

# **REPORT OF THE 6<sup>TH</sup> MEETING OF THE PARTIES TO ASCOBANS**

**UN Campus, Bonn, Germany**

**16-18 September 2009**



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



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### 1. Opening of the Meeting

Stefan Bräger (Germany), the Chair of the Advisory Committee, welcomed the participants to the meeting at 10.00 hrs on 16 September and introduced the Deputy Mayor of the City of Bonn, Ulrich Hauschild.

Mr Hauschild also welcomed the participants to Bonn, which prided itself on its tolerance and open-mindedness. He recalled the occasion in the 1960s when a beluga whale was sighted in the Rhine. Bonn was an increasingly important UN centre with nineteen agencies dealing with development, sustainability and the environment, of which ASCOBANS was one of the longest established in the city. Cetacean conservation found a strong resonance with the public. He hoped delegates would have the opportunity to enjoy Bonn and its surroundings.

Elsa Nickel (Germany) added her words of welcome on behalf of the Secretariat's host government. She hoped delegates would be able to attend the dinner at the Opera restaurant hosted by Germany.

Elizabeth Mrema (Secretariat) was pleased to welcome delegates to the UN Campus in Langer Eugen, facilities provided generously by the German Government. She explained that Achim Steiner, Executive Director of UNEP, had appointed her as officer-in-charge of CMS and ASCOBANS until the appointment of a permanent replacement, which was expected to be confirmed within a few months. She introduced Bert Lenten, the Executive Secretary of AEWA, who was acting as Deputy Executive Secretary of CMS. Turning to the agenda, she said that the assessment of the current Secretariat arrangements and the budget for the next triennium were of course key issues, but they should not deflect focus from the main purpose of the meeting, namely to improve the conservation status of small cetaceans in the Agreement Area. She called upon delegates to provide the Secretariat with the means to carry out the work programme and meet the challenges of the next triennium. The MOP should try to identify the niche where ASCOBANS could operate most effectively in the context of the range of MEAs and international organizations dealing with related issues. Similar exercises were being undertaken across the UN, including CMS which had instituted an inter-sessional process to review its structure for a decision at the next COP in 2011.

#### 1.1 Adoption of Rules of Procedure

Marco Barbieri (Secretariat) introduced MOP6/Doc.1-04, the rules of procedure. These were the same rules of procedure which had applied at MOP5. No party had indicated that any changes were necessary. The rules were adopted.

In response to the suggestion made by Maj Munk (Denmark) that the rules of procedure should contain a deadline for the presentation of documents to the Meeting of Parties, Mr Barbieri noted that the Agreement had a provision requiring ninety days' notice for any amendments to the text. Any proposals for streamlining the procedure for tabling documents would be welcome. It was agreed to take up this issue under agenda item 9, Any Other Business.

## **1.2 Election of Officers**

Stefan Bräger (Germany) invited nominations for the offices of Chair and Vice-Chair. Martin Lok (Netherlands) proposed Jussi Soramäki (Finland) as Chair and this was seconded by Trevor Perfect (UK). Elsa Nickel (Germany) nominated Paulus Tak (Belgium) as Vice-Chair and Christine Rappe (Sweden) seconded this proposal. The proposals were unanimously accepted.

## **1.3 Adoption of the Agenda**

The meeting adopted the agenda and the annotated agenda as set out in MOP6/Doc.1-01 rev 1 (reproduced in Annex 2 to this report) and MOP6/Doc.1-02. Heidrun Frisch (Secretariat) explained that the meeting would sit in plenary on the first day, split into two parallel working groups (one on administrative and one on technical matters) on the second and reconvene in plenary on the third. The Chairs of the Working Groups would be asked to give oral reports to plenary on the third day. These reports would be reflected in the final minutes to be adopted by correspondence.

The meeting agreed that all sessions should be open to observers and consequently the restriction on some documents was also lifted.

## **1.4 Admission of Observers**

Heidrun Frisch (Secretariat) reminded the meeting of the provisions concerning the admission of observers. CMS, IWC, HELCOM, OSPAR and the ECS were entitled to be present under Article VI (2) (1) of the Agreement and were represented. ACCOBAMS, Coalition Clean Baltic, EUCC Coastal and Marine Union, IFAW, Sea Watch Foundation, The North Sea Foundation and WDCS had registered in accordance with rule 2 (2) of the Rules of Procedure and no Party had objected to their participation, so they were all admitted.

## **1.5 Establishment of Credentials Committee / Report**

Elizabeth Mrema (Secretariat) informed the meeting that the Heads of Delegations had proposed that the Credentials Committee should consist of France, UK and Lithuania, supported by the Secretariat. The meeting endorsed this proposal.

After the Credentials Committee had examined the credentials, its chair, James Gray (UK), reported that the credentials received from all ten Parties and the one non-Party observer country were found to be in order.

## **2. Opening Statements**

Arnold Kreilhuber (UNEP) read a statement on behalf of Bakary Kante (Director of UNEP/Division of Environmental Law and Conventions) reiterating UNEP's commitment to CMS and ASCOBANS, both of which contributed to the wider goals of environmental protection. ASCOBANS needed sufficient means to carry out its work and the Executive Director had commented on the three budget scenarios prepared for the Meeting. The deliberations at this Meeting also had broader implications in the context of international environmental governance, holding the potential of delivery on calls for more efficiency and synergies and in the implementation and management of MEAs.

Øystein Størkersen (Norway) informed the meeting that, while his country was still a non-Party range state, the Environment Authorities recommended Norwegian accession to ASCOBANS.

David Johnson (OSPAR) emphasised three issues contained in his organisation's statement: a Quality Status Report 2010 for which input from ASCOBANS would be welcome; ecological quality objectives for the North Sea, drawing on the ASCOBANS harbour porpoise bycatch objective; and marine spatial planning.

Ralf Sonntag (IFAW) stressed two issues: bycatch of small cetaceans and noise pollution. He called on Parties to implement existing legislation more vigorously and to support the IMO working group developing technical guidelines on ship noise.

Mark Simmonds (WDCS) drew attention to two new WDCS publications, one a key for the field identification of European cetacean species (copies of this were distributed to participants) and another dealing with the welfare aspects of bycatch.

### **3. ASCOBANS Awards**

Heidrun Frisch (Secretariat) introduced MOP6/Doc.3-01, the terms of reference for a new ASCOBANS award for lifetime achievement based on those for the existing ASCOBANS outreach and education award. The meeting endorsed the proposal from the Advisory Committee to establish an occasional award for outstanding contribution to cetacean conservation and adopted the terms of reference.

Endorsed enthusiastically by the Meeting, Mark Tasker (UK) nominated Peter Reijnders for the lifetime achievement award, outlining Mr Reijnders' long involvement in ASCOBANS dating back to the Agreement's inception and including serving six years as Chair and later Vice-Chair of the Advisory Committee. Mr Tasker praised Mr Reijnders for his ability to inspire colleagues and students alike.

Accepting the Award, Mr Reijnders acknowledged the help of others in his work. While he expressed disappointment at the distractions of the past three years, he still felt that ASCOBANS had an important part to play in cetacean conservation. He urged Parties to remember why they had created the Agreement in the first place as a vehicle for cetacean conservation and called upon them to take ownership of ASCOBANS.

Peter Evans (ECS and Sea Watch Foundation) was presented with the ASCOBANS award for outreach and education, becoming the third recipient of this biennial honour. He too acknowledged that others had contributed considerably to his work. In his long career he had worked as an academic and for an NGO. Both the ECS and the Sea Watch Foundation played important roles in raising awareness to help resolve human-cetacean conflicts. He concluded by stating that he did not feel that conservation efforts had achieved their goals if the animals did not feel the benefits themselves.

### **4. Accession of Range States and Status of Ratification of Extension of the Agreement Area**

Referring to MOP6/Doc.4-01, Marco Barbieri (Secretariat) explained that no new countries had ratified the Agreement since the 5<sup>th</sup> Meeting of the Parties, but that there had been some progress with regard to the acceptance of the amendment extending the Agreement Area. To date, six Parties had accepted the amendment, which had entered into force on 3 February 2008. Belgium, Lithuania, Sweden and the UK all reported that the requisite process to accept the amendment was progressing.

Oliver Schall (Germany) reported that contact with the Russian Federation had been maintained. Changes in ministerial responsibilities had been announced by Russia which could mean that ASCOBANS and CMS might fall entirely under the remit of the Ministry of Natural Resources. A bilateral meeting with the Russian authorities was scheduled for the following month and the question of accession to CMS and ASCOBANS would be raised.

## **5. Review of Implementation of the ASCOBANS Triennial Work Plan (2007-2009)**

### **5.1 Report of the Chair / Vice-Chair of the Advisory Committee**

Stefan Bräger (Advisory Committee Chair, Germany) referred to MOP6/Doc.5-01, in which he and Jan Haelters (Advisory Committee Vice-Chair, Belgium) had evaluated how the different elements of the Work Plan 2007-9 had been progressed. He noted that bycatch remained the main threat and progress on developing mitigation measures remained slow.

### **5.2 Report of the Secretariat**

Heidrun Frisch (Secretariat) made a presentation to complement MOP6/Doc.5-02, outlining how the Secretariat had fulfilled its functions in the triennium. She thanked the German government for its regular voluntary contribution, without which many activities would not have been possible. She acknowledged the considerable positive collaboration with NGOs, IGOs and Parties on a number of projects and initiatives.

Maj Munk (Denmark) expressed concerns about the wording regarding problems encountered in the working relationship between the Secretariat and Parties. The Secretariat assured the meeting that the intention was not to point fingers when all were trying to leave these issues behind. However, the Agreement text specifically instructed the Secretariat also to report on difficulties encountered.

### **5.3 Annual National Reports of ASCOBANS Parties**

The Chair invited Heidrun Frisch (Secretariat) to introduce MOP6/Doc.5-03, containing compilations of national reports of the last three years. She explained that the late receipt of national reports had made it impossible for the Secretariat to produce the annual compilation by the 30 June deadline set out in the Agreement text. Parties were encouraged to adhere to the 31 March deadline for the submission of their reports.

### **5.4 Reports from Non-Party Range States**

No reports were submitted under this item.

### **5.5 Possible Amendment of the Agreement to include all Cetacean Species in the Agreement Area**

Peter Evans (ECS), chair of the Advisory Committee Working Group addressing this issue, introduced MOP6/Doc.5-04, which set the perceived advantages and disadvantages of including all cetacean species under the Agreement from a political, conservation and administrative point of view. As an amendment to species coverage of the Agreement was not imminent, he suggested that in the coming triennium a Working Group under the Advisory Committee should consider the conservation needs of large cetaceans in the Agreement Area.

Christina Rappe (Sweden) expressed the opinion that ASCOBANS should not encompass large cetaceans, as these were already under the management of IWC. Four other Parties, Denmark, Finland, the Netherlands and the United Kingdom, also spoke against the inclusion of large cetaceans for the time being. The Agreement needed to focus on other priorities.

Marie-Christine Grillo-Compulsione (ACCOBAMS) and Mark Simmonds (WDCCS) both favoured extending the species coverage of ASCOBANS to include large cetaceans. This view was supported by France. Belgium also saw clear benefits in dealing with large cetaceans, without interfering with IWC competencies.

The Meeting agreed to consider draft terms of reference for the Working Group proposed by Peter Evans. This item was taken up by the Technical Working Group.

Reporting back, Jussi Soramäki (Finland), Chair of the Technical Working Group, explained that the Working Group endorsed draft terms of reference for an informal Advisory Committee Working Group, reproduced below:

- To summarise information on abundance, distribution and status of large cetacean species occurring within the ASCOBANS Agreement Area.
- To identify major issues likely to be having a negative effect upon large cetacean populations in the Agreement Area, and the extent to which they can be addressed alongside small cetaceans.
- To make informal recommendations of appropriate mitigation measures.

These terms of reference were endorsed by the plenary.

## **5.6 Year of the Dolphin 2007-2008**

Heidrun Frisch (Secretariat) presented MOP6/Doc.5-06. The Meeting noted the report.

## **5.7 Implementation of the Jastarnia Plan**

The recently elected Chair of the Jastarnia Group, Rüdiger Stempel (Coalition Clean Baltic) reported on the activities of the Group, the primary forum within the Agreement considering Harbour Porpoise conservation in the Baltic. Since this was the first time he took the floor in his capacity as Chair of the Group, he thanked Parties for entrusting him with this task and paid tribute to the work of the previous chairs, Stefan Bräger and Sara Königson. The revised Plan, which had been elaborated at three intersessional meetings in Copenhagen, Kolmården and Turku, would be discussed at the MOP with the intention that it should be adopted.

In cooperation with HELCOM, it was hoped to revive the dormant Baltic Harbour Porpoise database. The Small Cetacean Population Structure Workshop held in Bonn in October 2007, the outcomes of which were to be reported and discussed under item 5.10 of the agenda, had also been a joint venture with HELCOM. Furthermore, the Group had helped refine the SAMBAH project, which had been submitted to the European Commission for funding. The decision of the Commission was still awaited.

Nicolas Entrup (WDCS) sought clarification of the treatment of harbour porpoise populations in those areas not currently covered by either the Jastarnia or North Sea Plans. This issue would be raised in the Technical Working Group.

Ralf Sonntag (IFAW) asked how the fisheries where a reduction of effort was considered desirable would be identified and whether consideration had been given to following the example of the North Sea Plan, where a part-time post for a coordinator had been created. It was clarified that employing a part-time coordinator was not foreseen, as the Jastarnia Group had proved to be an effective mechanism.

## **5.8 Addressing of Threats, in particular bycatch, noise, pollution and ship strikes**

This item was addressed in the Technical Working Group. Jussi Soramäki (Finland), Chair of the Technical Working Group, summarised their deliberations. They had considered threats, including bycatch, noise and ship strikes and heard presentations on MOP6/Doc.5-06 by Peter Evans (ECS), on MOP6/Doc.5-10 by Mark Simmonds (WDCS) and on MOP6/Doc.5-11 by Abigail Caudron (IFAW).

## 5.9 Outcome of the Workshop on Criteria and Guidelines for the Establishment of Marine Protected Areas for Cetaceans

Peter Evans (ECS) gave a presentation on the joint ASCOBANS/ACCOBAMS/ECS workshop held in conjunction with the ECS Annual meeting in San Sebastian in April 2007. The proceedings of the workshop had been published (MOP6/Doc.5-07).

## 5.10 Outcome of the Population Structure Workshops

Peter Evans (ECS) reported on the ASCOBANS/HELCOM workshop held in October 2007 in Bonn (MOP6/Doc.5-08), which had brought together 24 experts with submissions from others unable to attend in person. The Workshop had considered definitions of population and management units for five species (harbour porpoise, bottlenose dolphin, white-beaked dolphin, Atlantic white-sided dolphin and short-beaked common dolphin). For example, 15 units had been identified in the North Eastern Atlantic, nine of which were in the ASCOBANS Agreement Area. While there seemed to be some historic linkage between the current and historic harbour porpoise populations in the Baltic, other populations were clearly divided (e.g. Western Ireland and the Shannon; and Normandy/Channel Islands and Brittany).

