations that were working, and Ms Tiberi was currently analysing the data but said it took a long time due to the security measures.

Ms Kyhn asked people to notify them how many C-PODS or F-PODS would be available for use in SAMBAH II in Spring 2023 and whether they would need calibrating as the consortium was assessing how much equipment was available.

Germany

Patricia Brtnik (Germany) presented Germany's <u>Implementation Review</u>. Activities on <u>increasing involvement</u>, <u>awareness and cooperation</u> included the ongoing Stella 2 project, cooperation with fishers and implementation of a dialogue forum and a PAL-CE monitoring project involving cooperation with fishers and stakeholder meetings. The "Voluntary Agreement" for the conservation of harbour porpoises and sea ducks in the Baltic Sea by fishermen had been extended to December 2026. Other activities included "Baltic Harbour Day," a public event at the German Oceanographic Museum and an incidental sightings programme with a Mobile App and Map.

Monitoring and estimating abundance and distribution actions included the ongoing national monitoring programme, aerial surveys in Summer 2021 (with circa 2,000 harbour porpoise sighted in Area Y and 145 in Area J) and the completion of SCANS IV in 2022.

On <u>habitats and PAs</u>, she outlined the work packages for a new project HABITATWAL – Habitat choice and population dynamics of harbour porpoises in the ecosystem in the German North and Baltic Sea (May 2022–September 2026).

On <u>bycatch</u>, she again highlighted the STELLA 2 (November 2021-October 2024) and PAL-CE (December 2021-November 2024) projects and the voluntary agreement. There were no results at this stage, but she referenced publications from the STELLA 1 project: https://literatur.thuenen.de/dig-bib extern/dn065274.pdf.

Acoustic monitoring was ongoing but there was no published data yet for 2022. Other activities included an ongoing Institute for Terrestrial and Aquatic Wildlife Research (ITAW)/Aarhus University

project "Underwater noise effects-2" (UWE-2) (September 2021-August 2024) funded by BfN, with investigations of thresholds of individual behavioural reactions, investigation of additional energetic demands due to vessel noise, recommendations for noise mitigation measures for harbour porpoises for the North and the Baltic Seas and evaluation of noise mitigation measures for anthropogenic noise sources on current knowledge.

Activities on <u>population health</u> included: investigation of the health, nutritional status and diet of harbour porpoises through stranding networks, with 195 animals in Schleswig Holstein (ITAW) in 2021 and 72 animals in Mecklenburg Vorpommern (DMM); development of a monitoring and assessment concept for the pollution load of marine mammals of the North and Baltic Seas for the implementation of the MFSD; and CREATE – development of indicator pathogens in marine mammals to advance assessment of anthropogenic impacts. She also referenced: "Blast injury on harbour porpoises from the Baltic Sea after explosions of deposits of World War II ammunition," Ursula Seibert et al, Science Direc; and <u>First evidence of grey seal predation on marine mammals in the German Baltic Sea, Linda Westphal et al</u>.

On <u>habitat use and protecting important areas</u>, there were now management plans for N2000 sites in the German EEZ which entered into force in February 2022 and fishery regulations in process. She also referenced a new project, HaMoNa with DMM, funded by BfN, 2022-2025, involving development of novel methods to acoustically determine the group size of harbour porpoises and the presence of calves, complement long-term acoustic data series, and conducting digestion experiments to analyse the role of harbour porpoises in the ecosystem and especially in food webs.

Ms Krampe asked whether they had applied for EU money (e.g. a recent HORIZON call on bycatch) for the STELLA 2 project, and Ms Brtnik said it was funded by the Federal Agency for Nature Conservation and to her knowledge they did not apply for other money. Ms Owen speculated that they might not have applied as the HORIZON call was directed to many different taxonomic groups and not only a single species.

Lithuania

leva Čaraitė presented <u>Lithuania's National Progress Report</u>. On <u>increasing involvement</u>, <u>awareness and cooperation</u>, she highlighted the annual International Baltic Harbour Porpoise Day organised by the Lithuanian Sea Museum, and that in 2022 there had been "A Day without plastic. Dedication to the harbour porpoise" with students teaching about harbour porpoise highlighting the plastic waste in the sea in relation to the harbour porpoise population decline. The Museum had also invited sustainable fashion house META to the event.

On monitoring and estimating abundance and distribution, in 2022 under the EIA Programme for the Installation and Operation of the Offshore Wind Farm of up to 700MW Installed Capacity in Lithuania's Territory (Institute of Coastal Research and Planning, funded by the Lithuania Ministry of Energy) there was ongoing assessment of harbour porpoise abundance. Prior to that the last data on harbour porpoise was from SAMBAH 1 in 2012. In the survey area, eight F-PODS detecting a radius of 400m had been deployed, some were lost, three attempts to collect data in August and November 2022 and in March 2023, the data for which was being analysed.

On <u>underwater noise</u>, in 2020 a project "Renewal of the Programme of Measures and implementation of measures to achieve a good state of the Baltic Sea Environment in Lithuania" aimed at determining anthropogenic continuous underwater noise levels was conducted by Klaipeda University and funded by the Lithuania EPA. A National Action Plan for the Implementation of the Water Framework Development Programme 2017-2023 had been established to achieve a good state of the Baltic Sea and ensure the principles set out in the MSFD. Two stations were installed but due to technical problems only was considered valid. The data showed that observed spectrum pressure level (SPL) values exceeded the HELCOM noise expert group proposed limit levels for harbour porpoise. Such sudden changes in SPL time series could be interpreted as anthropogenic noise events, primarily caused by shipping, that could trigger behavioural responses in marine mammals (avoidance).

On <u>population health status</u>, the Baltic Sea Animals Rehabilitation Centre was opened in October 2022. Although it was established primarily for seal health state assessment according to HELCOM recommendations to monitor reproductive state and blubber thickness, harbour porpoise could be necropsied there too. From 11-12 May 2023 the Lithuanian Sea Museum was organising the <u>International Scientific Conference/Workshop "Does the Wildlife Feel Safe in the Baltic Sea?"</u> at the Rehabilitation Centre and Ms Čaraitė invited everyone to participate.

Poland

Katarzyna Kamińska (Poland) presented <u>Poland's National Progress Report since March 2022</u>. On <u>increasing involvement, awareness and cooperation</u> there would be a further presentation under Agenda Item 3.3 about the HELCOM Action B8. On <u>abundance and distribution</u>, there would also be a separate presentation by the Chief Inspectorate for Environmental Protection (CIEP).

Monitoring of bycatch by the National Marine Fisheries Research Institute (NMFRI) had continued in 2022. There were 14 vessels included in the monitoring, all <15m. The coverage was not very high, but there had been 24 days observation of gillnet fisheries; there were 752 gears, >44km of gears under observation and no harbour porpoise bycatch observed. Bycatch mitigation measures adopted in accordance with the EC Delegated Regulation 2022/303 included obligatory pinger use on static nets for the entire year in Puck Bay, closure of the use of static nets for the entire year in Middle Bank, and closure of the use of static nets from 1 November-31 January in Pomeranian Bay, Wolin and Uznam N2000 site.

