

**DDRAFT RESOLUTION:****THE BALTIC PROPER HARBOUR PORPOISE**

*Recalling* the aim of the Agreement to achieve and maintain a favourable conservation status for small cetaceans,

*Concerned* that the ASCOBANS Recovery Plan for Baltic Harbour Porpoises (the Jastarnia Plan) from 2016 is not adequately implemented to date to improve the conservation status of the Harbour Porpoise in the Baltic Proper,

*Further recalling* the requirements of the EU treaty and its subsidiary legislation, in particular in the field of European nature protection and the Common Fisheries Policy,

*Emphasizing* the need to implement the obligation to strictly protect the harbour porpoise (*Phocoena phocoena*) as a species included in Annex II and IV of the Habitats Directive (Council Directive 92/43/EEC), the requirement of the Marine Strategy Framework Directive (Directive 2008/56/EC) to reach good environmental status with the harbour porpoise as part of the criteria for descriptor 1, and considering the ASCOBANS Jastarnia Plan as a valuable contribution,

*Noting* the statement on 25 February 2020 by EU Commissioner Sinkevičius on the need to find solutions to incidental catch of marine animals, including the Baltic Proper harbour porpoise,

*Convinced* that there is scientific evidence that the Baltic Proper harbour porpoise needs to be considered as a distinct sub-population and a separate management unit,

*Very concerned* about the severe situation for the Baltic Proper harbour porpoise, being categorized as Critically Endangered by the IUCN and HELCOM,

*Noting* that all the available assessments submitted by EU Member States, as well as the EU biogeographical assessment under Article 17 of the Habitats Directive, classified the conservation status of the harbour porpoise in the Baltic Marine region as 'unfavourable-bad' for the three consecutive assessments in 2007, 2013 and 2019,

*Recognizing* the revised HELCOM recommendation 17/2 on protection of harbour porpoise in the Baltic Sea area and its aims to minimize bycatch and implementing protection measures both inside and outside HELCOM MPAs,

*Noting* the CMS Concerted Action 13.7. for harbour porpoise populations in the Baltic Sea and the Iberian Peninsula adopted at the 13<sup>th</sup> Meeting of the Conference of the Parties to CMS (COP13) in February 2020,

*Noting with regret* that no proposal to list the Baltic Proper harbour porpoise in CMS Appendix I was carried forward to CMS COP13,

*Aware* that bycatch in static net fisheries is an acute threat to the population's survival, and that a potential biological removal (PBR) limit of 0.7 animals per year has been estimated by the Joint IMR/NAMMCO International Workshop on the Status of Harbour Porpoises in the North Atlantic in December 2018,

*Also aware* that the population and its ability to recover to a favourable conservation status are affected by multiple threats such as environmental contaminants, impulsive and continuous underwater noise as well as ecosystem changes and prey quality and availability,

*Recognizing* the 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 issued on 26 May 2020 making recommendations for emergency measures to prevent bycatch of dolphins and porpoises and its recommendations on bycatch mitigation and monitoring for the Baltic Proper harbour porpoise population,

*Recalling* that the Scientific Committee of the International Whaling Committee has repeatedly expressed serious concern about the status of the Baltic Proper harbour porpoise population.

*Recalling* Resolution 6.1 *Adoption and Implementation of the Jastarnia and North Sea Plans*, Resolution 7.1 *Conservation of Harbour Porpoises and Adoption of a Conservation Plan for the Western Baltic, the Belt Sea and the Kattegat*, and Resolution 8.3 *Revision of the Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan)*,

*Noting* other related resolutions, in particular Resolution 8.8 *Addressing the Threats from Underwater Munitions*, Resolution 8.5 (Rev.MOP9) *Monitoring and Mitigation of Small Cetacean Bycatch*, including the ASCOBANS general aim to ultimately reduce anthropogenic removals to zero.

### *The Meeting of the Parties to ASCOBANS*

1. *Urges* Parties to make the full implementation of the Jastarnia Plan a high national priority;
2. *Urges* the Parties to implement swiftly the recommendations on measures for bycatch mitigation made by ICES in areas of more than occasional harbour porpoise occurrence;
3. *Urges* Parties to put in place long-term bycatch mitigation measures in line with the ICES advice both within and outside marine protected areas in areas of more than occasional harbour porpoise occurrence;
4. *Encourages* Parties to carefully monitor and study the possible disturbance and other effects on harbour porpoises of acoustic deterrent devices, both pingers and other types of devices;
5. *Recommends* that Parties do not carry out activities shown to cause negative impact on harbour porpoises within Baltic Proper Natura-2000 sites;
6. *Encourages* Parties to implement and develop alternative gear to replace static nets, and any other device, method, or technique that could potentially be used to reduce bycatch towards zero without negative population-level impact on Baltic Proper harbour porpoises;
7. *Urges* Parties to implement monitoring of fishing effort and bycatch in line with ICES advice and to take into account the HELCOM Roadmap on fisheries data in order to assess incidental bycatch and fisheries impact on benthic biotopes in the Baltic Sea;
8. *Encourages* Parties to intensify their efforts to address and increase understanding of other threats, including environmental contaminants, impulsive and continuous underwater noise, climate change effects, ecosystem changes and prey quality and availability, as well as cumulative effects arising from combinations of any these threats;
9. *Urges* Parties to use Best Available Techniques (BAT) and Best Environmental Practice (BEP) as mitigation to prevent injuries and reduce disturbance from impulsive noise sources such as underwater explosions, military sonars, piling and seismic surveys, and to reduce disturbance from continuous noise; and
10. *Calls on* Parties to submit a proposal to CMS COP14 for listing the Baltic Proper harbour porpoise on Appendix I of CMS.