Mark Simmonds (WDCS) asked whether the data presented would help resolve the question of how to deal with the Harbour Porpoise populations in the gap between the North Sea and Jastarnia Plans. Maj Munk (Denmark) pointed out that if the populations in Inner-Danish Waters were to be included in the Jastarnia Plan, then amendments would be needed and the Plan as drafted could not be adopted. Porpoises were much more abundant in these waters than in the Baltic proper. Peter Evans (ECS) felt that it was important for this population to be included in one or other of the Plans as population estimates from SCANS II were lower than those obtained after SCANS I.

## 6. Strategic Considerations on the Future of ASCOBANS

Martin Lok (Netherlands) introduced MOP6/Doc.6-01, the Strategy Paper on the Options for Future Arrangements for ASCOBANS, stressing how it was linked to the Work Plan for the next triennium 2010-12 (MOP6/Doc.7-06).

Mark Simmonds (WDCS) commented on MOP6/Doc.6-01 that whereas it is noted that no population-level effects of noise have been detected despite "considerable research", there were some examples from elsewhere in the world that population-level impacts seem to have occurred. WDCS added that determining a population level effect for a non-lethal stressor was very difficult and that a recent US National Research Council report acknowledged the inherent difficulties in determining population-level effects and that it would take at least a decade to do this.

Many delegations were in favour of identifying a limited number of priorities focusing on action for the forthcoming triennium. Concerns were however expressed that the field of activities should not be narrowed down too far, as this risked losing areas of competence for the Agreement. A watching brief should be kept on non-priority issues, such as species other than the harbour porpoise, and pollutant issues.

In addition to the priorities identified in the paper tabled, on the basis of the debate the Chair identified the following key issues, which needed to be added: interactions with the fisheries sector; cooperation with other Conventions, and species other than the Harbour porpoise.

As an indication of the general strategic direction, the paper was to be added as an annex to the Resolution on the Work Plan for the Triennium 2010-2012. Martin Lok (Netherlands) agreed to draft a revised version of the resolution in the light of the debate to be tabled for scrutiny at the Technical Working Group.

## **7. Further implementation of the Agreement (2010-2012)**

### **7.1 Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan)**

Rüdiger Stempel, the Chair of the Jastarnia Group, introduced the revised version of the Jastarnia Plan (MOP6/Doc.7-01) to the Technical Working Group. The Plan itself provided for periodic reviews and the current draft was the result of the first such review process undertaken by the Jastarnia Group. They had sought to retain as much of the original plan as possible, while making the necessary modifications and updates. Also, in view of the parallel process of elaborating a North Sea Conservation Plan, a certain degree of consistency between the two plans, especially in terms of format, had been aimed for. Consequently, the Plan now contained an executive summary, recommendation summary sheets and several new or slightly reworded recommendations.

Jussi Soramäki (Finland), Chair of the Technical Working Group, stressed the appreciation of the Working Group for the efforts that had gone into preparing this revision. The Working Group was in a position to endorse the Jastarnia Plan as contained in MOP6/Doc.7-01, with one minor change proposed to Appendix 1. A draft resolution had been prepared to adopt the Plan formally in conjunction with the Conservation Plan for Harbour Porpoises in the North Sea, addressed under Agenda Item 7.2.

### **7.2 Conservation Plan for the Harbour Porpoise in the North Sea**

Mark Tasker (UK) gave a historical overview of the development of the Conservation Plan for the harbour Porpoise in the North Sea, contained in MOP6/Doc.7-02. ASCOBANS MOP5 had requested him and Peter Reijnders in their capacity as the Chair and Vice-Chair of the Advisory Committee to lead on its development. The Plan identified twelve main actions. The need to appoint a part-time coordinator to progress the implementation of the Plan was stressed. In response to a question from the floor, Heidrun Frisch (Secretariat) informed the Meeting that the process of selecting a suitable candidate had been completed and a contract of nine months' duration would be let shortly. Further discussion of the Plan was deferred to the Technical Working Group.

Jussi Soramäki (Finland), Chair of the Technical Working Group, acknowledged that the North Sea Conservation Plan was the result of a considerable amount of effort and the Working Group fully endorsed it. A draft resolution had been prepared to formally adopt the Plan in conjunction with the Jastarnia Plan for the Baltic Sea region. Now obsolete resolutions were being repealed, as all relevant provisions (such as reference to the sightings database) were contained in the draft.

The Technical Working Group's recommendations were endorsed by plenary and the revised MOP6 Resolution 1, covering both action plans, was adopted (attached as Annex 4).

### **7.3 Format for the Annual National Reports**

Jussi Soramäki (Finland), Chair of the Technical Working Group, reported that the new format for Annual National Reports (MOP6/Doc.7-03) had been considered and only minor alterations made.

In answer to a question from the floor about the value of producing a synthesis of the national reports, a bulky document to which little reference had been made in the meeting, it was pointed out that the synthesis was required under Article 4.2 of the Agreement. No further points were raised and the meeting agreed to adopt the revised format for the Annual National Reports as proposed by the Technical Working Group (attached as Annex 9).

#### **7.4 Anthropogenic Noise**

Jussi Soramäki (Finland), Chair of the Technical Working Group, summarised the Working Group's discussions on underwater noise, which had concentrated on the construction of offshore wind farms and the associated pile driving. Some changes to the wording of the draft resolution (MOP6/Doc.7-04) had been proposed to more closely reflect the terms of the EC Habitats Directive.

There were no comments from the floor on the revised text proposed by the Technical Working Group, which was duly adopted as MOP6 Resolution 2 (attached as Annex 5).

#### **7.5 Communication, Education and Public Awareness Plan for ASCOBANS**

Jussi Soramäki (Finland), Chair of the Technical Working Group, reported that there had been a long discussion over the Communication, Education and Public Awareness (CEPA) Plan (MOP6/Doc.7-05). The Working Group felt that the draft needed a little more work before completion and was not ready for adoption at MOP6. The United Kingdom had agreed to collect comments and bring forward a revised text to the next Advisory Committee meeting.

#### **7.6 Activities of the ASCOBANS Advisory Committee / Triennial Work Plan (2010-2012)**

Mark Tasker (UK) introduced MOP6/Doc.7-06, which had been prepared by a working group of the Advisory Committee under his chairmanship. The Work Plan covered both the Advisory Committee and the Secretariat and identified a number of priority actions, linking it to MOP6/Doc.6-01, the Strategy Paper on the Options for Future Arrangements for ASCOBANS.

The question was raised concerning the handling of activities, which were not considered to be strategic priorities. The consensus was that non-priority items should not be totally ignored but kept under review.

Maj Munk (Denmark) noted that while bycatch was seen as a priority, ASCOBANS had little contact with the fisheries industry. Further effort to engage fishers and policy makers in this sector was desirable. Penina Blankett (HELCOM) drew the attention of the Meeting to the Third Baltic Fisheries/Environmental Forum taking place the following month in Copenhagen, at which the participation of ASCOBANS was desirable.

Clarification was sought on the Secretariat's involvement in the CMS Future Shape process. The Secretariat was already involved in the process. Christiane Paulus (Germany) and Elizabeth Mrema (Secretariat) explained the background and procedures involved in the Future Shape process. The consultants' initial report would be ready at the end of September 2009 and would be considered by the CMS Inter-sessional Working Group in October before being submitted to the CMS Standing Committee in December 2009. It was important that all ASCOBANS Parties participated in the CMS Future Shape process as all were Parties to CMS.

Jussi Soramäki (Finland), Chair of the Technical Working Group, reported that the Working Group had revised the draft Work Plan 2010-2012 (MOP6/Doc.7-06) together with the associated draft Resolution (MOP6/Doc.7-07). The draft Resolution endorsed the overall direction of the Strategy Paper, stressing that while limited resources necessitated disciplined priority setting, non-priority issues should not be ignored but be subject to a "watching brief". Bycatch and noise had been identified as key issues and developing relations with the European Commission, IGOs and fisheries interest groups was also important.

The Work Plan for the triennium 2010-2012 as revised by the Technical Working Group was considered in plenary and some further amendments were proposed, including a new activity (No. 16) calling for a joint ASCOBANS/ECS workshop to develop a constructive dialogue with the fisheries sector in the ASCOBANS area. To initiate the process, an intersessional Steering Group chaired by Stefan Bräger (AC Chair, Germany) was established. There being no further comments on the draft resolution, the plenary adopted the text as presented by the Technical Working Group as MOP6 Resolution 3 (attached as Annex 6).

## **8. Administrative and Budgetary Issues**

### **8.1 Evaluation of the New Arrangements for the ASCOBANS Secretariat (2007-2009)**

Mamadou Kane (UNEP) introduced MOP6/Doc.8-01, expressing his thanks to the Government of the Netherlands, which had funded the management study. The study had been conducted by a team of independent evaluators supported by a Working Group of Parties. Questionnaires had been distributed and telephone interviews and face-to-face meetings held. The study had been submitted to the CMS Standing Committee and COP in November/December 2008, but CMS Parties felt that it was appropriate for the ASCOBANS Advisory Committee and MOP to examine it in detail.

Martin Lok (Netherlands) outlined recent developments and explained that the CMS COP had left options open but had pointed out that whatever decision was made by ASCOBANS, there were implications for the parent Convention and the 36<sup>th</sup> Meeting of the CMS Standing Committee would consider these. The 16<sup>th</sup> ASCOBANS Advisory Committee had discussed the Report and had asked the Secretariat to prepare three budget proposals.

Possible further discussion under this item was deferred to the Administrative Working Group.

Paulus Tak (Belgium), Chair of the Administrative Working Group, reported that the Working Group had had no further comments on the merger study (MOP6/Doc.8-01). They suggested that it be posted on the ASCOBANS website.

This proposal was endorsed by plenary.

### **8.2 Report of the Secretariat on Finance and Administrative Issues 2007-2009**

Marco Barbieri (Secretariat) introduced MOP6/Doc.8-02, a summary report of progress and developments since MOP5. Detailed reports had been presented to the Advisory Committee. He outlined the changes to staff and the staff structure. ASCOBANS had also benefited from in-kind support offered by WDCS and IFAW through seconded personnel.

Possible further discussion under this item was deferred to the Administrative Working Group.

Paulus Tak (Belgium), Chair of the Administrative Working Group, reported that the Working Group had had no further comments on the Secretariat's Finance and Administrative Report (MOP6/Doc.8-02) and the recommendation of the Working Group was that this report be noted.

### **8.3 Expenditures 2005-08**

Sergey Kurdjukov (Secretariat) also referred to MOP6/Doc.8-02 and reported on the balance of the Trust Fund, which stood at \$200,000, well above the operating reserve of \$87,000. Annex 1 to the draft resolution contained in MOP6/Doc.8-03 set out income and expenditure for both accounts over the period. He commended the exemplary performance of the Parties

in having paid all their contributions in the past triennium, while only two contributions were still outstanding for the current year.

Possible further discussion under this item was deferred to the Administrative Working Group.

Paulus Tak (Belgium), Chair of the Administrative Working Group, explained that the Working Group had not proposed any amendments to MOP6/Doc.8-03 relating to the management of expenditure in 2005-8.

MOP6 Resolution 4 was adopted accordingly (attached as Annex 7).

#### **8.4 Financial, Budgetary and Administrative Matters 2010-2012**

Marco Barbieri (Secretariat) introduced MOP6/Doc.8-04 and MOP6/Doc.8-05 concerning the budget proposal for the triennium 2010-12. The Secretariat had tabled drafts at the Advisory Committee and had taken on board the comments made. Three scenarios with different staffing options but the same programme element had been submitted to the Executive Director for comment and endorsement (his response was contained in Annex 4 of MOP6/Doc.8-05). Generic job descriptions and the job descriptions of the existing coordinator and the former Executive Secretary were also attached (Annexes 5 and 6 of the document).

The three budget scenarios presented were the status quo (Option 1); a modified version of the merger arrangements (Option 2) and the restoration of an independent Secretariat. These involved respectively increases of 4.4%, 1.6% and 26.7% in the budget. None of the options contained the initial costs of recruitment, which depended on the family circumstances and current place of living of the new staff member but could reach up to €25,000.

Martin Lok (Netherlands) stressed that the decision of the MOP had implications for CMS.

Marco Barbieri (Secretariat) explained that the draft resolution (MOP6/Doc.8-04) contained one change with respect to the version endorsed by AC16, namely the suggestion to abolish charges for observers to attend the MOP, which were cumbersome to collect. This proposal was welcomed by Peter Evans (ECS), who felt that it was unreasonable to ask observers to pay a fee for their attendance when they contributed free of charge to the work of the Agreement.

Further discussion under this item was deferred to the Administrative Working Group.

Paulus Tak (Belgium), Chair of the Administrative Working Group, emphasized that in preparing the budget for next triennium, a balance had been struck between the resources required by the Secretariat to be able to do its work and the financial restraints to which the Parties were subject. After due consideration, the Working Group recommended that the merger should continue but be evaluated again at the next MOP, taking into account also the Future Shape process of CMS. The Advisory Committee should carry out the review in 2011.

The Working Group had discussed staff resources. While the desirability of strengthening the staff complement of the Secretariat was well understood, constraints related to admissible increases in the regular budget for the next triennium did not allow for any additional staff time to be budgeted. However, Germany had offered to provide funds on a voluntary basis to make the GS-5 post full time in 2011, but on condition that other Parties agreed to do the same for 2012. No such commitments had yet been made, so this option was not reflected in the tables.

Once the budget was adopted, the recruitment procedure for the P-2 would be resumed. Parties would be involved in drafting the job description, which would have to meet the criteria of the UNEP P-2 level. Core competencies (administrative skills) and desirable

qualifications (knowledge of fisheries or marine science) would be identified. The Secretariat would send the draft job description to national coordinators for comments.

The budget lines to provide Secretariat services for the Jastarnia Group and the North Sea Steering Committee had been deleted. Parties should make their own arrangements for report writing. The resources thereby freed were reallocated to budget lines 5201 (information material, outreach and educational work) and 2201 (conservation projects).

The Working Group recommended the abolition of fees for NGOs to attend the MOP. However, those requesting material to be mailed to them would be asked to make a contribution to postage costs.

The plenary endorsed the recommendations of the Working Group. The revised Resolution on Financial, Budgetary and Administrative Matters 2010-2012 as proposed by the Administrative Working Group was adopted as MOP6 Resolution 5 (attached as Annex 8).

## **9. Any Other Business**

### Rules of Procedure

Maj Munk (Denmark) requested that the Rules of Procedure of the MOP be amended to ensure timely submission and circulation of documents. A minimum of thirty days was needed to consult other Ministries on the proposals under discussion, while some documents for the present meeting had been received only a few days before the start. Furthermore, some drafts were supposed to be endorsed by the Advisory Committee, but there were cases where the Advisory Committee delegated responsibility to Working Groups.