She hoped that there would be some progress with the CIBBRINA project, as well as with a new EMFAF project in 2023 on testing alternative gears to minimise seal predation which would also be useful in testing whether the gears are useful and possible to use to avoid harbour porpoise bycatch.

On <u>habitat use and protecting important areas</u>, in the Vistula Lagoon the conservation plan for the marine (transitional waters) N2000 had been implemented. The preparation of the plan was ongoing and in 2023 they hoped to have conservation plans for two new sites - Zalew Kamieński i Dziwna and Zalew Szczeciński. While these were not important areas for harbour porpoises, it was a step in the right direction.

Monika Lesz (Poland) provided an <u>update on harbour porpoise monitoring under the State Monitoring Programme</u>. Pilot monitoring of marine species and habitats 2015-2018 covered five habitats, four mammal species, two lamprey species, and five fish species. The next national monitoring showed significantly higher numbers than SAMBAH in some sites. It started in March 2021 in three monitoring sites – Pomeranian Bay, Stilo Bank, and Gdańsk and Puck Bays and would continue to March 2023. The results would be published towards end 2023/2024. Future plans include monitoring sites location-based on data analyses from present and previous monitoring campaigns. Concluded by sharing a comparison between SAMBAH and national monitoring. Ms Owen stressed the need for SAMBAH II to be able to better understand what changes in detection rates in localised areas mean for the population.

Ms Pawliczka presented more detail on harbour porpoise observations for 2022, with 12 strandings having been collected and one sighting mostly in the West and middle of the Polish coast. Most of the strandings were recorded in July 2022. Five carcasses were collected but were not in good condition, so no samples were taken. She then shared a graph of bycatch vs strandings of harbour porpoise based on voluntary and opportunistic data. They had collected information about a 40-year-old bottlenose dolphin ("Mischief") found stranded on the Latvian Coast in February which had travelled from Germany to Latvia.

She also shared information on <u>outreach activities</u> including the International Day of the Baltic Harbour Porpoise and the Day of Fish in Hel. On 26 April on International Noise Awareness Day, they had organised an event in the Harbour of Hel, Edu-picnics on the beach in Krynica Morska, Mechelinki, and an interactive exhibition in Hel Marine Station dedicated to marine life.

2.2. Report back on potential effects of the cod fishing ban

Ms. Königson presented an <u>update on the potential effects of the cod fishing ban</u>. They had evaluated the fishing effort along the Swedish coast from 2002-2022 as a baseline for data collection on bycatch of protected species and found there had been a significant decline in gillnet fishing in the Baltic and the West Coast of Sweden. Sweden had good effort data and they were trying to design their monitoring programmes based on how effort was distributed. The area with the highest decrease in gillnet effort was a high-risk area for porpoises. There was also a decrease in other areas. Between 2018-2022 (with the 2019 cod fisheries regulation in the central Baltic) there was a 54% decrease in fishing effort and between 2021-2022 this had been stable. The prognosis was that it would decrease even more. In the area with the highest risk of bycatch there was a 5% decrease because these were mainly turbot fisheries which did not stop. On the west coast, the quota had been reduced by 88% (2021-2022) and there had been a 42% decrease in effort, mainly in cod fisheries with mesh sizes 100-150 mm.

Ms Kamińska commented that there was a similar situation in Poland but that the cod situation was complex as it was affected by the environmental situation in the Baltic so even with a decline of fishing effort there would not be more cod due to problems with spawning sites. The Chair requested countries to present information on fishing effort development also at the next meeting. Ms Königson also did not see an increase in cod in Sweden. Ms Pawliczka underlined the need to give cod a chance to survive with the change in environment – it would be a slow process.

3. Updates from across the Baltic and Belt Seas

3.1. EU Marine Action Plan

Kenneth Patterson (EC) presented on the "<u>EU Action Plan: Protecting and restoring marine ecosystems for sustainable and resilient fisheries</u>," (EU Marine Action Plan) noting it had originated in the Kunming Declaration which linked to 30% of ecosystems being protected and 10% being strictly protected and the EU Biodiversity Strategy for 2030. On the fisheries side it was descended from the Common Fisheries Policy (CFP) and the Technical Measures Regulation which required a report on the State of the Environment and actions for Member States to correct deficiencies.

It was non-binding but referred to politically binding commitments, particularly the Biodiversity Strategy and the Global Biodiversity Framework (GBF). The four chapters covered: improving gear selectivity and addressing bycatch of sensitive species; protecting the seabed; transition and knowledge; and governance.

Gear selectivity and sensitive species: Member States to develop new innovative techniques to boost selectivity, set limits for bycatch, adopt a graduated approach to a priority list of species and by the end of: 2023, put forward proposals, fully implement the scientific advice, and put in place measures for harbour porpoise (Baltic and Black Sea), Iberian Atlantic and common dolphin (Bay of Biscay); and 2024, angel sharks, common skate, guitarfish, Maltese skate, great white shark, sand tiger shark, smalltooth sand tiger shark, spiny butterfly ray, sturgeons, marine turtles, Balearic shearwater and Mediterranean monk seal; 2030, the remaining sensitive marine species; and 2024, improve the protection of the European eel.

Protecting the seabed: relating to essential habitats, fish nurseries and spawning areas and carbon sink through: by mid-2023 setting limits for the extent of seabed loss or adversely affected under the environmental law; gradually phase out mobile bottom fishing in all MPAs by 2030; by March 2024 establish national measures/joint recommendations for all N2000 sites under the Habitats Directive protecting the seabed and marine species; March 2024 to set out an outline for all MPAs and describe detailed measures for at least 20% of each Member State's marine water; and 2030 closure of bottom fishing in all MPAs existing and new ones.

<u>Transition and knowledge</u>: there was EU/EMFAF funding available to support the science and transition of methods and further data collection, research and innovation and make fisheries more sustainable and more resilient through: collecting scientific data; designing new fishing gear; managing the capacity of fishing fleets; and controlling fishing activities.

The timeline was: 2023, measures for priority species, phasing out mobile bottom fishing in N2000 sites with seabed conservation objectives, and by 2030, mobile bottom fishing phased out in all MPAs. The governance timeline specified that Member State roadmaps were prepared and delivered by end 2024 and implemented by end 2030.

The Chair welcomed seeing the Baltic harbour porpoise being mentioned specifically in the Marine Action Plan and that countries are supposed to put measures to minimise bycatch in place by the end of 2023.

Mr Patterson said the EC had been speaking to ICES about improving scientific advice on these species, but ICES had said there was insufficient data to provide such advice and so the EC had asked if they could move to a more risk-based approach, mapping out distribution, identifying the fishing gears likely to harm harbour porpoise and mapping fishing effort. The Chair and Ms Kyhn highlighted that funding was an issue, that there was no funding to carry out SAMBAH II for example. Ms Kyhn explained the Baltic countries were now trying to fund a reduced SAMBAH II to get an abundance rate and distribution. Ms Owen pointed out that the only suitable monitoring method for the Baltic Proper was extremely expensive so there was a fundamental lack of funding available to get the baseline data. She stressed the need to have a system in place for the EU to fund monitoring of critically endangered species where it was not feasible through national funds as baseline monitoring data on abundance and distribution of a single species don't fit the LIFE funding where concrete conservation actions are the priority, or the scope of Horizons calls.

