

(English version)

**Question for written answer E-000036/26
to the Commission
Rasmus Nordqvist (Verts/ALE)
(8 January 2026)**

Subject: Compliance of Denmark with Article 12(4) of the Habitats Directive regarding harbour porpoise by-catch

According to an evaluation by the Danish Centre for Environment and Energy at Aarhus University, the harbour porpoise population in Danish waters has been in significant decline. Since 2005, the population in the Danish straits has decreased by an average of 2.7% per year, with an estimated population of approximately 14 400 individuals in 2022. The identified drivers of this decline include lack of food, incidental by-catch and a deteriorating marine environment, including increased hypoxia. In the light of this development, the Baltic Marine Environment Protection Commission — also known as the Helsinki Commission or Helcom — intends to change the conservation status of the species from ‘vulnerable’ to ‘threatened’ in its next assessment.

While Denmark registers by-catch of harbour porpoises, which are listed in Annex IV(a) of the Habitats Directive, Article 12(4) of the directive requires Member States not only to monitor incidental capture or killing, but also to take further research or conservation measures where necessary to ensure that such by-catch does not have a significant negative impact on the species concerned.

In the light of the registered by-catch data and the documented population decline, does the Commission consider that Denmark is meeting its obligations under Article 12(4) of the Habitats Directive?

Submitted: 8.1.2026

**Answer given by Ms Roswall on behalf of the European Commission
(10 March 2026)**

The Danish report under Article 17 of the Habitats Directive ⁽¹⁾ submitted to the Commission ⁽²⁾ and covering the 2019-2024 period indicated, for the harbour porpoise, a favourable conservation status with a stable trend in the marine Atlantic region, and an unfavourable-bad conservation status with a declining trend in the marine Baltic region. The report indicates bycatch and incidental killing as high pressures for the species in both marine biogeographical regions.

By-catch of harbour porpoises has been monitored electronically with cameras on a number of Danish commercial gillnet fishing vessels since 2010 ⁽³⁾.

Recent estimates indicate that by-catch in Danish and Swedish fisheries may exceed sustainability thresholds in parts of the western Baltic Sea ⁽⁴⁾.

Certain mitigation measures to limit by-catch are applied in Danish waters, such as the use of acoustic deterrent devices (‘pingers’) on bottom-set gillnets and entangling net vessels equal or above 12 meters in the North Sea, Skagerrak, Kattegat (only from 1 August to 31 October) and parts of the Baltic Sea, as well as seasonal closures of static net fishing in the Natura 2000 area ‘Adler Grund and Rønne Banke’ ⁽⁵⁾ in the Baltic Sea.

The Commission is currently carefully monitoring the situation in Denmark in relation to Article 12(4) of the Habitats Directive and may consider taking further steps if the measures taken by Denmark are deemed insufficient.

⁽¹⁾ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992, p. 7-50.

⁽²⁾ <https://reportnet.europa.eu/public/dataflow/1525>.

⁽³⁾ Kindt-Larsen L., Brooks M. E., & Glemarec G., (2025). Nye estimer for bifangst af marsvin i dansk garnfiskeri, No 25/1002606, 5 p., Feb 28, 2025, <https://orbit.dtu.dk/en/publications/nye-estimer-for-bifangst-af-marsvin-i-dansk-garnfiskeri/>.

⁽⁴⁾ Kindt-Larsen L., Glemarec G., Berg C.W., Königson S., Kroner A.-M., Søgaard M., Lusseau D., 2023 Knowing the fishery to know the bycatch: bias-corrected estimates of harbour porpoise bycatch in gillnet fisheries. Proc. R. Soc. B 290: 20222570, <https://doi.org/10.1098/rspb.2022.2570>.

⁽⁵⁾ Commission Delegated Regulation (EU) 2022/303 of 15 December 2021 amending Regulation (EU) 2019/1241 as regards measures to reduce incidental catches of the resident population of the Baltic Proper harbour porpoise (*Phocoena phocoena*) in the Baltic Sea, OJ L 46, 25.2.2022, p. 67-80.