Elizabeth Mrema (Secretariat) welcomed the proposal and stressed that such deadlines would have to be respected by all concerned, Secretariat, Advisory Committee and Parties. Christiane Paulus (Germany) pointed out that there could be implications for the timing of the pre-MOP session of the Advisory Committee. It was difficult to bring all work to a conclusion already six months before the MOP. Chris Butler Stroud (WDCS) asked whether lessons could be learnt from other MEAs as it was unlikely that the problems highlighted were unique to ASCOBANS.

It was agreed that the Advisory Committee would propose a revision of the Rules of Procedure to be forwarded to MOP7 for consideration and adoption. Parties would comply with the revised Rules in the preparation of MOP7, even if they had not been formally adopted yet.

### Repealing Resolutions

Maj Munk (Denmark) advocated the repeal of obsolete Resolutions, stating that this was good practice as it avoided duplication and confusion. The use of "track change" features in word processing helped illustrate where amendments had been made with respect to previous resolutions on similar subjects. She requested that the Secretariat post a list of extant Resolutions on the ASCOBANS website.

Elizabeth Mrema (Secretariat) welcomed Denmark's proposal and said that the Secretariat would compile the list of Resolutions, to help establish which had expired and which had been superseded.

It was recommended that when repealing old resolutions, care should be exercised in ensuring that nothing of importance was inadvertently lost. Similarly, where resolutions expired, unfulfilled commitments should be renewed.

## **10. Date and Venue of the 7<sup>th</sup> Meeting of Parties**

While no offers were forthcoming to host the next MOP, Trevor Perfect (UK) did offer to host the next Advisory Committee in either the week beginning 19 April or 26 April 2010. There was still time for Parties to consider hosting MOP7, the deadline for agreeing the venue being one year in advance of the meeting.

## **11. Adoption of the Report and Press Release**

Marco Barbieri (Secretariat) explained that the first part of the draft report had been circulated and invited delegates to submit written comments to the Secretariat. The rest of the report would be completed shortly after the meeting and sent to participants for comments.

A draft press release had been circulated by the Secretariat. The Secretariat took note of the comments and undertook to produce a revised text.

## **12. Close of Meeting**

After the customary expressions of thanks to all those who had helped organise and run the meeting and contributed to its harmonious atmosphere and successful outcomes, and special thanks to the Government of Germany for having hosted the dinner on the first evening, the Chair declared the meeting closed at 13.05 hrs on 18 September 2009.

## List of Participants

### PARTIES

#### Belgium

Jan HAELTERS  
Royal Belgian Institute of  
Natural Sciences  
3e en 23e Linierregimentsplein  
8400 Oostende  
Belgium  
[j.haelters@mumm.ac.be](mailto:j.haelters@mumm.ac.be)  
Tel. +32 477 259006

Paulus TAK (Vice-Chair)  
Federal Ministry of Environment  
Place Victor Horta 40  
Box 10  
1060 Brussels  
Belgium  
[paulus.tak@health.fgov.be](mailto:paulus.tak@health.fgov.be)  
Tel. +32 478 241332

#### Denmark

Maj F.MUNK  
The Danish Forest and Nature Agency  
Haraldsgade 53  
2100 Copenhagen Ø  
Denmark  
[mfm@sns.dk](mailto:mfm@sns.dk)  
Tel. +45 72 542428

#### Finland

Penina BLANKETT  
Ministry of the Environment  
P.O. Box 35  
00023 Government  
Finland  
[penina.blankett@ymparisto.fi](mailto:penina.blankett@ymparisto.fi)  
Tel. +358 50 4638196

Jussi Veikko SORAMÄKI (Chair)  
Ministry of Environment  
P.O. Box 35, Helsinki  
00023 Government  
Finland  
[jussi.soramaki@ymparisto.fi](mailto:jussi.soramaki@ymparisto.fi)  
Tel. +358 50 3014721

#### France

Martine BIGAN  
Ministry for Ecology, Energy, Sustainable  
Development and the Sea  
Arche Sud 92055  
La Défense cedex  
France  
[martine.bigan@developpement-durable.gouv.fr](mailto:martine.bigan@developpement-durable.gouv.fr)  
Tel. +33 1 40 813209

Sami HASSANI  
Océanopolis  
Port de Plaisance du Moulin Blanc  
29200 Brest  
France  
[sami.hassani@oceanopolis.com](mailto:sami.hassani@oceanopolis.com)  
Tel. +33 2 98344052

#### Germany

Jessica BOBINIS  
Federal Ministry of Environment, Nature  
Conservation and Nuclear Safety  
Robert-Schuman-Platz 3  
53175 Bonn  
Germany  
[jess.bobinis@bmu.bund.de](mailto:jess.bobinis@bmu.bund.de)  
Tel. +49 228 99 305 4465

Harald BOROF  
Bundesministerium der Verteidigung  
Bonn  
Germany  
[harald.borof@bundeswehr.org](mailto:harald.borof@bundeswehr.org)  
Tel. +49 228 129565

Peter BOYE  
Federal Agency for Nature Conservation  
(BfN)  
Konstantinstrasse 110  
53179 Bonn  
Germany  
[peter.boye@bfn.de](mailto:peter.boye@bfn.de)  
Tel. +49 228 84911432

Stefan BRÄGER  
German Oceanographic Museum  
Katharinenberg 14-20  
18439 Stralsund  
Germany  
[stefan.braeger@meeresmuseum.de](mailto:stefan.braeger@meeresmuseum.de)  
Tel. +49 3831 2650303

Karl-Hermann KOCK  
Johann Heinrich von Thünen-Institut  
Institut für Seefischerei  
Palmaille 9  
22767 Hamburg  
Germany  
[karl-hermann.kock@vti.bund.de](mailto:karl-hermann.kock@vti.bund.de)  
Tel. +49 4038 905104

Stefan LUDWIG  
Wehrtechnische Dienststelle für Schiffe,  
Marinewaffen, Maritime Technologie und  
Forschung  
GF 740  
Berliner Str. 115  
24340 Eckernförde  
Germany  
[stefan2ludwig@bwb.org](mailto:stefan2ludwig@bwb.org)  
Tel. +49 431 607 4101

Elsa NICKEL  
Federal Ministry of Environment, Nature  
Conservation and Nuclear Safety  
Robert-Schuman-Platz 3  
53175 Bonn  
Germany  
[elsa.nickel@bmu.bund.de](mailto:elsa.nickel@bmu.bund.de)  
Tel. +49 228 99 305 2605

Christiane PAULUS  
Federal Ministry of Environment, Nature  
Conservation and Nuclear Safety  
Robert-Schuman-Platz 3  
53175 Bonn  
Germany  
[christiane.paulus@bmu.bund.de](mailto:christiane.paulus@bmu.bund.de)  
Tel. +49 228 99 305 2630

Edward RAGUSCH  
Federal Ministry of Environment, Nature  
Conservation and Nuclear Safety  
Robert-Schuman-Platz 3  
53175 Bonn  
Germany  
[edward.ragusch@bmu.bund.de](mailto:edward.ragusch@bmu.bund.de)  
Tel. +49 228 99 305 2663

Oliver SCHALL  
Federal Ministry of Environment, Nature  
Conservation and Nuclear Safety  
Robert-Schuman-Platz 3  
53175 Bonn  
Germany  
[oliver.schall@bmu.bund.de](mailto:oliver.schall@bmu.bund.de)  
Tel. +49 228 99 305 2632

Thomas SCHMIDT  
Federal Ministry of Food, Agriculture and  
Consumer Protection  
11055 Berlin  
Germany  
[thomas.schmidt@bmelv.bund.de](mailto:thomas.schmidt@bmelv.bund.de)  
Tel. +49 30 18529 3404

### Lithuania

Laura JANULAITIENE  
Ministry of Environment  
A. Jaksto st. 4/9  
01105 Vilnius  
Lithuania  
[l.janulaitiene@am.lt](mailto:l.janulaitiene@am.lt)  
Tel. +370 5 2663548

### Netherlands

Martin LOK  
Ministry of Agriculture, Nature and Food  
Quality  
Department of Nature  
P.O. Box 20401  
2500 EK Den Haag  
The Netherlands  
[m.c.lok@minlnv.nl](mailto:m.c.lok@minlnv.nl)  
Tel. +31 70 3785215

Peter J.H. REIJNDERS  
IMARES  
P.O. Box 167  
1790 AD Den Burg  
The Netherlands  
[peter.reijnders@wur.nl](mailto:peter.reijnders@wur.nl)  
Tel. +31 317 487107

Meike SCHEIDAT  
IMARES  
Institute for Marine Resources &  
Ecosystem Studies  
P.O. Box 167  
1790 AD Den Burg  
The Netherlands  
[meike.scheidat@wur.nl](mailto:meike.scheidat@wur.nl)  
Tel: +31 31 7487108

Folchert R. VAN DIJKEN  
Ministry of Agriculture, Nature and Food  
Quality  
Prins Clauslaan 8  
2595 AJ Den Haag  
The Netherlands  
[f.van.dijken@minlnv.nl](mailto:f.van.dijken@minlnv.nl)  
Tel. +31 70 3785509

### Poland

Lidia KACALSKA-BIENKOWSKA  
Ministry of Agriculture and Rural  
Development  
[lkacalska@minrol.gov.pl](mailto:lkacalska@minrol.gov.pl)  
Tel: +48 22 6232566

Monika LESZ  
Ministry of the Environment  
52 54 Wawelska St.  
00-922 Warszawa  
Poland  
[monika.lesz@mos.gov.pl](mailto:monika.lesz@mos.gov.pl)  
Tel. +48 22 5792667

Iwona PAWLICZKA  
University of Gdańsk  
Hel Marine Station  
Wiejska 20  
84-150 Hel  
Poland  
[iwona.pvp@ug.edu.pl](mailto:iwona.pvp@ug.edu.pl)  
Tel. +48 586751316

### Sweden

Christina RAPPE  
Swedish Environmental Protection Agency  
Valhallavägen 195  
106 48 Stockholm  
Sweden  
[christina.rappe@naturvardsverket.se](mailto:christina.rappe@naturvardsverket.se)  
Tel. +46 8 6981085

### United Kingdom

James GRAY  
Department for Environment, Food  
and Rural Affairs (Defra)  
Area 2D  
17 Smith Square  
Nobel House  
London, SW1P 3JR  
United Kingdom  
[james.gray@defra.gsi.gov.uk](mailto:james.gray@defra.gsi.gov.uk)  
Tel. +44 207 238 4387

Trevor PERFECT  
Department for Environment, Food  
and Rural Affairs (Defra)  
Area 2D  
17 Smith Square  
Nobel House  
London, SW1P 3JR  
United Kingdom  
[trevor.perfect@defra.gsi.gov.uk](mailto:trevor.perfect@defra.gsi.gov.uk)  
Tel. +44 207 238 4387

Eunice PINN  
Joint Nature Conservation Committee  
7 Thistle Place  
Aberdeen AB10 1UZ  
United Kingdom  
[eunice.pinn@jncc.gov.uk](mailto:eunice.pinn@jncc.gov.uk)  
Tel. +44 1224 655718

Mark TASKER  
Joint Nature Conservation Committee  
Dunnet House  
7 Thistle Place  
Aberdeen AB10 1UZ  
United Kingdom  
[mark.tasker@jncc.gov.uk](mailto:mark.tasker@jncc.gov.uk)  
Tel. +441224 655701

## SECRETARIAT

Marco BARBIERI  
UNEP/ASCOBANS Secretariat  
UN Campus  
Hermann-Ehlers-Str. 10  
53113 Bonn  
Germany  
[mbarbieri@cms.int](mailto:mbarbieri@cms.int)  
Tel: +49 228 8152424

Heidrun FRISCH  
UNEP/ASCOBANS Secretariat  
Hermann-Ehlers-Str. 10  
53113 Bonn  
Germany  
[h.frisch@ascobans.org](mailto:h.frisch@ascobans.org)  
Tel. +49 228 8152418

Ana Berta GARCÍA  
UNEP/ASCOBANS Secretariat  
Hermann-Ehlers-Str. 10  
53113 Bonn  
Germany  
[agarcia@cms.int](mailto:agarcia@cms.int)  
Tel. +49 228 8152456

Sergey KURDJUKOV  
UNEP/CMS Secretariat  
UN Campus  
Hermann-Ehlers-Str. 10  
53113 Bonn  
[skurdjukov@cms.int](mailto:skurdjukov@cms.int)  
Tel. +49 228 8152404

Bert LENTEN  
Acting Deputy Executive Secretary  
UNEP/CMS Secretariat  
UN Campus  
Hermann-Ehlers-Str. 10  
53113 Bonn  
Germany  
[llenten@cms.int](mailto:llenten@cms.int)  
Tel. +49 228 8152414

Tine LINDBERG  
UNEP/ASCOBANS Secretariat  
Hermann-Ehlers-Str. 10  
53113 Bonn  
Germany  
[t.lindberg@ascobans.org](mailto:t.lindberg@ascobans.org)  
Tel. +49 228 8152416

Elisabeth MREMA  
Officer in Charge  
CMS/ASCOBANS Secretariat  
UN Campus  
Hermann-Ehlers-Str. 10  
53113 Bonn  
Germany  
[emrema@cms.int](mailto:emrema@cms.int)  
Tel. +49 228 8152402

Ricardas PATIEJUNAS  
UNEP/CMS Secretariat  
UN Campus  
Hermann-Ehlers-Str. 10  
53113 Bonn  
[rpatiejunas@unep.de](mailto:rpatiejunas@unep.de)  
Tel. +49 228 8152435

Robert VAGG  
UNEP/CMS Secretariat  
UN Campus  
Hermann-Ehlers-Str. 10  
53115 Bonn  
Germany  
[rvagg@cms.int](mailto:rvagg@cms.int)  
Tel. +49 228 8152476

## United Nations Environment Programme

Mamadou A. KANE  
UNEP  
P.O. Box 47074  
00100 Nairobi  
Kenya  
[mamadou.kane@unep.org](mailto:mamadou.kane@unep.org)  
Tel. +254 20 762 5046  
+254 710 602 64

Arnold KREILHUBER  
UNEP  
P.O. Box 47074  
00100 Nairobi  
Kenya  
[arnold.kreilhuber@unep.org](mailto:arnold.kreilhuber@unep.org)  
Tel: +254 20 762 4543

## OBSERVERS

### Non-Party States

#### Norway

Øystein STØRKERSEN  
Directorate for Nature Management  
7485 Trondheim  
Norway  
[oystein.storkersen@dirnat.no](mailto:oystein.storkersen@dirnat.no)  
Tel. +47 73580500

### Intergovernmental Organisations

#### ACCOBAMS

Marie-Christine GRILLO-COMPULSIONE  
ACCOBAMS  
Jardin de l'UNESCO  
Les Terrasses de Fontvieille  
98000 Monaco  
[mcgrillo@accobams.net](mailto:mcgrillo@accobams.net)  
Tel. +377 98 98 2078 8010