Mr Patterson explained that EU funding was not intended for national monitoring. He asked whether they had tried EMFAF and Ms Owen explained that as all countries had to apply individually, it was too big an administrative task. He recommended coordination instruments and would share the link with Ms Owen. The Chair explained that coordination was not the issue but rather accessing the funding and that Member States had different priorities. Mr Patterson acknowledged that some Member States did not use the EMFAF due to lack of resources to manage it.

3.2. Status of the Delegated Act to minimise bycatch of the Baltic Proper harbour porpoise, the status of the pinger/defence issue and current discussion in BaltFish on further measures

The Chair emphasised the importance of the Delegated Act and reminded members of some of the background and discussions during JG17 and JG18. The Baltic Sea Fisheries Forum (BALTFISH) discussions on real time closures were continuing and JG18 had agreed an action point that the JG did not consider real time closures effective. However, BALTFISH was still considering real time closures as an option. Also, the previous week BALTFISH had sent for consultation a Joint Recommendation to the Baltic Sea Advisory Committee on Control Measures related to the 2022 delegated act. In February 2023, the EC had published the Marine Action Plan presented by Mr Patterson under Agenda Item 3.1 which included measures on the Baltic harbour porpoise.

The Chair thought it could be assumed that BALTFISH would continue discussions on real-time closures and other measures for low-density areas; there had not been any discussions on areas of higher density. There were still military issues on use of pingers, trials on pingers in Finland and F-PODS in Sweden, and the infringement against Sweden was still active.

Real time closures

Ms Sveegaard asked for clarification whether "real time closures" meant there would be a closure for a certain time for a certain area if a porpoise was sighted or bycaught and thought that if so, fishers would not want to report the bycatch or sighting given the impact on their business. She also wondered how to enforce this measure. The Chair said a list of concerns had been communicated

to BALTFISH. Ms Kamińska clarified that it meant closure for seven days after a sighting then a decision whether to open or prolong. Discussions in BALTFISH were now focused on whether closures should be voluntary or obligatory. BALTFISH would like to have comments and suggestions from member countries. Poland would take on the BALTFISH presidency in Summer 2023 and were interested in low cost/easily implementable ideas for areas with lower occurrence. The next step would be a discussion on additional measures for non-N2000 sites and core areas.

Heikki Lehtinen (Finland) noted that real-time closures were in force in Finland and functioned well for low occurrence areas. In Finland they were working towards a voluntary commitment through a memorandum of understanding (MOU). The Chair knew of examples where this had been successfully applied in Finland for bottlenose dolphins sightings (rare) and wondered if there were similar examples for porpoises. Mr Lehtinen only knew of dolphins.

Ms Visser stressed that to be included in a Delegated Act, measures need to be concrete and obligatory and to be effective, measures need to be underpinned by science or have an equivalent effect as the measures recommended by ICES. She asked if JG would consider drafting an opinion about real-time closures as she was hearing different views. The Chair was sure there were experts in the group who would be willing to do so.

Ms Owen, supported by Ms Kyhn, stressed that real time closures were not appropriate for harbour porpoise as they were very elusive and the Baltic population was so small, with extremely rare sightings over its whole range. Even the "high-density" area of this population's range was low density. The Chair stressed that even if they were in the area, they might not be seen and that fishers only had brief opportunities to sight them when putting the net in the water. Ms Owen said this was not a mitigation method as it did not remove the bycatch risk. Mr Ritter echoed Ms Owen and Ms Kyhn, saying the measure was fundamentally flawed.

The Secretariat read out the action point from JG18: "It is noted that the real-time closure move-on procedure is not considered a measure to mitigate harbour porpoise bycatch in the Baltic Proper and may be counterproductive because it prevents effective measures being taken."

Ms Krampe welcomed Mr Lehtinen's report on Finland and noted Latvia also had real-time closures in place. She asked why it was not a national measure in Poland and stressed measures needed to be in place by end 2023. She flagged that Sweden was working on the issue and urged ASCOBANS to propose a better solution.

Mr Lehtinen stressed that Finland's system relied on public sightings as well as fisher's - everyone using a vessel could make a sighting observation. He explained that given the nature of harbour porpoise, implementing a formal measure would lose the speed of the process and make it too complex administratively/legally. It would also affect the constitutional right to stop conduct a profession. Mr Loisa said real time closures might be the only option and better than doing nothing. Ms Blankett suggested it was a stepwise option in low density areas. There was a need for more solutions.

The Chair said that she would be happy to coordinate a statement from experts on this but felt that as opinions varied it would not be possible to prepare a statement from JG and the Secretariat pointed out that AC27 had said "technical and scientific comments requested urgently from WGs can be submitted without consulting the AC."

Pinger/defence issue

Mr Ritter pointed out that pingers, the main mitigation measure, had been made impossible by the navies of different countries so new measures were needed. A real time/dynamic closure or move-on was one of several other options. Several non-governmental organisations (NGOs) had together drafted a report, prepared by German Federation for the Environment and Nature Conservation (BUND), WDC and Environmental Action Germany and supported by other NGOs including International Fund for Animal Welfare (IFAW), Greenpeace, the Shark Project and others, entitled "Bycatch Mitigation for the Baltic Proper Harbour Porpoise: What to do if pingers are not an option?" The report

elaborated on additional measures to be discussed and outlined options for different countries, high-lighting those areas which could be prime candidates for additional closures with the understanding that a permanent ban of gillnets within MPAs in the Baltic Proper was essential. The report contains several maps and advises why their opinion is that dynamic closures do not work, the main counter-argument being the high mobility of the harbour porpoise.

3.3. Overview of HELCOM matters related to harbour porpoises

Florent Nicolas (HELCOM), gave his presentation on the <u>Overview of HELCOM matters related to harbour porpoise</u>, first noting that, HELCOM had been in a strategic pause of all official HELCOM bodies and meetings of project groups with Russian involvement since 4 March 2022, and this had been prolonged until further notice. Work was still ongoing with EU Member States, for example through the Baltic Sea Action Plan (BSAP), WGs/Expert Groups (EGs), HOLAS 3 and so on.

Results from HOLAS 3 (2016-2021) would be published online in 2023: Indicators would be published online by the end of March 2023, including data on: harbour porpoise distribution, harbour porpoise abundance and population trends and the number of drowned mammals and waterbirds in fishing gear. The Thematic Assessments would be published by the latest in June 2023: biodiversity/final amendments; pollution; eutrophication; economic and social analyses; and spatial distribution of pressures and impacts. A summary report (looking at the holistic aspect: what and why) was due to be published by end of 2023 and after that there would be a review of HOLAS 3 pinpointing gaps to be addressed next.

The Spatial and Pressure Impact Index (SPIA) would highlight cumulative impacts on the marine environment, and he shared a map for harbour porpoise which would be used in the SPIA, prepared by the HELCOM Group on Marine Mammals and reviewed by different bodies at HELCOM.

The HELCOM Secretariat was also: involved in the ASCOBANS WG on MSP; drafting the Cetacean-friendly MSP guidelines to be discussed at the next formal consultation session of the joint HELCOM-VASAB MSP WG; in the loop on the ASCOBANS WG on offshore renewable energy/BSAP Action S58 on underwater noise; and developing a HELCOM Red List II project aimed at reviewing the status of species and habitats/biotopes in the Baltic Sea and identifying those under threat of extinction. A wider than HOLAS 3 data call had been sent out on 30 November 2022, with a deadline of 28 February 2023.

There was discussion on making a change to the map in relation to the Curonian Lagoon, Lithuania, with Robertas Staponkus (Lithuania) explaining that it was not considered marine waters, not porpoise habitat and could lead to opposition in Lithuania. Mr Nicolas explained there had been consultation and the map was set but could be changed for the next iteration.

Ms Kamińska updated on <u>BSAP Action B8</u>: by 2022 at the latest to specify knowledge gaps on all threats to the Baltic Proper harbour porpoise population, and by 2023 for the Western Baltic population including bycatch and areas of high by-catch risk and areas of high bycatch risk, underwater noise, contaminants and prey depletion. Poland was requested to take the lead in this action, with strong support from Germany and Sweden, and had prepared a report on a literature study (with >180 references checked) and proposed some conclusions.

They identified threats and data gaps, including bycatch, with the initial conclusion that there was a lack of bycatch monitoring and reporting and identifying areas where monitoring of bycatch needed to be intensified. More data was needed on abundance and distribution of harbour porpoise in the Baltic Sea (i.e. through SAMBAH II) and better spatiotemporal data on fishing effort.

Another identified threat was prey depletion and the study identified major reasons and knowledge gaps including lack of up-to-date data on Baltic Proper harbour porpoise diet, and lack of data on changes in the distribution and quality of potential prey species (not just commercially caught species) at spatial and temporal scales that would enable comparisons to harbour porpoise distribution and density.

The chapter on noise was not yet finished but threat and data gaps included the impact of continuous noise and impulsive noise. The chapter on contaminants indicated that higher concentrations were observed in the Baltic Sea but there was a lack of samples and the impact of PCB exposure on marine mammals was still largely unknown as well as from other elements such as heavy metals, oil pollution and pharmaceuticals. Waste was another identified threat which posed a threat to porpoises through entanglement and plastic ingestion. There was a large knowledge gap on the impact of ghost nets, and it was difficult to differentiate between actual entanglement in abandoned, lost and discarded fishing gear (ALDFG) and entanglement in active gear. Ingestion of microplastics and their potential toxicological impact was also still a large knowledge gap. On disease, environmental factors seemed to play a role in the health status of harbour porpoise in the Baltic Sea, including the Baltic Proper, and parasite infections seemed to be higher there than in other areas. Data gaps included disease factors and mortality aetiologies which were difficult to study, with only a few samples available. Finally, another threat was collisions as there was scarce evidence for small cetaceans. The rapid expansion in high-speed ferry traffic and jet skis was not really regulated in the Baltic Sea and could pose a threat. The main takeaway from the report was that there was sufficient knowledge in most areas to take action to protect the Baltic Proper harbour porpoise.

The plan was to present the study to the HELCOM WG BioDIV in May 2023 and she invited comments prior to this. Mr Ritter added there was good evidence that harbour porpoises could be hit by fast moving ships and there are a couple of cases in the IWC Ship strike database. In relation to underwater noise and ship strikes in the North Sea expansion of windfarm construction the amount of maintenance-related vessel traffic had been underestimated.

4. Other activities contributing to the conservation of harbour porpoise in the Baltic Proper, Western Baltic, Belt Sea and Kattegat

4.1. Recent research

Porpoise bycatch assessment and porpoise mortality estimates in Danish and Swedish gillnets

Lotte Kindt-Larsen presented on the joint Danish/Swedish project "Porpoise bycatch assessment and porpoise mortality estimates in Danish and Swedish gillnets." The project had started in 2008 and since 2010 had been monitoring bycatch through video monitoring in 18 vessels since 2010 and nine currently. She shared maps indicating improvement in coverage.

The Danish bycatch estimate was generally reached by scaled-up bycatch rates. This approach had some potential for bias. Instead of extrapolating per fishing day, more variables were now known due to the video monitoring including length of net, location and time of year. The Danish data was often incomplete; however, the Swedish data was much better, and they had used informed expert opinions, including fisher interviews, and verified against Swedish data to reach their conclusions.

Predictions for the Western Baltic and North Sea and Skagerrak were made using the two methods – BPUE scaling up and model-based estimates. In the Western Baltic the estimates were similar. However, in the North Sea and Skagerrak, there were big differences because there had been a tendency to observe on large boats making an over-estimate. They had compared bycatch (2020): no pingers used compared to 100% implementation of Regulation 2019/1241. If pingers were used 100% correctly on the West Coast estimates would reduce 157 to 129 as the regulations did not apply to all seasons, or all fisheries, they did not apply to small vessels, so the regulation was not reducing bycatch significantly. She shared a table indicating a reduction by around 600 animals if pingers were used 100%. The figures would be published soon.

Discussion focused on the effectiveness of pingers, and it was agreed that they were effective but were not being required on all vessels. It was also flagged that the acoustic effect could be an issue. Ms Kindt-Larsen said that in establishing thresholds there was a need to take into account that fishers were using them but not all fisheries were required to.

TANGO

Ms Owen presented an update on the first results of the <u>Tango project: investigating the impact of relocation of a major shipping lane on harbour porpoises</u>, noting there was ongoing work looking at the more fine-scale impact of ship passes on porpoise detection in Denmark. The impact that shipping had on the longer-term occurrence and habitat use of marine species was unknown, so the TANGO project aimed to address this longstanding question for the successful development of noise management and spatial planning legislation worldwide.

As the only passageway to the Baltic Sea, the Kattegat was one of the busiest waterways in the world and to increase maritime safety, on 1 July 2020 vessel traffic was separated in the Kattegat and a new route developed through important harbour porpoise habitat N2000 area. The TANGO project utilised a unique opportunity to determine whether a rerouting of a major shipping lane through important habitat influenced the presence and foraging behaviour of harbour porpoises. The hypothesis was that there would be reduced harbour porpoise presence and foraging behaviour in areas where noise and traffic increased.

She showed a map with the change of the shipping lane split. There was data collection for one year before and after the relocation. Harbour porpoise C-PODS (blue and red stations) monitored presence and foraging "buzzes." They also had recorded underwater noise (red stations) and analysed monthly maps of modelled underwater noise from Quiet Oceans and ASI data on ship presence.

In all four areas there was not really any change in the presence or foraging of harbour porpoises. In year 1 versus year 2 there were no detectable changes between the stations and even seasonally, no obvious shift. This was despite recorded changes in underwater noise and vessel traffic. It suggested that within the observed level of change in shipping and noise, harbour porpoises continued to use preferred habitat. Potential population-level impact of long-term heightened noise levels and ship passes in preferred habitat, on stress level and fitness remained unknown.