#### European Commission

Paulo DOMINGOS PAIXÃO  
European Commission  
Avenue de Beaulieu 5  
1160 Bruxelles  
Belgium  
[paulo.domingos-paixao@ec.europa.eu](mailto:paulo.domingos-paixao@ec.europa.eu)  
Tel. +32 2 2966940

#### HELCOM

Penina BLANKETT  
Ministry of the Environment  
P.O. Box 35  
00023 Government  
Finland  
[penina.blankett@ymparisto.fi](mailto:penina.blankett@ymparisto.fi)  
Tel. +358 50 4638196

#### International Whaling Commission

Meike SCHEIDAT  
IMARES  
Institute for Marine Resources &  
Ecosystem Studies  
P.O. Box 167  
1790 AD Den Burg  
The Netherlands  
[meike.scheidat@wur.nl](mailto:meike.scheidat@wur.nl)  
Tel: +31 7487108

#### OSPAR

David JOHNSON  
The OSPAR Commission  
New Court  
48 Carey Street  
London WC2A 2JQ  
United Kingdom  
[david.johnson@ospar.org](mailto:david.johnson@ospar.org)  
Tel. +44 207 430 5200

## Non-Governmental Organisations

### Coalition Clean Baltic

Rüdiger STREMPER  
Coalition Clean Baltic  
Östra Agatan 53  
75322 Uppsala  
Sweden  
[rudiger.strempel@hotmail.com](mailto:rudiger.strempel@hotmail.com)  
Tel. +46 18 711155

### European Cetacean Society

Peter G. H. EVANS  
Sea Watch Foundation  
Cynifryn, Abershore,  
Ilanfaglan, Caernarfon  
Gwynedd LL54 5RA  
United Kingdom  
[peter.evans@bangor.ac.uk](mailto:peter.evans@bangor.ac.uk)  
Tel. +44 1286 672071

Marije SIEMENSMA  
Bosstraat 123  
3971 XC Driebergen  
The Netherlands  
[mlsiemensma@yahoo.fr](mailto:mlsiemensma@yahoo.fr)  
Tel. +31 6 16830430

### International Fund for Animal Welfare

Abigail CAUDRON  
IFAW  
Boulevard Charlemagne 1 Bte 72  
1041 Brussels  
Belgium  
[acaudron@ifaw.org](mailto:acaudron@ifaw.org)  
Tel. +32 2 237 60 52

Ralf SONNTAG  
IFAW Germany  
Kattrepelsbrücke 1  
20095 Hamburg  
[rsonntag@ifaw.org](mailto:rsonntag@ifaw.org)  
Tel. +49 408 6650029

### North Sea Foundation

Merijn HOUGEE  
North Sea Foundation  
Drieharingstraat 25  
3511 BH Utrecht  
The Netherlands  
[m.hougee@noordzee.nl](mailto:m.hougee@noordzee.nl)  
Tel. +31 30 2340016

### Whale and Dolphin Conservation Society

Chris BUTLER-STROUD  
Whale and Dolphin Conservation Society  
Brookfield House  
38 St Paul Street  
Chippenham SN15 1LJ  
United Kingdom  
[chris.butler-stroud@wdcs.org](mailto:chris.butler-stroud@wdcs.org)  
Tel. +44 1249 449500

Nicolas ENTRUP  
WDCS Germany  
Altostr. 43  
81245 Munich  
Germany  
[nicolas.entrup@wdcs.org](mailto:nicolas.entrup@wdcs.org)  
Tel. +49 171 1423 117

Mark Peter SIMMONDS  
Whale and Dolphin Conservation Society  
Brookfield House  
38 St Paul Street  
Chippenham SN15 1LJ  
United Kingdom  
[mark.simmonds@wdcs.org](mailto:mark.simmonds@wdcs.org)  
Tel. +44 1249 449515

Alison Margaret WOOD  
Whale and Dolphin Conservation Society  
Brookfield House  
38 St Paul Street  
Chippenham SN15 1LJ  
United Kingdom  
[alison.wood@wdcs.org](mailto:alison.wood@wdcs.org)  
Tel. +44 1249 449524

### SPECIAL GUEST

Ulrich HAUSCHILD  
Deputy Mayor  
City of Bonn  
Germany

### LOGISTICAL ASSISTANCE

Jamil BALGA (UNEP/CMS)  
Anne-Christine HUTH (UNEP/AEWA)  
Daniela NAULIN (UNEP/CMS)  
Innocent ONAH (UNEP/CMS)  
Lea STANKE (UNEP/ASCOBANS)

## Agenda

1. Opening of the Meeting
  - 1.1 Adoption of Rules of Procedure
  - 1.2 Election of Officers
  - 1.3 Adoption of the Agenda
  - 1.4 Admission of Observers
  - 1.5 Establishment of Credentials Committee / Report
2. Opening Statements
3. ASCOBANS Awards
4. Accession of Range States and Status of Ratification of Extension of the Agreement Area
5. Review of Implementation of the ASCOBANS Triennial Work Plan (2007-2009)
  - 5.1 Report of the Chair/Vice-Chair of the Advisory Committee
  - 5.2 Report of the Secretariat
  - 5.3 Annual National Reports of ASCOBANS Parties
  - 5.4 Reports from Non-Party Range States
  - 5.5 Possible Amendment of the Agreement to include all Cetacean Species in the Agreement Area
  - 5.6 Year of the Dolphin 2007-2008
  - 5.7 Implementation of the Jastarnia Plan
  - 5.8 Addressing of Threats, in particular bycatch, noise, pollution and ship strikes
  - 5.9 Outcome of the Workshop on Criteria and Guidelines for the Establishment of Marine Protected Areas for Cetaceans
  - 5.10 Outcome of the Population Structure Workshops
6. Strategic Considerations on the Future of ASCOBANS
7. Further implementation of the Agreement (2010-2012)
  - 7.1 Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan)
  - 7.2 Conservation Plan for the Harbour Porpoise in the North Sea
  - 7.3 Format for the Annual National Reports
  - 7.4 Anthropogenic Noise
  - 7.5 Communication, Education and Public Awareness Plan for ASCOBANS
  - 7.6 Activities of the ASCOBANS Advisory Committee / Triennial Work Plan (2010-2012)
8. Administrative and Budgetary Issues
  - 8.1 Evaluation of the New Arrangements for the ASCOBANS Secretariat (2007-2009)
  - 8.2 Report of the Secretariat on Finance and Administrative Issues 2007-2009
  - 8.3 Expenditures 2005-08
  - 8.4 Financial, Budgetary and Administrative Matters 2010-2012
9. Any Other Business
10. Date and Venue of the 7<sup>th</sup> Meeting of Parties
11. Adoption of the Report and Press Release
12. Close of Meeting

### List of Documents

No.	Agenda Item	Document Title	Submitted by
Doc.1-01 rev.1	1.3	Provisional Agenda	Secretariat
Doc.1-02	1.3	Provisional Annotated Agenda	Secretariat
Doc.1-03		List of Documents	Secretariat
Doc.1-04	1.1	Rules of Procedure for the Meeting of Parties to ASCOBANS	Secretariat
Doc.3-01	3	Terms of Reference for ASCOBANS Awards	Secretariat/AC
Doc.3-02	3	Nomination for ASCOBANS Lifetime Award	United Kingdom
Doc.4-01	4	Status of Accessions and Ratification	Secretariat
Doc.5-01	5.1	Evaluation of the Implementation of the ASCOBANS Work Plan 2007-2009 and the Work of the ASCOBANS Advisory Committee	AC Chair & Vice-Chair
Doc.5-02	5.2	Triennial Report of the ASCOBANS Secretariat 2007-2009	Secretariat
Doc.5-03	5.3 / 5.4	Compilations of Annual National Reports for 2006, 2007 and 2008	Secretariat
Doc.5-04	5.5	Proposal for Inclusion of Large Cetaceans in ASCOBANS: Perceived Advantages and Disadvantages	AC
Doc.5-05	5.6	Report on the Results of the Year of the Dolphin 2007/2008	Secretariat
Doc.5-06	5.8	Proceedings of the ASCOBANS/ECS Workshop on Offshore Wind Farms and Marine Mammals	Secretariat
Doc.5-07	5.9	Proceedings of the ECS/ASCOBANS/ACCOBAMS Workshop on Selection Criteria for Marine Protected Areas for Cetaceans	Secretariat
Doc.5-08	5.10	Report of the ASCOBANS/HELCOM Small Cetacean Population Structure Workshops	Secretariat
Doc.5-09	5.8	Cetacean incidental catches in Fisheries	AC Chair
Doc.5-10	5.8	Report of the ASCOBANS Intersessional Working Group on the Assessment of Acoustic Disturbance	Secretariat
Doc.5-11	5.8	The harbour porpoise in the southern North Sea: Abundance, threats, and research- & management proposals	IFAW
Doc.6-01	6	Strategy Paper on the Options for Future Arrangements for ASCOBANS	AC
Doc.7-01	7.1	Recovery Plan for Baltic Harbour Porpoises – Jastarnia Plan (Revision)	AC

No.	Agenda Item	Document Title	Submitted by
Doc.7-02	7.2	ASCOBANS Conservation Plan for Harbour Porpoises ( <i>Phocoena phocoena</i> L.) in the North Sea	AC
Doc.7-03	7.3	Draft Revised Format for the ASCOBANS Annual National Reports	AC
Doc.7-04	7.4	Draft Resolution on Adverse Effects of Underwater Noise on Marine Mammals during Offshore Construction Activities for Renewable Energy Production	Belgium
Doc.7-05	7.5	Communication, Education and Public Awareness Plan for ASCOBANS	AC
Doc.7-06	7.6	Draft Triennial Work Plan (2010-2012) – Tasks for the Secretariat / Advisory Committee	AC
Doc.7-07	7.6	Draft Resolution on Activities of the ASCOBANS Advisory Committee and Work Plan for the Triennium 2010-2012	AC
Doc.7-08	7.1 / 7.2	Draft Resolution on the Adoption and Implementation of the Jastarnia and North Sea Plans	AC
Doc.8-01	8.1	Management Study of the “New Arrangements for the ASCOBANS Secretariat (2007-2009)” – Final Report	UNEP
Doc.8-02	8.2	Report of the Secretariat on Finance and Administrative Issues 2007-2009	Secretariat
Doc.8-03	8.3	Draft Resolution on Management of Expenditures between 2005 and 2008	Secretariat
Doc.8-04	8.4	Draft Resolution on Financial, Budgetary and Administrative Matters 2010-2012	Secretariat
Doc.8-05 rev.1	8.4	Budget Proposals 2010-2012	Secretariat

## Resolution No. 1

### Adoption and Implementation of the Jastarnia and North Sea Plans

*Recalling* that the 5<sup>th</sup> International Conference on the Protection of the North Sea (Bergen, Norway, 20-21 March 2002) called for a recovery plan for harbour porpoises in the North Sea to be developed and adopted (Paragraph 30, Bergen Declaration);

*Recalling* that the declaration of the Joint Ministerial Meeting of the Helsinki and OSPAR Commissions (Bremen, Germany, 25-26 June 2003, 'Bremen Declaration') adopted the common statement "Towards an Ecosystem Approach to the Management of Human Activities" (Paragraph 13), which highlights the need to develop and promote the implementation of a recovery plan for harbour porpoises in the North Sea;

*Noting* that the available evidence indicates that the Baltic harbour porpoise population is in serious danger and that as a matter of urgency, every effort should be made to reduce bycatches towards zero as quickly as possible;

*Noting* the requirements of the EU treaty and its subsidiary legislation, in particular in the framework of European Nature Protection and the Common Fisheries Policy;

*Emphasizing* the need to implement the protection requirements of the harbour porpoise as a species of the Habitats Directive (Council Directive 92/43/EEC Annex IV) and considering this plan as a valuable contribution;

*Recalling* the EU Articles and Regulations relevant to the Agreement and measures applicable in the waters of EU Member States, including

- Article 2 of Council Regulation (EC) No. 2371/2002 of 20 December 2002 regarding the common fisheries policy;
- Article 12.4 of Council Directive 92/43/EEC which requires States to establish a system to monitor the incidental capture and killing of cetaceans, and in the light of the information gathered to take further research or conservation measures to ensure that incidental capture and killing does not have a significant negative impact on the species concerned;
- EC Regulation 812/2004 which amends Council Regulation 88/98 and was subsequently repealed by Council Regulation 2187/2005, and which makes the use of pingers by vessels >12m mandatory for gillnet fisheries from June 2005 in certain areas of the Baltic and North Sea, and required EU Member States to phase out driftnets in the Baltic Sea by 1 January 2008;

*Recalling* Resolution No. 1 on a Conservation Plan for Harbour Porpoises in the North Sea adopted by the 5<sup>th</sup> Meeting of the Parties in 2006;

*Recalling* the requirement under the Jastarnia Plan to undertake a formal process of re-evaluation and revision of the plan no less than every five years;

*Noting*, with gratitude, the revision of the Jastarnia plan undertaken by the Jastarnia Group;

*Acknowledging* with appreciation the efforts undertaken by Parties to date to implement the Jastarnia Plan;

*Stressing* that further action to implement the Jastarnia Plan will be needed;

*Noting*, with gratitude, the completion by the Advisory Committee of the Conservation Plan for Harbour Porpoises in the North Sea;

*Without prejudice to the exclusive competence of the European Community for the conservation, management and exploitation of living aquatic resources and the “acquis communautaire”;*

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

1. *Adopts* the revised Recovery Plan for Baltic Harbour Porpoises (the Jastarnia Plan, appended as Annex 1 to this Resolution) and the Conservation Plan for Harbour Porpoises in the North Sea (attached as Annex 2);
2. *Urges* Parties in the Baltic Sea region, to continue and to step up implementation of the Jastarnia Plan and *invites* non-Party Range States also to implement this Plan;
3. *Urges* Parties in the North Sea region to implement the Conservation Plan for Harbour Porpoise in the North Sea ;
4. *Reiterates* that the reduction of fishing effort in relevant fisheries called for in the Jastarnia Plan should continue to be considered with high priority;
5. *Encourages* Parties and non-Party Range States to intensify research on “pingers” and to continue trials of alternative gear and methods, following the guidelines laid down in the Jastarnia Plan;
6. *Encourages* Parties and non-Party Range States to ensure the enforcement of pinger use at sea and the monitoring of its efficiency;
7. *Encourages* Parties and non-Party Range States to re-evaluate pinger use at the latest by early 2010 in the light of current findings (noting Art. 7 of EC Regulation 812/2004);
8. *Encourages* Parties to continue to provide additional funds for the production of information material in the languages of the Baltic Sea region;
9. *Recommends* that the Secretariat cooperate with Parties and others to ensure continuation of the web-based, international database on opportunistic sightings, strandings and bycatch in the Baltic Sea;
10. *Repeals* Resolutions No. 1 and No. 9 of the 5<sup>th</sup> Meeting of the Parties.

**ASCOBANS**  
**Recovery Plan for**  
**Baltic Harbour Porpoises**  
**Jastarnia Plan**  
**(2009 Revision)**



**ASCOBANS**



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## Executive Summary

### 1. Background

The harbour porpoise (*Phocoena phocoena*) is widely distributed in shelf waters of the temperate North Atlantic and North Pacific Oceans and in some semi-enclosed seas (e.g. the Black, Baltic Seas and the inland sea of Japan). Although still numerically abundant as a species, at least in comparison to many other cetaceans, the harbour porpoise has experienced major declines in portions of its range, including and perhaps most notably the Baltic Sea. Whatever other factors may be involved, however, it is very likely that incidental mortality in fishing gear has played a major role in reducing porpoises to a small fraction of their historical abundance in the region, and is now contributing to preventing their recovery.

ASCOBANS has adopted an interim goal of restoring the population of harbour porpoises in the Baltic Sea to at least 80% of its carrying capacity. Scientific analyses for the southern-western Baltic proper (southern tip of Öland to Gulf of Gdańsk) indicate that recovery towards the interim goal of 80% of carrying capacity could only be achieved if the bycatch were reduced to two or fewer porpoises per year.

The need for a Baltic harbour porpoise recovery plan has been recognised for a considerable time not only by ASCOBANS, but also by other relevant international bodies.

The original ASCOBANS Recovery Plan for Baltic Harbour Porpoises (“Jastarnia Plan”) was the result of a collaborative effort organised under the auspices of ASCOBANS. It was the culmination of a series of scientific initiatives and meetings over several years, starting in 1997. Since 2005, annual meetings of the so-called Jastarnia Group have been held. This expert working group, composed of representatives from the environment and fisheries sectors of the countries surrounding the Baltic Sea, discusses progress made and further implementation priorities for the Jastarnia Plan and makes recommendations to the ASCOBANS Advisory Committee. The present revised version of the Jastarnia Plan was produced by the Jastarnia Group.

### 2. Recovery Recommendations

Recovery Recommendations contained in the plan focus on five priority areas of activity: bycatch reduction, research and monitoring, marine protected areas, public awareness and cooperation between ASCOBANS and other relevant regional and international bodies.

#### a. Bycatch Reduction

Bycatch reduction is the highest priority for Baltic harbour porpoise recovery, and measures to achieve such reduction should begin immediately. Reduction strategies should incorporate multiple approaches as a way of dealing with the uncertainty of outcome associated with any individual measure. Close stakeholder involvement is key to success. Specifically, the following actions are recommended to achieve the aim of bycatch reduction.

- Recommendation 1: Reduce fishing effort in certain fisheries
- Recommendation 2: Involve stakeholders in the work of reducing bycatch of harbour porpoises.
- Recommendation 3: Replace fishing methods known to be associated with high porpoise bycatch (i.e. set nets) and introduce alternative gear that is considered less harmful.
- Recommendation 4: Implement a pinger programme on a short-term basis.

## **b. Research and Monitoring**

Given the uncertainty surrounding the problem of harbour porpoise conservation in the Baltic Sea there is an urgent need for more research and monitoring. However, there is no need to wait for this further research before implementing a bycatch reduction strategy.

High priorities for research and monitoring include:

- Recommendation 5: Analyse stock affinities of harbour porpoises in the “transition zone” between two or more populations of the south-western Baltic;
- Recommendation 6: Develop and apply new techniques (e.g. acoustic monitoring) for assessing trends in abundance;
- Recommendation 7: Develop interactive pingers or pingers using frequencies not audible to seals;
- Recommendation 8: Investigate possible detrimental effects of various types of sound and disturbance (including pinger signals, noise from vessels, wind parks or constructions and seabed exploration, e.g. for oil and gas) on harbour porpoises;
- Recommendation 9: Monitor bycatch in all fisheries known to be harmful to harbour porpoises to be able to estimate bycatch levels;
- Recommendation 10: Further develop sustainable alternative fishing gear with no bycatch of harbour porpoises;
- Recommendation 11: Compile data on fishing effort;
- Recommendation 12: Examine habitat preference of harbour porpoises;
- Recommendation 13: Investigate the prevalence of derelict (“ghost”) gear and the feasibility of its removal.

## **c. Marine Protected Areas**

Marine protected areas in the Baltic have known shortcomings with regard to the protection of the Baltic harbour porpoise but they may nevertheless be beneficial in a number of ways, in particular if they are expanded and their connectivity is improved.

- Recommendation 14: Expand the existing network of protected areas and improve its connectivity, while ensuring the development and implementation of appropriate management plans within protected areas to improve the status of harbour porpoises and/or their critical resources (e.g. prey stocks), without allowing such limited measures to serve as substitutes for the other broader-scale conservation initiatives recommended elsewhere in this recovery plan.

**d. Public Awareness**

Public awareness is an essential part in supporting a recovery plan. Awareness-raising is also an area where ASCOBANS has an autonomous role to play. An awareness raising campaign should be based on a regional approach to Baltic harbour porpoise conservation. This involves making efforts to enlist the help of the general public and people doing jobs related to the sea in obtaining reports of porpoise observations throughout the Baltic, establishing direct communication links with Baltic fishermen and seeking their assistance, establishing national focal points, Parties are also requested to provide assistance to maintain an interactive Baltic harbour porpoise website for the storage of GIS-based porpoise observation data.

- Recommendation 15: Develop a comprehensive public awareness campaign based on the elements outlined above.

**e. ASCOBANS Cooperation with Other Bodies**

Although ASCOBANS is the only international body with an explicit mandate to improve the conservation status of harbour porpoises in the Baltic Sea, several other regional and international bodies (in particular HELCOM, the European Union, ICES) also have important roles to play, particularly with regard to improving the quality of the Baltic marine environment and regulating Baltic fisheries.

- Recommendation 16: Strive for close consultation and cooperation between ASCOBANS and other relevant regional and international bodies.

## ASCOBANS RECOVERY PLAN FOR HARBOUR PORPOISES IN THE BALTIC SEA (JASTARNIA PLAN)

### 1. Introduction

The harbour porpoise (*Phocoena phocoena*) is widely distributed in shelf waters of the temperate North Atlantic and North Pacific Oceans and in some semi-enclosed seas (e.g. the Black, Baltic Seas and the inland sea of Japan). Although still numerically abundant as a species, at least in comparison to many other cetaceans (whales, dolphins and porpoises), the harbour porpoise has experienced major declines in portions of its range, including and perhaps most notably the Baltic Sea. The causes of population decline in the Baltic may include the commercial catching of porpoises historically (Kinze 1995), the periodic catastrophic mortality resulting from severe winter ice conditions (Johansen 1929 and Bondesen 1977, both as cited in Teilmann and Lowry 1996; Hanstrom 1960, as cited in Berggren 1994; Lindroth 1962) and habitat degradation of various kinds (e.g. pollution, noise, decrease in prey abundance or quality; cf. Teilmann and Lowry 1996). Whatever other factors may be involved, however, it is very likely that incidental mortality in fishing gear has played a major role in reducing porpoises to a small fraction of their historical abundance in the region, and is now contributing to preventing their recovery. Catches of harbour porpoises in salmon drift nets and bottom-set gillnets (for cod and other demersal species) are known to have occurred in many parts of the Baltic (e.g. Lindroth 1962, Skóra et al. 1988, Christensen 1991, Berggren 1994, Kock and Benke 1996). In Polish fisheries bycatch of harbour porpoises in driftnets which are anchored on one side has been reported since 1990, (Skóra and Kuklik, 2003). These nets have, however, been considered set nets under EU legislation since 2007. Therefore all these types of fishing gear are a focus of concern when considering how to facilitate recovery of harbour porpoises.

**ASCOBANS has adopted an interim goal of restoring the population of harbour porpoises in the Baltic Sea to at least 80% of its carrying capacity.** Berggren et al. (2002) incorporated this interim objective into a Potential Biological Removal (PBR) model to estimate an annual “mortality limit” of only one or two harbour porpoises in the surveyed portion of the Baltic Sea (cf. Fig. 1). In other words, their analysis indicated that recovery towards the interim goal of 80% of carrying capacity could only be achieved if the bycatch in this part of the Baltic were reduced to two or fewer porpoises per year (compared with the estimated current minimum bycatch of seven, Berggren et al. 2002).

The need for a Baltic harbour porpoise recovery plan has been recognised for a considerable time not only by ASCOBANS, but also by other international bodies such as the Baltic Marine Environment Protection Commission (Helsinki Commission, or HELCOM). and the Scientific Committee of the International Whaling Commission (IWC).

In the latest edition of the Red List produced by IUCN (The International Union for the Conservation of Nature), the harbour porpoise is listed as a “critically endangered” subpopulation (IUCN 2008). The harbour porpoise is also listed in Annex II and IV of EU Council Directive No. 92/43/EEC (the “Habitats Directive”). In the latest report evaluating the implementation of the Directive, the overall conservation status of harbour porpoise in the Baltic Sea was assessed as unfavourable (bad).

This recovery plan is the result of a collaborative effort organised under the auspices of ASCOBANS. It is the culmination of a series of scientific initiatives and meetings over several years, starting in 1997. At the second Meeting of the Parties (MOP 2, Bonn, Germany, 1997) the ASCOBANS Parties adopted a Resolution on Incidental Take of Small Cetaceans that invited parties and Range States to “develop (by 2000) a recovery plan for porpoises in the Baltic Sea, one element of which should be to identify human activities which are potential threats to the recovery of this species in the Baltic”.

This invitation was reiterated in 2000 (MOP 3, Bristol, United Kingdom) and the ASCOBANS Triennium Work Plan for 2001-2003 included the requirement to organise and conduct a workshop to prepare such a plan. Preparatory work included, most notably, the deliberations of the ASCOBANS Baltic Discussion Group (ABDG), whose report (2001) was considered at the 8<sup>th</sup> Meeting of the Advisory Committee (Nymindegab, Denmark, April 2001). The Nymindegab meeting also provided the terms of reference for the recovery plan workshop, which was held in Jastarnia, Poland, from 9 – 11 January 2002. While the ABDG was a smaller group consisting exclusively of scientists, Jastarnia workshop was attended by 40 individuals from ten countries, representing fishermen, environmental groups, government ministries, international conventions, and public and private institutions in six of the Baltic Range States. The workshop was funded by the Danish government and ASCOBANS. It was hosted by ASCOBANS in cooperation with the Foundation for the Development of the University of Gdańsk (FRUG) and Hel Marine Station. The Swedish Environmental Protection Agency and Swedish Board of Fisheries, with funding from the Nordic Council of Ministers, had organised a preparatory meeting for representatives of environment and fisheries agencies and fishermen's organisations in Denmark, Finland and Sweden, together with invited experts. This meeting took place in Kolmården, Sweden, in October 2001. The final Recovery Plan, now known as the Jastarnia Plan, was welcomed by the ASCOBANS Parties at their 4<sup>th</sup> Meeting in 2003.

Since 2005, annual meetings of the so-called Jastarnia Group have been held. This expert working group, composed of representatives from the environment and fisheries sectors of the countries surrounding the Baltic Sea, discusses progress made and further implementation priorities for the Jastarnia Plan and makes recommendations to the ASCOBANS Advisory Committee. The present revised version of the Jastarnia Plan was produced by the Jastarnia Group.

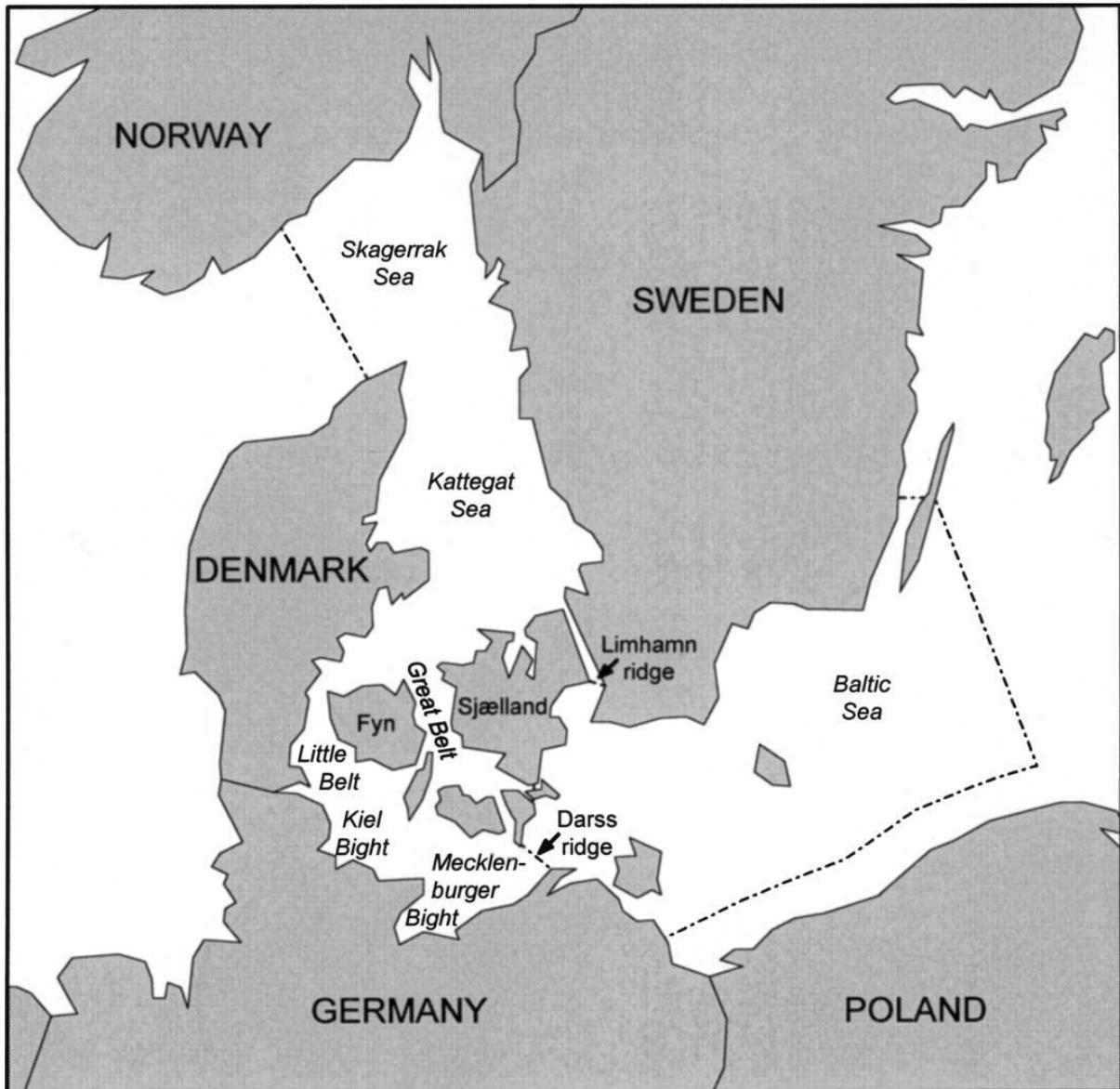


Fig. 1. Map showing the Skagerrak, Kattegat, Great Belt and Little Belt Seas, the Kiel and Mecklenburg Bights and the Baltic Sea. The dotted line in the Baltic Sea shows the border of the aerial survey conducted in 1995.