Mr Ritter highlighted that the results could point to the importance of the habitat and that the harbour porpoises stuck to where they were used to foraging. He said it would be interesting to have a study on stress hormone/cortisol and Ms Owen agreed there was a need to understand the longer-term impact on stress.

SCANS-IV

Ms Sveegaard provided an update on SCANS-IV, Small Cetaceans in European Atlantic waters and the North Sea 2022 (prepared by Anita Gilles). SCANS-IV was the fourth of the SCANS surveys and covered shelf and offshore waters of the European Atlantic, including the WBBK harbour porpoise population range.

There were now primarily aerial surveys as it was cheaper and more flexible and could cover more areas. The project had been funded by country agencies and scientific project partners from Denmark, France, Germany, Netherlands, Portugal, Spain, Sweden and the UK. The coverage was the best achieved so far in any SCANS, from the end of June through August (and the Spanish aerial survey was extended to September due to contract issues). Eight different planes were used so they could cover several areas in the same day.

They achieved 75,000km of effort with very good coverage and few gaps. In the Belt Sea area there was very high coverage so they will have a comparable estimate with the MiniSCANS. There was very good coverage in central areas and adequate coverage in northern areas with just a few gaps. Harbour porpoise distribution was high density in Kattegat and unexpectedly in the South of Sweden and there was a lot of calf sightings wherever there was a high density of porpoises, in particular between Denmark and Sweden. They had surveyed seventeen cetacean species, pinnipeds, turtles, sharks, sunfish, tuna, anthropogenic activities as well as circa 800 flocks of dead birds (they had shared information with seabird colleagues).

She concluded by outlining next steps, saying that they were in the data validation stage and would produce a first draft of abundance estimates in the first quarter 2023, then trend analyses and model-based estimates of abundance and drivers of distribution, finalisation of the governance framework, final reports and dissemination of the results.

Ms Kamińska asked whether the results would be available for the AC meeting in Autumn 2023. Ms Sveegaard hoped so.

Bird flu in harbour porpoise in Sweden

Aleksija Neimanis (Sweden) presented on H5N1 in harbour porpoise in Sweden: Bird flu can also infect cetaceans, first explaining the nature of H5N1. Since Autumn 2020, Europe, and more recently the Americas, had been experiencing unprecedented H5N1 outbreaks in domestic poultry and wild birds. In Summer 2022 it began to affect sea birds, with unprecedented mortality of seabirds on the Swedish West coast. In June 2022 an immature male harbour porpoise stranded alive on the West Coast, showing abnormal behaviour and died shortly after. He was transported to SVA for necropsy examination. Examination showed nothing significant macroscopically except for lung oedema (fluid) from drowning. Microscopic findings included brain inflammation, molecular analysis, high levels of H5N1 virus in the brain, with lower levels in the lungs, kidney, liver and spleen. There had been two previous cases where H5N1 had been indicated but it was not sure it had caused the death, and so this was the first confirmed case of fatal infection in a cetacean.

They had also done some molecular analysis and there was evidence that the porpoise strain was most closely related to a virus picked up in a Northern Gannet found nine days before the porpoise. There was no evidence of mammalian adaptation. Unfortunately, a few more cases had been reported: a bottlenose dolphin in the US, White-sided dolphin in Canada, and preliminary reports in February 2023 of a harbour porpoise and two common dolphins in the UK. She showed a map indicating the current strong presence of avian influenza.

Ms Neimanis stressed H5N1 was being classified as a biodiversity disease, an animal production disease and a public health threat. Continued monitoring of infection and viral adaptation was warranted. Examining stranded animals was an important tool to help identify potential new threats for porpoises, other animals including people and the environment. Porpoise health surveillance open data was published openly in Sweden.

Mr Staponkus noted there appeared to be more incidences in the Southern Baltic and wondered if this was due to the lack of research elsewhere. Ms Neimanis said the virus followed migratory flyways. Ms Öhman stressed the public safety issue. Ms Kyhn asked her to share the virological screening guidelines being used. Mr Ritter noted that behaviourally dolphins often aggregated with seabirds while feeding and had been observed dragging seabirds underwater as a form of play, although he was not sure about harbour porpoises. Ms Kyhn proposed JG19 encourage countries to improve research into strandings which was agreed.

Nord Stream

Ms Sveegaard presented on Environmental Impact of Sabotage of the Nord Stream Pipelines (Article in review, Biological Science) in relation to the sabotage of the Nord Stream pipeline. On 26 September 2022 four explosions ruptured the Nord Stream 1 and 2 pipelines. Major implications included: explosions near major chemical munition dump site (Bornholm Deep), massive release of natural gas into the atmosphere leading to concerns for the climate. She, together with Sven Koschinski and Jakob Tougaard focused on the direct impact on the marine ecosystem, with the relevant marine mammals being grey seals, harbour seals and harbour porpoises and they quickly determined that harbour porpoise would be most affected. The potential impacts were tissue damage in middle ear cavities, fracture of ossicles and bleeding in the inner ear and acoustic fats of the melon and lower jaw and permanent or temporary threshold shift in hearing.

The method used was to estimate the impact range of blast injury using equations provided by Yelverton et al (1973)² for the permanent threshold shift (PTS) and temporary threshold shift (TTS) from measurements of the sound exposure level from explosions of unexploded ordinances (UXO) the results plotted against the SAMBAH detection. The range for blast injury was 4km at the surface and 20km at the seabed. The Belt Sea and Baltic Sea densities were plotted differently. Although it was not within the N2000 site, it was close to the other stations with high detection rates. They had concluded that since the Baltic Sea harbour porpoise population was 500 individuals and the blast happened in the breeding season (May-October) when they gather at Hoburgs and Midjsjö Banks, it was likely that there were individuals present but since the density of porpoises was low the number of impacted individuals would be low. However, even the death of one individual would have a major impact on the population.

The Chair noted the TTS was a large area and the behavioural impact would be higher. Mr Ritter asked if there had been any strandings to ground-truth the hypotheses, but Ms Sveegaard had not heard of any, nor of grey seals, suggesting they would be on the Swedish coast. Ms Kyhn confirmed but there were no reports. The Chair suggested they could strand in Poland.

Discussion also focused on the 20km seabed range and Ms Sveegaard explained the bottom was 70m deep. There had been divers filming the explosion holes and the paper did not include conclusions on the munition toxic material on the surface. It was hard to predict the impact on the food chain. Mr Loisa recommended presenting the paper to the HELCOM BIODIV WG.

Line transect study south of Gotland

Alexandra Colbing (Sweden) presented on a <u>Line transect study</u> on harbour porpoises and seabirds, carried out in the N2000 site Holburgs Bank and Midsea Banks by the County Administrative Board of Gotland in 2022,.

Conservation targets addressed by the survey included: the area should contribute to reaching favourable conservation status for Baltic Proper harbour porpoise; the area should act as a nursery; food availability should be such that a favourable population is supported; and displacement of harbour porpoises should not occur in the area. Monitoring was needed to assess these and the assumption was that the area would be contributing to reaching a favourable conservation status if there was an increase in the population of harbour porpoise over time in the area.

Two methods of monitoring were used: continuous monitoring in the national monitoring program by SwAM, using C-PODS at North Midsea Bank from 2013 to present; and the acoustic survey presented here, carried out in summer 2022 using a towed hydrophone. The intention had been to increase the number of C-PODS or F-PODS in the area, but this had been prevented by the Swedish Armed Forces.

Ms Colbing described the nine-day 2022 acoustic transect survey, involving towing the hydrophone, daytime visual surveys and night-time continuous acoustic surveys. Acoustic data was run through Pamguard. They explored the shipping lanes as it was a highly trafficked area. There were no sightings, but they had at least 12 acoustic detections and calculated approx. 2.5 porpoises per 1000km². In previous studies (SAMBAH) modelled densities in the Baltic Proper had been 0.5- 8.3 porpoises by 1000km². The survey did not appear to show an increase, but the two methods were totally different. She stressed this survey should be seen as a baseline and the intention was to repeat it regularly.

Discussion focused on the challenges of using Pamguard, with Ms Colbing confirming the results had been analysed by experts. Ms Sveegaard recommended repeating the survey in other seasons, but Ms Colbing said funding was an issue.

² Yelverton, J.T., Richmond, D.R., Fletcher, E.R., Jones, R.K., 1973. Safe distances from underwater explosions for mammals and birds, Albuquerque, New Mexico.

4.2. Update on the status of the draft proposal to list the Baltic Proper harbour porpoise to CMS Appendix I

Ms Blankett updated that the proposal was in the final stage of agreement in the EU coordination process, currently being discussed in Brussels. The Secretariat made a general reminder that the deadline for CMS listing proposals was 26 May 2023.

Ms Owen also updated that in Spring 2022 Julia Carlström had been contacted by Phil Hammond and Barbara Taylor about updating the IUCN Red List for the Baltic Proper harbour porpoise, so a group had prepared and submitted it in Summer 2022. They had just received feedback, with final revisions to be made by Easter 2023 for the next Red List publication (due in December 2023). She hoped to be able to provide an update to AC28.

The Chair added that CCB had invited the public to sign a harbour porpoise petition, and had met with the EU Commissioner for Environment, Oceans and Fisheries in November 2022 to deliver 120,000 signatures to save the Baltic harbour porpoise.

4.3 Update from relevant ASCOBAN Working Groups

Ms Renell (Secretariat) briefed the meeting about:

- the Offshore Renewable Energy WG. AC27 had established a WG to review the interactions between marine renewables and small cetaceans given the interest in rapid development of marine renewables tasked with presenting a report to AC28 considering the possible impacts and appropriate mitigations, and establishing criteria for identifying areas of high sensitivity for cetaceans including consideration of their prey and habitats. The WG had met twice online with 16 members but had not appointed a Chair as yet. The current plan was to identify and outline issues that should be addressed and provide a collection of previously successful options to inform future construction of offshore renewable energy sources. She invited people to contact her if they could contribute to the document.
- the WG on Developing Cetacean-friendly Guidelines for Marine Spatial Planning, was established by AC26, had 12 members and the Chair was Aline Kühl-Stenzel, NABU. A consultant was recruited in January 2023 tasked with elaborating on how to best develop guidelines for cetacean-friendly MSPs and a draft resolution for MOP10. The guidelines should include MSP measures to effectively manage underwater noise and threats such as fisheries, offshore winds etc, were being drafted and would be reviewed by the WG before being circulated more widely, aiming for an advanced draft for AC28 in September.
- The upcoming workshops at the <u>ECS 2023 Conference</u> included: ASCOBANS/ACCOBAMS
 Marine Debris Workshop on new and emerging aspects; Scoping the development of a European marine strandings database; and current cetacean bycatch issues in European waters.

Ms Renell also highlighted the upcoming meeting of the IWC Scientific Committee, Slovenia, 24 April-6 May; and the 10th IUCN Important Marine Mammal Areas (IMMA) from 22-26 May, Hamburg. Contributions of preliminary Areas of Interest from the Baltic were invited from experts. The Chair noted that remote participation was possible but participation in the full week was preferred. She also informed they were looking for people who knew about seals to contribute.

5. Overall progress in the implementation of the Jastarnia and WBBK Plans

The Chair introduced this item and the meeting reviewed the implementation tables for the <u>Jastarnia</u> and the <u>WBBK Plan</u> against the Assessment Criteria which the Secretariat had circulated. The revised tables will be posted on the updated progress report

6. Planned review of the WBBK Plan

The JG had requested funding at AC27 for the WBBK Plan revision which had been denied so there was a need to ask AC28 again.

Funding for the review (a desktop study) was discussed, with the Secretariat saying the budget for the review of the North Sea Plan³ had been >€10,000 as that was the sum of voluntary contributions. Several felt this was insufficient and concern was expressed that the trend in lower prices could affect the quality of work.

7. Review and update of Action Points

The Chair reviewed each of the 29 Action Points from JG18 with all participants. The Secretariat referred to ASCOBANS AC27 guidance regarding Recommendations from WGs including, where appropriate, the WG should indicate whether recommendations were long-term or short-term, add deadlines, prioritise and assess whether they had been implementation. The Chair had already input some suggestions to reflect this guidance.

The meeting reviewed the Action Points. Finland (Mr Lehtinen and Ms Blankett) in discussion concerning Action JG18/AP19, voiced a concern that in the absence of real time closure system, areas of low occurrence of harbor porpoise could potentially be left out without any realistic mitigation measures as no realistic alternatives has been brought forward. Such a system is applied in Finland, and it had shown its merits. There is room for improvement, such as committing commercial and recreational fisherman more to system and increasing the public knowledge of the system. Finland is in the process of working to that effect in BALTFISH and nationally. It was also reiterated, that a real time closure based on legislation would lead to a disproportionate, slow, and bureaucratic system not delivering the conservation effect sought for.

The old Action Points were updated or deleted, and the prioritisation level was added as per AC27 request. Three new Action Points were added (AP6, AP13, AP14). The finalised document can be found in Annex 1 of this report.

8. Any other business

There was no other business.

9. Date and venue of the 20th Meeting of the Jastarnia Group

As the Jastarnia Group had agreed to alternate between online and in-person meetings, the next meeting would be held in-person. The North Sea Group⁴ (NSG) had proposed a back-to-back meeting with the JG and the Secretariat shared some options for the next meeting. Ms Renell outlined the hosting requirements for the back-to-back meeting and reported that the Netherlands was potentially interested in hosting if a JG country would share the costs. A potential date in week commencing 18th March 2024 would be discussed with the NSG. Germany said they would let the Secretariat know if they could potentially co-host with the Netherlands.

10. Close of the Meeting

Following the customary expression of thanks to all those that had contributed to the success of the meeting, the Chair looked forward to seeing everyone in person in 2024 and declared proceedings closed at 12:33 CET on Wednesday 22 March 2023.