## 2. Background Information on the Species

As is true of other small populations that inhabit large areas and occur in low densities, scientific assessment of harbour porpoises in the Baltic is extremely challenging. Estimates of abundance and bycatch tend to be imprecise because their precision is dictated primarily by the number of sightings or bycatch observed, in combination with the amount of effort in relation to the size of the area or the fishing fleet. Similarly, the number of tissue samples available dictates the power of genetic analyses of population structure. Uncertainty in the data is an inherent feature of work with small populations and necessitates decision-making in management to be precautionary (Taylor and Gerrodette 1993).

### 2.1. Population Status

The International Union for Conservation of Nature (IUCN), which in 1996 listed harbour porpoises in the Baltic as a geographical population that is “vulnerable” (IUCN 1996), has listed it as a “critically endangered” subpopulation in the latest edition of its Red List (IUCN 2008).

Pursuant to the Habitats Directive, Member States of the European Union (EU) must report on the implementation of the Directive to the European Commission every six years. The reports must contain, among other things, the results of the monitoring of animal and plant species belonging to Annexes II, IV and V of the Directive. The harbour porpoise belongs to Annex II and IV. The latest report prepared in 2007 covers the period 2001-2006. In this report the overall conservation status of the harbour porpoise in the Baltic Sea was stated to be unfavourable (bad).

<http://biodiversity.eionet.europa.eu/article17/speciessummary/?group=TWfTbWFscw%3D%3D&species=UGhvY29lbmEgcGhvY29lbmE%3D&region=MBA><http://biodiversity.eionet.europa.eu/article17/speciessummary/?group=TWfTbWFscw%3D%3D&species=UGhvY29lbmEgcGhvY29lbmE%3D&region=MBAL>

### 2.2. Population Structure

It is clear from morphometric, genetic and other analyses that the aggregate North Atlantic harbour porpoise population occurs as a series of relatively discrete subpopulations or stocks (e.g. Andersen et al. 2001) at least one of which occurs in the Baltic (e.g. Tiedemann et al. 1996; Wang and Berggren 1997, Börjesson and Berggren 1997). However, relatively few porpoise specimens from the Baltic proper (i.e. east of the Darss and Limhamn underwater ridges; see IWC 2000b) have been collected and studied, and although the animals found there are different from those found in the Skagerrak-Kattegat Seas (Tiedemann et al., 1996; Börjesson and Berggren 1997; Wang and Berggren 1997; Berggren et al., 1999; Huggenberger, 1999), the stock relations of porpoises in the Danish straits, Kiel and Mecklenburg Bights, and the Baltic proper remain uncertain (Palme et al., 2008).

### 2.3. Abundance

Knowledge of porpoise abundance in the Baltic Proper is deficient and limited to the south-western part of the Baltic. The following abundances have been estimated based on visual aerial surveys: Kiel Bight: 207, (CI 132-331) in 1991 and 87, (CI 46-166) in 1992 (Heide-Jørgensen et al. 1993). Sightings surveys have been limited to Kiel and Mecklenburg Bights in 1995: 980 (CI 360-2880) and in 1996 1830 (CI 960-3840) (Siebert et al. 2006); the waters around Rügen in 1995; 601 (CI 233-2684) (Siebert et al. 2006). In 1995 the ICES subdivisions III24 and III25 – excluding a 22 km wide corridor off the Polish coast were surveyed giving an estimate of 599 porpoises (CI 200-3300) aerial surveys of portions of the southern and western Baltic in 1995 (Hiby and Lovell 1996). and finally 93 porpoises (CI 10-460) in 2002 in most of ICES area III24 and III25 (Berggren et al. 2004),. and a vessel survey (visual

and acoustic) of Polish coastal waters in 2001 (P. Berggren, pers. comm.). Although a large decline in abundance from historic levels is generally acknowledged (e.g. Donovan and Bjørge 1995; IWC 1996, 2000), there is no reliable quantitative estimate of historic abundance.

During the summer seasons of 2001 and 2002 boat-based acoustic and visual transect surveys for harbour porpoises were conducted mostly in German and Polish waters but also including some Swedish and Danish waters during the summer season in order to investigate their distribution and relative abundance of the species (Gillespie *et al.*, 2005). The pattern of acoustic detections in this study indicates a gradient in the density of porpoises falling from the west to the east. The low porpoise detection rate of the entire Baltic Sea block agrees in a broad sense with the low density found in the 1995 aerial survey, with a general detection rate two orders of magnitude lower in the Baltic Sea than in other waters surveyed (Gillespie *et al.*, 2005).

#### 2.4. Distribution

A Static Acoustic Monitoring (SAM) survey took place from August 2002 to December 2005, when the German part of the Baltic Sea (Belt Sea and Pommeranian Bight) was surveyed by means of Porpoise detectors (T-PODs) by Verfuß *et al.* (2007). The analysis of the data of this survey also shows a significant decrease from west to east in the percentage of days with porpoise detections. At most of the measuring positions in the German Baltic Sea, harbour porpoises were detected year-round, with the data displaying a seasonal variation with fewer days of porpoise detections in winter than in summer. However, only infrequent detections were recorded north and east of the island of Rügen, thus confirming a very low density of the harbour porpoise sub-population in the Baltic proper (Verfuß *et al.*, 2007).

In another SAM study, deploying Porpoise Click Loggers (PCL:s) in coastal waters in Southern Sweden between June 2006 and September 2007, only 21 “porpoise positive days” were obtained in 2345 PCL days (Amundin *et al.* 2008) All but one of these detections occurred in the late summer/fall, and all in the western half of the study area (from Falsterbo Reef to South of Öland). Although the methodology was somewhat different from that of the German T-POD study, the overall detection frequencies were similar to that in the German waters along the same longitude.

From 1997-2007, 63 harbour porpoises were tagged with satellite transmitters in Danish and adjacent waters and followed for up to a year. The only major area that was not covered by the tagged animals was the Southern North Sea. In the Baltic Proper, three porpoises which were tagged in the Danish Belts moved to the southern tip of Öland and back on a two week trip during spring. Sixteen high-density areas were identified in Danish waters based on satellite tracking and surveys (Teilmann *et al.* 2008). Three of these (Flensburg Fjord, Fehmarn Belt and Kadet Trench) are located in the western Baltic.

- 1) Eleven (of the 63 tagged) porpoises visited the Flensburg Fjord, the inner part of which had a particularly high density from June to November while the porpoises move to the outer part during the rest of the year. Flensburg Fjord was also important for adult females.
- 2) Tagged animals were present in the Fehmarn Belt in all months of the year except in August and in October. Peak densities were observed in April, June and December. In total, 13 tagged porpoises visited this area, but only 5 of them stayed in the area for more than two days and these only remained for 7 days on average. This suggests that the area is mainly used as an important corridor to the eastern part of the area.
- 3) The Kadet Trench is a deep basin in a relatively shallow area east of the Darss/Gedser underwater ridge. The Kadet Trench is therefore potentially important with regard to the vulnerable Baltic Sea population and the only high density area determined in the Baltic proper (defined as ICES area IIIId). The 7 porpoises visiting the area were mostly present from September to December and in March.

## 2.5. Threats

The situation that appears to have arisen in the Baltic is one that can easily lead to circular reasoning. With an extremely low density of porpoises, the animals are rarely seen or caught by fishermen. In the light of their own experience, then, fishermen view themselves as undeserving scapegoats, and they are reluctant to accept the claims by scientists and conservationists that bycatch is a serious threat to the porpoise population. However, if bycatch has been, as many assume, a major contributory factor in the decline of porpoises, there is little prospect of recovery unless the probability of bycatch for individual porpoises is substantially reduced. Therefore, without bycatch mitigation, porpoises will remain scarce (making it difficult to obtain better abundance estimates), the bycatch will remain small (making it difficult to quantify removals), and fishermen will remain incredulous towards the idea that fishery bycatch is a problem for porpoise conservation.

Despite the generally imprecise nature of available data, there is sufficient evidence to conclude that porpoises are now much less common in the Baltic than they were in the past, and that much of the decline occurred from the middle to late 20th century (e.g. Skóra et al. 1988; Berggren and Arrhenius 1995). There is also sufficient evidence to conclude that bycatch in fishing gear has played an important role not only in reducing the abundance of porpoises, but also in preventing their recovery in the Baltic (e.g. Skóra et al. 1988, Berggren 1994, Kock and Benke 1996, Teilmann and Lowry 1996, Berggren et al. 2002). The ASCOBANS Baltic Discussion Group concluded, and the Jastarnia workshop concurred, that: (1) the available evidence (abundance estimates, bycatch levels, stock identity) clearly points to a population that is in serious danger; and (2) as a matter of urgency, every effort should be made to reduce the porpoise bycatch towards zero as quickly as possible. Of the factors potentially contributing to the decline in porpoise abundance in the Baltic, which could include climatic variability, contaminants, and changed ecological conditions, bycatch is probably the only one for which the effect of remedial action would be immediate and unambiguous.

## 2.6. Legal Status of the Baltic Harbour Porpoise

In addition to the various provisions within the ASCOBANS Agreement text and its Conservation and Management Plan, the Baltic harbour porpoise is covered by protection and management measures of a number of other competent organisations within the Baltic Sea area.

Under European Community law, specific attention is paid to the conservation needs of the Baltic harbour porpoise under Council Directive No 92/43/EEC (the “Habitats Directive”). In particular, Member States are required to establish a system of strict protection under national law for “all species” of cetaceans. Furthermore, the harbour porpoise is listed in Annex II of the Directive and is therefore one of the species for which Member States are to establish Special Areas of Conservation to ultimately contribute towards the creation of a coherent ecological network of protected areas throughout the Community (Natura 2000). Within the framework of the Emerald Network of protected areas, which was established in 1998 and is a de-facto extension of NATURA 2000 to non-EU Parties of the Council of Europe’s 1979 Bern Convention, such obligations also apply to non-EU Member States that are, however, Contracting Parties or Observer States to that convention.

Moreover, the Baltic Marine Environmental Protection Commission (HELCOM), has also established a series of protection measures and conservation targets vis-a-vis the Baltic harbour porpoise. In November 2007, the Baltic Sea Action Plan was formally adopted by HELCOM, establishing a co-ordinated programme to restore the good ecological status of the Baltic Sea region by 2021. The Action Plan calls for further development cooperation with ASCOBANS, including through the elaboration of a coordinated reporting system and database on Baltic harbour porpoise sightings, bycatches and strandings. In addition to this, the Baltic Sea Protected Areas (BSAP) programme encourages the Contracting Parties to

establish a system of coastal and marine protected areas, which could include measures to protect the Baltic harbour porpoise. A specific Recommendation, HELCOM Recommendation 17/2 on the protection of the harbour porpoise in the Baltic Sea area was adopted in 1996, recommending that Contracting Parties give “highest priority” to avoiding bycatches of these animals, as well as analysing the status of stocks, considering the establishment of protected areas under the BSAP programme and reporting on a triennial basis on progress made in these respects.

### 3. Development of the Recovery Plan

As noted above, the conclusion arrived at in the lead-up phase and by the Jastarnia workshop was that bycatch was the primary threat to harbour porpoises and hence that bycatch reduction was the highest priority for the recovery of the species. The objectives and recovery recommendations of the Recovery Plan consequently focus primarily on this aim, without losing sight of the need to address other issues.

#### 3.1. Objectives of the Recovery Plan

ASCOBANS has the interim goal of restoring the population of harbour porpoises in the Baltic Sea to at least 80% of the carrying-capacity. In order to work towards achieving this interim goal and, ultimately, a favourable conservation status for Baltic harbour porpoises, Baltic Range States should, as a matter of urgency, seek to reach the following objectives:

- (1) implement management measures of a precautionary nature to reduce the number of bycaught porpoises in the Baltic towards zero;
- (2) improve knowledge in key subject areas as quickly as possible; and
- (3) develop more refined (quantitative) recovery targets as new information becomes available on population status, bycatch and other threats.

In the short to medium term, further issues should also be addressed as a matter of priority, namely the creation and proper management of marine protected areas for harbour porpoises, public awareness raising and cooperation with other relevant organisations.

### 4. Recovery Recommendations

The following recommendations constitute the ASCOBANS Recovery Plan for Harbour Porpoises in the Baltic Sea (for a tabular overview of recovery recommendations and related action cf. Appendix 6 below):

#### 4.1. Bycatch Reduction

Both the ASCOBANS Baltic Discussion Group and the Jastarnia workshop concluded that bycatch reduction was the highest priority for Baltic harbour porpoise recovery, and that measures to achieve such reduction should begin immediately. Experience elsewhere has been that bycatch reduction strategies should not rely on a single approach to mitigation, but rather incorporate multiple approaches as a way of dealing with the uncertainty of outcome associated with any individual measure (Read 2000). A key point about all of the following recommendations related to bycatch reduction is that **stakeholders need to be closely involved in the process**. As a priority, fishermen and their representatives should be included routinely in discussions and decision-making that have implications for their livelihoods. Another important proviso is that the entire Baltic Sea is not a homogeneous

system, and therefore the same bycatch reduction measures are unlikely to be appropriate on the same time schedule in all areas. Ignorance about porpoise distribution, movements, relative abundance and habitat use throughout the Baltic, however, is a major obstacle to devising an area- or time-specific approach to bycatch reduction.

It is important to emphasise that although there is no unanimity on the issue of how bycatch should be reduced, there is consensus that porpoises are likely to disappear from the Baltic unless a major effort of some kind is made quickly to achieve bycatch reduction. At one extreme are those who believe that the only effective and environmentally benign way to reduce porpoise bycatch to the PBR level or below is through major reductions in “high-risk” fishing effort, while others believe that, despite their side-effects and associated uncertainties, acoustic deterrents should be used on a short-term basis as part of a bycatch reduction strategy. These viewpoints are both reflected in this Recovery Plan to the extent possible.

#### **4.1.1. Recommendation 1: Reduce fishing effort in certain fisheries**

The most effective way to reduce bycatch is to reduce or eliminate fishing effort that involves gear known to cause high porpoise bycatch rates (Read 2000). Therefore, it is recommended that **measures should be taken by the Baltic Range States to reduce the fishing effort of fishing gear known to be harmful to porpoises such as set nets in the Baltic.** Driftnets, defined by the relevant EC legislation as any gillnet held on the sea surface or at a certain distance below it by floating devices, drifting with the current, either independently or with the boat to which it may be attached<sup>1</sup>, have been prohibited in the Baltic since 1 January 2008. It is stressed that fishing effort includes both the amount of net deployed and the amount of time that the nets are in the water (soak time). It is also important to emphasise that reductions in catch quotas and/or fishing capacity are not the same as reductions in fishing effort, and therefore it cannot be assumed that reduced fish catch quotas or reduced fleet sizes will necessarily reduce porpoise bycatch. Reductions in fishing effort prompted by concerns about fish stock depletion or other ecosystem considerations should be encouraged, especially if such reductions are applied to fisheries known to kill porpoises (e.g. set nets) and occur in areas known, or thought to be, inhabited by porpoises. It is certainly preferable that effort reductions be targeted at high-risk gear types in areas frequented by porpoises. Although some uncertainty remains in regard both to high-risk gear and porpoise distribution, documented bycatch localities and dates provide a useful starting point for specifying high-risk areas.