⁴ Steering Group of the North Sea Plan.

³ The ASCOBANS Conservation Plan for Harbour porpoises (Phocoena phocoena L.) in the North Sea

Annex 1: Action Points from the 19th Meeting of the Jastarnia Group

(Adopted by the 28th Meeting of the Advisory Committee)

Refer- ence	Action Point (and old reference)	Jasta	arnia Plan	WBE	BK Plan	Long-/short-term + Deadline if possible	Priority (High / Medium / Low)
		Ap- plie s	Mandate	Ap- plie s	Mandate		
JG19/ AP1	Parties shall establish or further improve local and national monitoring programmes for Harbour Porpoise abundance and occurrence and to further ensure these are aligned in terms of timing and methodology between countries, in order to complement large-scale international monitoring activities. (JG17/AP1)	X	MON-01: Implement and harmonize long-term continual acoustic Harbour Porpoise monitoring	X	Objective d: Monitoring the status of the population	Long-term	High
JG19/ AP2	All Parties, and other countries bordering the Baltic Sea, are strongly encouraged to support SAMBAH-II, specifically in terms of fundraising nationally in order to carry out the monitoring for SAMBAH-II. Countries are also encouraged to support attempts to find funds for analyses of abundance and distribution. (Updated JG18/AP2)	X				Short-term	High
JG19/ AP3	Parties are strongly encouraged to continue to undertake and cooperate on the SCANS surveys. (Updated JG18/AP3)			X	Rec.7: Estimate trends in abundance of Har- bour Porpoises in the Western Baltic, the Belt Sea and the Kat- tegat	Long-term	High
JG19/ AP4	Parties are strongly encouraged to use the data provided by the most recent abundance and distribution surveys, national monitoring programmes, acoustic research projects and any other available data, in connection with the establishment and evaluation of MPAs for Harbour Porpoises, as well as with regard to management plans and mitigation measures. (Updated JG18/AP4)	X	MIT-06: Expand the network of protected areas for Harbour Porpoises, improve its connectivity, and develop and implement appropriate management plans including monitoring schemes for these areas			Long-term	Medium

Refer- ence	Action Point (and old reference)	Jasta	Jastarnia Plan		BK Plan	Long-/short-term + Deadline if possible	Priority (High / Medium / Low)
		Ap- plie s	Mandate	Ap- plie s	Mandate	·	,
JG19/ AP5	Parties should investigate possible detrimental effects of various types of sound and disturbance on Harbour Porpoises (including pinger signals, noise from vessels, seismic surveys, underwater explosions, wind parks or construction) both on the individual and on a population level. (Updated JG18/AP5)	X	RES-07: Improve knowledge on impact of impulsive and continuous anthropogenic underwater noise on Harbour Porpoises, and development of threshold limits of significant disturbance and GES indicators	X	Objective e: Ensuring habitat quality favourable to the conservation of the Harbour Porpoise	Long-term	Medium
JG19/ AP6	Parties should investigate how underwater noise affects the detection of harbour porpoises by PAM equipment.					Short-term	High
JG19/ AP7	Parties are encouraged to agree on how to implement the EU MSFD indicators and thresholds for underwater noise in the Baltic Sea Region, taking into account the critically endangered status of the Baltic Proper harbour porpoise as well as relevant regional sound propagation properties and needs for precaution for example concerning levels of noise from leisure crafts. Parties are also encouraged to develop HELCOM-wide coordinated guidelines for noise mitigation, taking into account the CMS Family Guidelines on Environmental Impact Assessments for Marine Noise-generating Activities. (Updated JG18/AP6).	X	MIT-05: Implement regionally harmonized national threshold limits and guidelines for regulation of underwater noise	X	Rec.11: Restore or maintain habitat quality	Medium-term	High
JG19/ AP8	Parties are required to establish systems to effectively monitor bycatch covering all sizes of fishing vessels, in line with the HELCOM Roadmap on fisheries data in order to assess incidental bycatch and fisheries impact on benthic biotopes in the Baltic Sea and the ICES Special Request Advice on emergency measures to prevent bycatch of common dolphin and Baltic Proper harbour porpoise in the Northeast Atlantic. (JG17/AP7)	Х	MON-03: Monitor and estimate Harbour Porpoise bycatch rates and estimate total annual bycatch	Х	Rec.6: Estimate total annual bycatch	Medium-term	High

Refer- ence	Action Point (and old reference)	Jasta	arnia Plan	WBE	BK Plan	Long-/short-term + Deadline if possible	Priority (High / Medium / Low)
		Ap- plie s	Mandate	Ap- plie s	Mandate		,
JG19/ AP9	Parties are strongly encouraged to carry out spatio-temporal risk-assessments of Harbour Porpoise bycatch using Harbour Porpoise distribution and fishing effort data. (JG17/AP8)	Х	RES-04: Carry out a spatio- temporal risk assessment of Harbour Porpoise bycatch	Х		Medium-term	High
JG19/ AP10	Parties should implement and where needed further develop, in cooperation with stakeholders, any available fishing gear that does not cause, or is shown to significantly reduce, harbour porpoise bycatch, and strive to replace static nets with such alternative gear, especially in MPAs, as soon as possible. (JG17/AP9)	Х	RES-05: Further develop and improve fishing gear that is commercially viable with no Harbour Porpoise bycatch MIT-01: Implement the use of fishing gear that is commercially viable with no Harbour Porpoise bycatch	X	Objective b: Mitigation of bycatch	Long-term	High
JG19/ AP11	When alternative gear is not sufficient to eliminate harbour porpoise bycatch, Parties should promote the use and further development of pingers not audible to seals and alerting devices other than pingers. (Updated JG17/AP10)	Х	RES-05: Further develop and improve fishing gear that is commercially viable with no Harbour Porpoise bycatch	Х	Objective b: Mitigation of bycatch	Long-term	High
JG19/ AP12	Parties should monitor the use and functioning of dedicated harbour porpoise deterrent and alerting devices, including studies to assess their effect on bycatch reduction and on harbour porpoise behaviour and distribution. (Updated JG18/AP11)	Х	MIT-03: Continue or implement the use of acoustic deterrent devices (pingers) and acoustic alerting devices proven to be successful when and where deemed appropriate RES-06: Improve the knowledge on potential population-level effects of the use of pingers, and develop acoustic devices for bycatch mitigation further	Х	Rec. 9: Ensure a non- detrimental use of pingers by examining habitat exclusion and long-term effects of pingers	Long-term	High
JG19/ AP13	Parties should liaise with and provide information to the national military forces in relation to the possible interference of pingers with military underwater acoustic activities.					Short-term	High