#### **4.1.2. Recommendation 2: Involve stakeholders in the work of reducing bycatch of harbour porpoises**

**Stakeholders such as fishermen, governments and environmental organisations need to work together when trying to reduce bycatch.** Fishermen should be involved not only in the implementation but throughout the whole process. A working group including fishermen, governments and environmental organisations should be established to develop guidelines and methods to reduce and monitor bycatch in relevant fisheries. A way to create a positive collaboration with fishermen is to support the environmental certification of fisheries by helping the fishermen to reduce their bycatch, through pingers or alternative fishing gear, or to monitor the bycatch in their fisheries.

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<sup>1</sup> Regulation No. 809/2007

#### **4.1.3. Recommendation 3: Replace fishing methods known to be associated with high porpoise bycatch (i.e. set nets) and introduce alternative gear that is considered less harmful**

A changeover to gear that is less harmful to porpoises is one way of maintaining a viable fishery while achieving bycatch reduction. It is therefore recommended that **trials using fish traps, fish pots, and longlines be initiated immediately, with the long-term goal of replacing gillnets in the cod fishery, particularly in areas where porpoises are known or expected to occur frequently.** The development and introduction of alternative gear in the Baltic cod fishery should be undertaken as a high priority. Work to develop such gear should be coordinated among the Range States and competent fishery authorities should be involved in order to ensure that there is consistency between measures envisaged in the framework of this recover plan and any measures that are being considered or taken by those authorities. Implementation should begin immediately when cost-effectiveness as well as the ecological sustainability of such fishing have been demonstrated. An important consideration in defining cost-effectiveness is that catch levels may be reduced compared to common fishing methods, but counterbalanced by improved quality (and thus market value), particularly when fish are taken in traps or pots rather than set nets.

#### **4.1.4. Recommendation 4: Implement a pinger programme on a short-term basis**

Pingers (acoustic alarms or deterrents) have been shown to be effective in reducing porpoise bycatch in set net fisheries outside the Baltic and, as noted by Read (2000)<sup>12</sup>, no further trials are necessary before they are used in at least bottom-set gillnet fisheries within the ASCOBANS area. Despite the suitability of pingers as a short-term interim solution the relevant recommendation in the 2002 Jastarnia Plan was not implemented by Parties, leading to a loss of several years of effective bycatch mitigation.

Recognising that there may be a lag of several years before the necessary reductions in fishing effort and changeover to lower-risk gear (above) are fully implemented, it is recommended that **pinger use should now immediately be made mandatory in probable high-risk areas and fisheries associated with bycatch of harbour porpoises on a short-term basis (no more than 3 years) irrespective of vessel size.** In areas where pinger use leads to increased seal-fisheries conflict or seal bycatch, pingers not audible to seals should be used. It should be noted, however, that these pingers are not yet available on the market and therefore immediate research is necessary to develop functional pingers. A key element of any pinger implementation will be educating fishermen on their proper use.

In reaching this recommendation, a number of positive and negative issues had to be considered, summarised below:

- 1) One of the drawbacks of relying upon pingers is that their use does not ensure zero bycatch. However, since it is clear that the Baltic Range States will not accept immediate closure of the set net fisheries, or be able to achieve an immediate changeover to alternative gear, any reduction in bycatch that can be accomplished during the next few years through the rapid implementation of pingers will be better than no reduction;
- 2) A second problem is that the cost of an independent on-board observer scheme of sufficient scale (given the large number of small boats in the Baltic that are unable to carry observers) to monitor the programme's effectiveness (generally considered a required component of pinger programmes; IWC 2000, Read 2000) may be exorbitant, particularly given that it would likely be competing for funds with programmes to develop alternative gear, etc. (see point 5 below). The absence of such an observer scheme would mean that effectiveness could not be formally evaluated. Although it may be possible for enforcement vessels (e.g., Coast Guard) to use click detectors to monitor compliance with pinger-use regulations, or to check pingers in the harbours, the problem of evaluating effectiveness can only be addressed through a costly, large-scale on-board observer programme or the implementation of onboard video surveillance systems or

other technical means of monitoring bycatch;

- 3) A third concern is that widespread pinger use may displace porpoises from important habitat (IWC 2000)<sup>15</sup>. This issue cannot be rigorously addressed on present evidence and therefore must be viewed in much the same way as the non-zero bycatch (Point 1, above). In other words, the unknown risk of displacement must be weighed against the known risk of entanglement in nets without pingers. Experimental studies outside the Baltic have shown that porpoises quickly return to an area from which they have been displaced after pingers are removed or rendered inactive (Lockyer et al. 2001; Teilmann et al 2007);
- 4) The use of pingers can increase the seal and fisheries conflict, which includes an increase in damaged catch and fishing gear but also an increase of entangled and thereby bycaught seals. In many countries along the Baltic Sea coast, seals are causing great economic losses in the small-scale coastal fisheries and the conflict is at present spreading from north to south with the increasing seal population. This bycatch is equally unacceptable. This problem may be solved by using interactive pingers, since their infrequent pinging will not make them useful as “dinner bells” for the seals;
- 5) Finally, full implementation of a mandatory pinger programme would represent a major investment of resources, possibly precluding investments in long-term solutions to the bycatch problem (above), important research (below), and public awareness initiatives (below). It is therefore essential that management authorities and the fishing industry be encouraged to engage in multiple approaches to the bycatch-reduction problem simultaneously and to move ahead with the longer-term strategies outlined elsewhere in this recovery plan.

Taking into account the above considerations, the following process is recommended:

- It is essential that any implementation of a pinger programme be accompanied by measures to verify that pingers are being used properly at sea;
- The importance of independent on-board observation at an appropriate sampling level to obtain reliable data on cetacean bycatch is well documented. In view of the associated difficulties with high fishing effort and low bycatch rates a high coverage of the fishing effort needs to be monitored to obtain reliable bycatch estimates. Therefore alternative ways to monitor bycatch should be considered. Despite the associated difficulties with high fishing effort and low bycatch rates, bycatch monitoring needs to be made an integral part of any pinger implementation programme;
- The concern that pingers might exclude porpoises from large areas of critical habitat should be addressed in view of the urgency of implementation and the limited time span of the pinger programme. Hence, for the Baltic situation an analysis similar to that conducted previously for the North Sea (Larsen and Hansen, 2000) should be conducted within the first year of active pinger use, and considered sufficient to estimate the potential extent of habitat exclusion for the Baltic;
- Implementation of a pinger programme should be short-term and therefore should be reconsidered after a maximum duration of 3 years, with the expectation that pinger use will be replaced by longer-term mitigation measures at that time;
- The rapid development of medium and long-term approaches to mitigation (e.g. reduced fishing effort in high-risk areas, conversion to fishing gear and practices that are much less likely to result in porpoise bycatch) is crucial and should not be compromised. This work should be initiated immediately and in parallel with the identification of high-risk areas and targeted pinger implementation efforts.

## 4.2. Research and Monitoring

As discussed earlier in this document, the problem of harbour porpoise conservation in the Baltic Sea is marked by scientific uncertainty, and this situation is likely to prevail far into the future. While recognising the need for more research and monitoring, the ASCOBANS Baltic Discussion Group and the Jastarnia workshop strongly emphasised that there was no need to wait for further research before implementing a bycatch reduction strategy – therefore, none of the recommendations in this section of the recovery plan should be viewed as a higher priority than the bycatch reduction initiatives outlined above.

There is considerable uncertainty to what degree contaminants (e.g. organochlorines, organotins, and heavy metals), ecological perturbations (e.g. ice winters, trophic shifts affecting porpoise prey consumption; see MacKenzie et al. 2002), and other factors have contributed to the decline of the harbour porpoise in the Baltic, and its failure to recover. However, it is of eminent importance to elucidate the impact of these factors in order to determine whether harbour porpoises are able to repopulate the region previously occupied by them in the Baltic. Further research is needed not only to provide information on bycatch mitigation and on monitoring of possible recovery but also to guide decisions concerning such things as waste management, pesticide use, marine construction, industrial (e.g. extractive) use of the seabed, and the impact of fisheries in a broader sense in order to convince fishermen, decision-makers, and the general public of the need for a recovery strategy.

Based on the research and monitoring needs identified by the Jastarnia workshop (2002) and the subsequent meetings of the Jastarnia Group, the following priority actions are recommended:

### 4.2.1. Recommendation 5: Analyse stock affinities of harbour porpoises in the “transition zone” of the south-western Baltic

Two populations living in the Baltic have been identified: the Baltic proper and the Western Baltic stock. However the genetic evidence that these are two distinct populations is under discussion and a more thorough investigation of the pattern of genetic sub-structuring of the harbour porpoises of this region is urgently needed (Palme et al. 2008). Various types of evidence already available need to be considered in an integrated analysis, taking account of new acoustic, tracking, and genetic data. There should also be a strong initiative to obtain and analyse additional tissue samples from the Baltic proper (e.g. historical samples in museums and new samples from stranded or bycaught animals). Effort and protocols for data collection from stranded or incidentally caught individuals should be improved. This involves making concerted efforts to locate such animals and to perform comprehensive necropsies on them.

### 4.2.2. Recommendation 6: Develop and apply new techniques (e.g. acoustic monitoring) for assessing trends in abundance

Given the apparently low-density occurrence of porpoises in the central Baltic, standard line transect sampling methods are unlikely to provide adequate statistical power to detect trends. New approaches have to be developed, such as passive/static acoustic monitoring methods, which may provide better estimates of harbour porpoise abundance and also detect possible trends in abundance.

#### **4.2.3. Recommendation 7: Develop interactive pingers or pingers using frequencies not audible to seals**

Interactive pingers or pingers not audible to seals could be used to decrease the level of acoustic pollution caused by pingers or for use in areas where there is a seal-fisheries conflict. In addition to causing increased levels of acoustic pollution, acoustic alarms might thus be detrimental to harbour porpoise conservation via habitat exclusion or their efficiency might be impaired by habituation. Addressing the problem mentioned above, interactive pingers, deterrent devices that only emit sound when triggered by the sonar clicks of an oncoming porpoise, should be considered (Amundin *et al.*, 2002; Poulsen, 2004). However, their efficiency and any habituation or habitat exclusion effects must be investigated further. An analysis similar to that reported for the North Sea in 2000 by Hansen and Larsen should be initiated for the Baltic.

Pingers increase the level of acoustic pollution, and by acting as “dinner bells” they increase the seal-fisheries conflict which is a serious problem in the Baltic. Interactive pingers were previously considered a possible solution to these problems. This kind of pinger, however, is only at a prototype stage. Also, its efficiency in reducing bycatch must be verified. Therefore a more realistic alternative to reduce the seal-fisheries conflict in the Baltic is to use pingers emitting deterrent sounds not audible to seals. Promising tests with such pingers have been carried out by Kastelein *et al.* (2008).

#### **4.2.4. Recommendation 8: Investigate possible detrimental effects of various types of sound and disturbance (including pinger signals, noise from vessels, wind parks or constructions and seabed exploration for oil and gas) on harbour porpoises**

Such investigations may be better conducted in areas other than the Baltic, where the harbour porpoise is more abundant and it might be easier to develop and apply a proper experimental design.

#### **4.2.5. Recommendation 9: Monitor bycatch in fisheries known to be harmful to harbour porpoises to be able to estimate bycatch levels**

Estimations of bycatch levels in certain areas and fisheries are urgently needed and monitoring bycatch through observer schemes should be conducted in probable high risk areas and in fisheries associated with bycatch, including recreational and small-scale fisheries. However, bearing in mind that observer schemes are very expensive and possible only on larger fishing vessels, alternative methods, based on onboard video surveillance systems should be regarded as an option.

#### **4.2.6. Recommendation 10: Further develop sustainable alternative fishing gear with no bycatch of harbour porpoises**

Alternative gear types such as long lines or pots are known to have insignificant bycatch of harbour porpoises and could therefore be regarded as a possible alternative to gillnets in the Baltic. Even though long lines and pots are basically simple devices, their setup and rigging can vary greatly. The catch rates in these fisheries depend strongly on bait species, hook shape and size, lines, trap shapes, fishing time, fishing depth, bottom type fishing practice and a wide range of biotic and abiotic factors. All these factors will affect fishing success and whether fishing can be commercially profitable.

Even though both long line and pot fishery have been shown to be cost effective in other areas, the fishing procedures cannot be directly implemented in the Baltic due to the differences between these areas. Therefore, trials optimizing and developing the pot and line fishery for Baltic conditions need to be undertaken before these gear types can be approved as a realistic alternative to gillnets.

#### 4.2.7. Recommendation 11: Compile Data on Fishing Effort

While any reduction in fishing effort of set nets within the areas utilised by porpoises would be expected to provide some benefit in terms of reduced bycatch, it is preferable that effort reductions (and other forms of bycatch mitigation) be implemented in probable “high risk” areas. **Identification of such areas depends at least partly on the amount of effort placed in a given area** and the bycatch of harbour porpoises in this area. An initial assessment should be made immediately to determine sources of relevant data and identify individuals or the national focal points in the Range States whose cooperation is needed and who can deliver the relevant data. When relevant fishing effort data has been collected a working group should be established to evaluate the available data and thereafter compile data on fishing effort.

#### 4.2.8. Recommendation 12: Examine habitat preference of harbour porpoises

Little is currently known of the habitat preferences of harbour porpoises. Presumably, it is linked to distribution of prey, however the spatial links between porpoises and their prey have not been analysed due to lack of data. It is proposed to make a spatial model on preferred habitats in waters adjacent to the Baltic Sea. By linking physical and biological variables to the presence of satellite tracked porpoises and/or survey data in e.g. the Belt Sea and the western Baltic and consequently extending this model into the Baltic Sea it will be possible to predict where the suitable habitats for porpoises in the Baltic proper would be. The presence of porpoises in these areas could be verified by static acoustic monitoring throughout the year. Furthermore the areas could be compared with fishing effort in the Baltic and thereby identify high risk areas.

#### 4.2.9. Recommendation 13: Investigate the prevalence of derelict (“ghost”) gear and the feasibility of its removal

“Ghost nets” form a component of effective fishing effort in the Baltic. Therefore clearance of “ghost nets” would represent a reduction in fishing effort (and hence potential harbour porpoise bycatch) without affecting fishing yield, and should be seriously considered.