Refer- ence	Action Point (and old reference)	Jasta	arnia Plan	WBE	BK Plan	Long-/short-term + Deadline if possible	Priority (High / Medium / Low)
		Ap- plie s	Mandate	Ap- plie s	Mandate		,
JG19/ AP14	Parties should liaise with and provide information to the national military forces in relation to the possible security concerns of using passive acoustic devices.					Short-term	High
JG19/ AP15	With respect to recreational fisheries, Parties should work towards banning or limiting the use of those types of gear known to pose a threat to harbour porpoises, or introduce effective mitigation measures shown to significantly reduce or eliminate bycatch. (JG17/AP12)	X	MIT-02: Reduce or eliminate fishing effort with gillnets or other gear known to cause porpoise bycatch in areas with higher Harbour Porpoise density or occurrence, and/or in areas with higher risk of Harbour Porpoise bycatch, according to spatio-temporal risk assessments	Х	Rec.3: Protect Harbour Porpoises in their key habitats in minimizing bycatch as far as possible Rec.5: Where possible replace gillnet fisheries known to be associated with high porpoise bycatch with alternative fishing gear known to be less harmful	Long-term	High
JG19/ AP16	Parties are encouraged to coordinate and standardize monitoring of stranded and by-caught animals, determining the appropriate number of animals to be necropsied in each country, ensuring that health, contaminant load, life-history parameters and cause of death is examined in a coherent manner, and that tissue samples are collected from all carcasses from the Baltic Proper harbour porpoise distribution range. All necropsies and sampling should be carried out in accordance with the ASCOBANS-ACCOBAMS Best practice on cetacean post-mortem investigation and tissue sampling. (Updated JG17/AP13)	X	MON-04: Collect dead specimens and assess health status, contaminant levels, cause of mortality and life-history parameters of Harbour Porpoises	Х	Rec.8: Monitor population health status, contaminant load and causes of mortality	Long-term	Medium
JG19/ AP17	All Parties and Range States should establish programmes for recording bycatch, strandings and opportunistic sightings for inclusion in a national database, and report annually to the ASCOBANS/HELCOM harbour porpoise database. (Updated JG18/CP14)	X	PACB-01: Improve communication and education for increased public awareness and collection of live observations and dead specimens of the Baltic Harbour Porpoise	X	Objective d: Monitoring the status of the population	Long-term	Medium

Refer- ence	Action Point (and old reference)	Jastarnia Plan		WBBK Plan		Long-/short-term + Deadline if possible	Priority (High / Medium / Low)
		Ap- plie s	Mandate	Ap- plie s	Mandate		
JG19/ AP18	ASCOBANS should join efforts with HELCOM to liaise with the European Commission and other relevant bodies to improve the implementation by Member States of the EU Technical Measures Regulation and the Data Collection Framework to better incorporate and tackle bycatch concerns. (JG17/AP16)	Х	COOP-02: Strive for close co- operation between ASCO- BANS and other international bodies	Х	Rec.2: Cooperate with and inform other rele- vant bodies about the Conservation Plan	Long-term	Medium
JG19/ AP19	Parties should ensure that Belt Sea and Baltic Proper populations of harbour porpoises are assessed and managed as separate populations, e.g. in management plans and national redlists. (Updated JG18/AP16)	X	Other	Х	Other	Long-term	Medium
JG19/ AP20	Countries are urged to, without delay, prepare a BALTFISH Joint Recommendation that includes effective bycatch mitigation measures outside MPAs, in areas of high and medium importance for harbour porpoises according to the map prepared by experts for HELCOM HOLAS 3, noting that coastal habitats are also of high importance for harbour porpoises. (Updated JG18/AP19)	Х	Objective: Monitor, estimate and reduce bycatch			Short-term	High
JG19/ AP20	Countries are also urged to prepare a BALTFISH Joint Recommendation that in- cludes effective bycatch mitigation measures outside MPAs, in areas of low harbour por- poise occurrence. It is noted that the real-time closures/moving-on procedures as discussed by BALTFISH has strong limitations to prevent or mitigate harbour porpoise bycatch. Despite this, if real-time closures/moving-on proce- dures are implemented, this should not prevent or delay the application of effective mitigation measures. (Updated JG18/AP19)		Objective: Monitor, estimate and reduce bycatch			Short-term	High

Refer- ence	Action Point (and old reference)	Jasta	arnia Plan	WBB	BK Plan	Long-/short-term + Deadline if possible	Priority (High / Medium / Low)
		Ap- plie s	Mandate	Ap- plie s	Mandate		
JG19/ AP21	Parties are urged to ensure a proposal to list the Baltic Proper harbour porpoise in CMS Ap- pendix I is brought to CMS COP14 in 2023. (JG17/AP21)	X	Other			Short-term	Medium
JG19/ AP22	It was agreed that the delimitation between the North Sea and WBBK harbour porpoise plans should be the management unit border identified by Sveegaard et al 2015 in Kattegat at 56.95°N. The area for the WBBK should have its eastern delimitation at the management unit border identified by Sveegaard et al 2015 at 13.5°E, while the Jastarnia plan area should be east of 13.0°E, according to the ICES scientific advice of May 2020. The overlap of the WBBK and Jastarnia plans areas will be considered in the Jastarnia Group's discussions of the plans. (JG17/AP22)	Х	Other	X	Other	Short-term	Medium
JG19/ AP23	Parties are strongly encouraged to carry out spatio-temporal risk-assessments of Harbour Porpoise bycatch using recent Harbour Porpoise distribution and fishing effort data for the entire Baltic Sea Region to determine additional areas for bycatch mitigation for the Baltic Proper population. In the absence of pinger use, the only immediate mitigation measure possible to protect harbour porpoises is further closures of static net fisheries in areas of importance to harbour porpoises. In these areas, gear types known to not cause bycatch of harbour porpoises (such as pots, traps, and long lines) can be used. (Updated JG18/AP22)	Х	RES-04: Carry out a spatio- temporal risk assessment of Harbour Porpoise bycatch Objective: Monitor, estimate and reduce bycatch			Long-term	High
JG19/ AP24	It is recommended that a representative from the Jastarnia Group as well as relevant experts be invited to the workshop(s) agreed by ASCOBANS AC26 to consider navies' mitiga- tion practice in the use of military sonar and	X	Action MIT-05: Implement regionally harmonized national threshold limits and guidelines for regulation of underwater noise		Rec.11: Restore or maintain habitat quality	Short-term	Medium

Refer- ence	Action Point (and old reference)	Jasta	arnia Plan	WBE	BK Plan	Long-/short-term + Deadline if possible	Priority (High / Medium / Low)
		Ap- plie s	Mandate	Ap- plie s	Mandate		
	management of other activities that can contribute to potentially harmful underwater noise, including the removal and/or detonation of UXO. (Updated JG18/AP24)						
JG19/ AP25	Jastarnia Group to send a letter (signed by the Chair) to all Baltic Proper Range States and their national navies, raising concern of the effect of underwater explosions to harbour porpoises, and to inform them about effective mitigation measures. (JG18/AP25)	Х	Action MIT-05: Implement regionally harmonized national threshold limits and guidelines for regulation of underwater noise			Short-term	Medium
JG19/ AP26	AC28 is requested to make funding available for a consultant to do the revision of the Conservation Plan for the Harbour Porpoise Population in the Western Baltic, the Belt Sea and the Kattegat, so that the document is ready by MOP10 in 2024. (Updated JG18/AP28)			X	Other	Short-term	Medium

Annex 2:

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