### 4.3. Marine Protected Areas

Available data on porpoise distribution and habitat use within the Baltic are currently inadequate for identifying specific areas that should be designated for special protection. Furthermore, results of satellite tagging of harbour porpoises (see Read and Westgate 1997; Larsen et al. 2000; Teilmann et al. 2008) suggest that animals (in particular juveniles and males) are highly mobile, with important implications for protected area scale and design. Existing and proposed protected areas in the Baltic, established under the Habitats Directive of the European Union or as part of the HELCOM Baltic Sea Protected Area network, are generally considered either too small or inappropriately designed to provide significant benefits to harbour porpoises. Moreover, especially in low-density areas, MPAs do not have the potential for significant conservation benefits.

Despite these shortcomings, **authorities should be encouraged to expand the network and improve its connectivity, while ensuring the development and implementation of appropriate management plans within protected areas to improve the status of harbour porpoises and/or their critical resources (e.g. prey stocks)**. However, such limited measures should not be allowed to serve as substitutes for the other broader-scale conservation initiatives recommended elsewhere in this recovery plan.

Besides the management of marine resources in protected areas, they can also be effective tools for awareness raising among the public. **Management plans for MPAs should therefore include information and education work to engage the wider public in protection of harbour porpoises.**

**4.3.1. Recommendation 14: Expand the network of protected areas in the Baltic Sea and improve its connectivity and ensure the development of appropriate harbour porpoise management plans for these areas.**

#### **4.4. Public Awareness**

Public awareness is an essential part in supporting a recovery plan. People need to be aware that harbour porpoises are an integral part of the fauna of their local waters and are worth saving. Whereas other elements of the plan depend largely on the decision-making processes of national or international governmental agencies and international and supra-national regulatory bodies, public awareness is an area in which ASCOBANS has an autonomous role to play. Parties to ASCOBANS have ongoing responsibilities and commitments to disseminate reliable information about Baltic harbour porpoises, to support the favourable conservation status of the species and to actively promote its protection and recovery.

Baltic fishermen are among those people most likely to interact most directly and most frequently with harbour porpoises. Baltic fishermen need to be viewed as a key target group. At the same time, it is also important to approach members of the general public. They are consumers of fishery products and the ultimate arbiters of public policy. Public awareness work has to be objective, attendant to and respectful towards cultural and linguistic differences, and candid about scientific uncertainty.

**4.4.1. Recommendation 15: Develop a comprehensive public awareness campaign, based on the elements outlined below:<sup>2</sup>**

- 1) While acknowledging national programmes in raising public awareness, ASCOBANS should **develop and promote a regional approach to Baltic harbour porpoise conservation.**
- 2) Explicit efforts should be made to **enlist the help of the general public and people related to the sea in obtaining reports of porpoise observations** throughout the Baltic. This can be expected to improve understanding of porpoise distribution and relative abundance, while at the same time enhancing public support for recovery efforts. However, it is important that opportunistic reports by untrained observers be interpreted cautiously, and that the need for documentary evidence (e.g. photographs, tissue samples in the case of strandings) be stressed when soliciting such reports.
- 3) The ASCOBANS Secretariat should **establish direct communications links with Baltic fishermen and seek their assistance** in determining how to reach fishing communities more effectively, e.g. via newsletters, tabloids, displays at fishing exhibitions, etc.
- 4) The Baltic Range States should **establish national focal points**, with responsibility for coordinating public awareness efforts. These focal points would be responsible for establishing and maintaining working relationships with fishing communities and other target groups.
- 5) Parties are requested to provide assistance to maintain an **interactive Baltic harbour**

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<sup>2</sup> Compare also Appendix 3 of AC 9 Doc 7 (S)

**porpoise website** for the storage of GIS-based porpoise observation data. This web page should incorporate other existing possibilities to report sightings of harbour porpoises. The page should be designed for use throughout the Baltic region.<sup>3</sup> This website may provide further opportunities for collaboration with relevant bodies such as HELCOM.

#### 4.5. ASCOBANS Cooperation with Other Bodies

Although ASCOBANS is the only international body with an explicit mandate to improve the conservation status of harbour porpoises in the Baltic Sea, several other regional and international bodies also have important roles to play, particularly with regard to improving the quality of the Baltic marine environment and regulating Baltic fisheries **There is a need for close consultation and cooperation between ASCOBANS and these other bodies.**

The most relevant other body is HELCOM, which deals with environmental protection of the marine area of the Baltic Sea. HELCOM has a strong interest in porpoise recovery. In 1996 HELCOM adopted the Recommendation on protection of harbour porpoises in the Baltic Sea (Recommendation 17/2). The recommendation specifically promotes bycatch reduction, relevant research and consideration of porpoise habitat requirements in the design and management of marine protected areas. HELCOM Baltic Sea Action Plan adopted by a Ministerial Meeting in Kraków, Poland in November 2007 aims to ensure viable populations of the species e.g. by developing cooperation with ASCOBANS on a coordinated reporting system and database on Baltic harbour porpoise sightings, bycatches and strandings and developing and implementing effective monitoring and reporting systems for bycaught mammals. The Action Plan urges competent fisheries authorities in co-operation with the Baltic RAC and HELCOM to urgently adopt measures to minimise bycatch of non-target species by 2012 and to evaluate the effectiveness of existing technical measures by 2008 to minimise bycatch of harbour porpoises and to introduce adequate new technologies and measures. Within HELCOM the HELCOM SEAL expert group and the HABITAT group are the relevant bodies dealing with harbour porpoises.

The European Union adopts its fishery legislation within the framework of the Common Fisheries Policy. The Baltic Sea Regional Advisory Committee (RAC) provides advice on the management of Baltic Sea fisheries<sup>4</sup>. It is expected that a review of the Common Fisheries Policy will deal with issues related to interactions between fisheries and ecosystems. The European Commission has, in recent years, indicated to Member States its intention to deal with the problem of cetacean bycatch. Individual states in the region may also adopt national regulatory measures that only apply to their national fishing fleets.

The EU Council Directive 92/43/EEC (Habitats & Species Directive) lists the harbour porpoise in Annexes II and IV, the former identifying species whose conservation requires the designation of special conservation areas (subject to certain conditions being met), and the latter identifying species in need of strict protection. Article 12.4 of this directive requires EU Member States to “establish a system to monitor the incidental capture and killing of ... species listed in Annex IV...” and in light of the information obtained, to “take further research and conservation measures as required to ensure that incidental capture and killing does not have a significant negative effect on the species concerned.”

The International Council for the Exploration of the Sea (ICES) provides scientific advice relevant to the management of fish stocks and other species, including marine mammals.

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<sup>3</sup> Existing examples are [www.balticseaporpoise.org](http://www.balticseaporpoise.org); [www.gsm-ev.de](http://www.gsm-ev.de); [www.habitatmare.de](http://www.habitatmare.de)

<sup>4</sup> The creation of Regional Advisory Councils (RACs) was one of the pillars of the reform of the Common Fisheries Policy (2002), as a response to calls from stakeholders in the fisheries sector who wanted to be more involved in the way fisheries are managed in the EU. The Baltic Sea RAC was set up in March 2006.

The Scientific Committee of the International Whaling Commission (IWC) has provided an important forum for assessing the status of small cetaceans, including harbour porpoises.

**4.5.1. Recommendation 16: Strive for close consultation and cooperation between ASCOBANS and other relevant regional and international bodies.**

In this context, the revised Jastarnia Plan should be sent to the EU Commission, HELCOM and other relevant bodies with an appropriate cover letter informing them of the revision of the Plan and outlining what is expected of them.

**5. Implementation and Re-evaluation of the Recovery Plan**

This revised recovery plan is adopted without prejudice to the exclusive competence of the European Community for the conservation, management and exploitation of living aquatic resources. Upon adoption, the revised Plan will supersede the original Jastarnia Plan of 2002. It is important that the revised plan and the recommendations outlined within it be implemented without delay, and that ASCOBANS undertake a formal re-evaluation and revision of the plan at least every five years. **The next review should occur three years after the adoption of the revised plan.** It is also suggested that Baltic Range States (ASCOBANS members and non-members alike) be asked to supply ASCOBANS with updated information, on an annual basis, concerning progress in implementation.

The actual implementation of this plan falls within the remit of the Parties. The Jastarnia Group should continue its work and act as a Steering Group for the Jastarnia Process, evaluating progress in the implementation of the Plan, establishing further implementation priorities and making appropriate recommendations, and carrying out the periodic reviews of the Plan. The full terms of Reference of the Jastarnia Group are included in Appendix 5.

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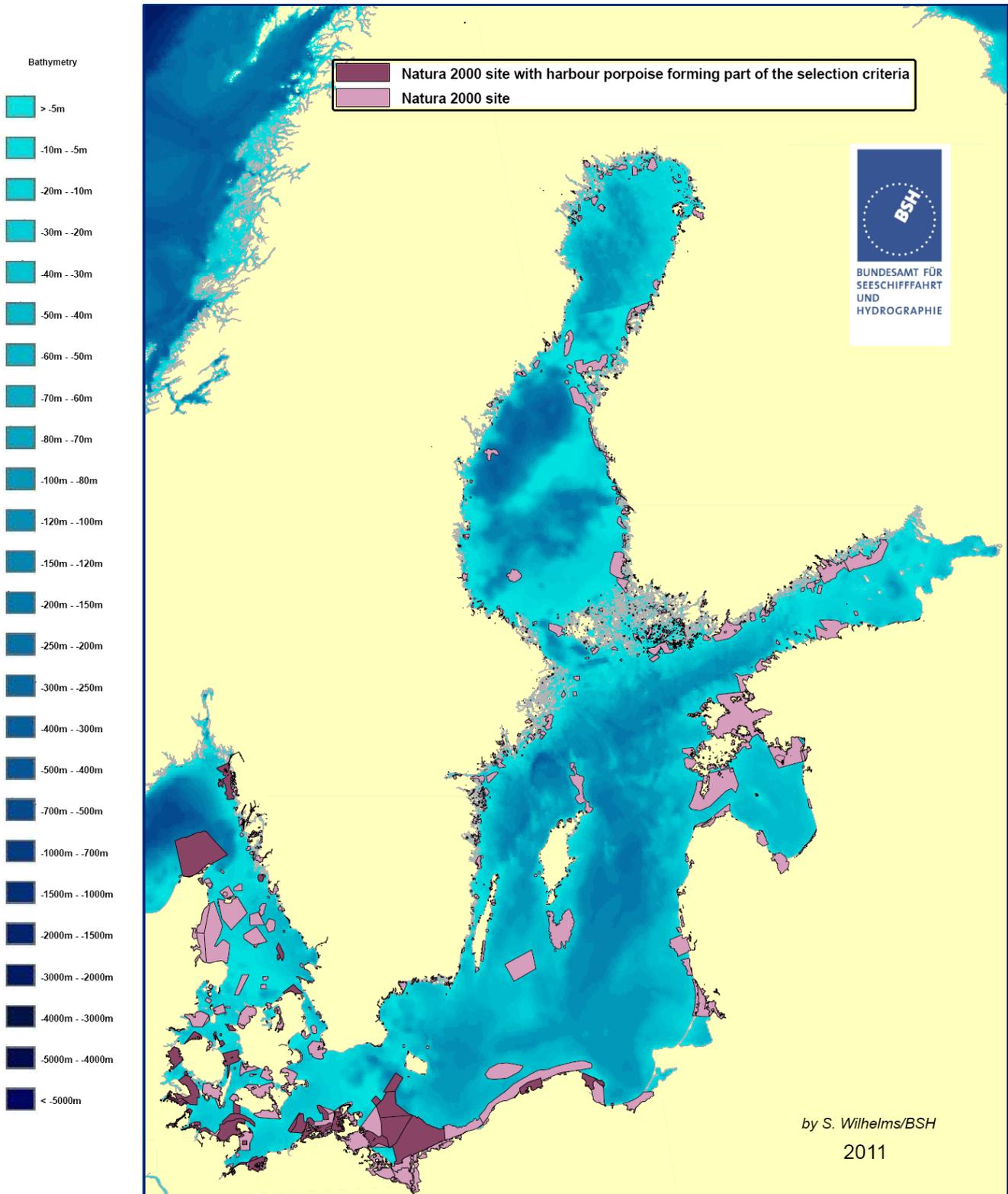
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## Appendix 1: Map of the Baltic Sea Area

### Natura 2000 Sites for the Harbour Porpoise in the Baltic Sea Area



Source: European Environmental Agency, March 2010

**Appendix 2a: Outline Example for Fishing Effort Data to be collected by each ASCOBANS Party**

Description of fishing gear	Gillnet meshsize	ICES Fishing Area 24, ICES rectangle 3958						ICES Fishing Area 24, ICES rectangle 3959						ICES Fishing Area 24, ICES rectangle 3960						→ etc.	
		Net km.hour/ number of fishing vessels						Net km.hour						Net km.hour → etc for relevant ICES rectangles							
		Jan	Feb	Mar	Apr	May	→ etc.	Jan	Feb	Mar	Apr	May	→ etc.	Jan	Feb	Mar	Apr	May	→ etc.		
(Salmon) driftnets/ gillnets > 10m boats																					
(Salmon) driftnets/gillnets < 10m boats																					
(Cod) Bottom-set gillnets > 10m boats/ 8m boats																					
(Cod) Bottom-set gillnets < 10m boats/ 8m boats																					
(Flatfish)Bottom-set gillnets																					
Etc. →																					

**Appendix 2b: Outline Example for Fishing Effort Data**

Year (provide separately for most recent 3 available)	ICES Fishing Area 24						ICES Fishing Area 25						ICES Fishing Area 26						→etc.
	Net km.hour						Net km.hour						Net km.hour						
	Jan	Feb	Mar	Apr	May	→etc.	Jan	Feb	Mar	Apr	May	→etc.	Jan	Feb	Mar	Apr	May	→etc.	
(Salmon) driftnets > 10m boats																			
Denmark																			
Estonia																			
Finland																			
Germany																			
Latvia																			
Lithuania																			
Poland																			
Russian Federation																			
Sweden																			
(Salmon) driftnets < 10m boats																			
Denmark																			
Estonia																			
Finland																			
Germany																			
Latvia																			
Lithuania																			
Poland																			
Russian Federation																			

Sweden																			
(Cod) Bottom-set Gillnets > 10m boats																			
Denmark																			
Estonia																			
Finland																			
Germany																			
Latvia																			
Lithuania																			
Poland																			
Russian Federation																			
Sweden																			
etc.																			

## **Appendix 3: Draft Terms of Reference for the Steering Group for the ASCOBANS Recovery Plan for Baltic Harbour Porpoises (“Jastarnia Group”)**

### **1. Introduction**

The need for a Baltic harbour porpoise recovery plan was recognised for a considerable time not only by ASCOBANS, but also by other international bodies. In 2002, a recovery plan was elaborated under the auspices of ASCOBANS in a collaborative effort involving scientists, managers and stakeholders. This recovery plan is the culmination of a series of scientific initiatives and meetings. The Recovery Plan, now known as the Jastarnia Plan, was welcomed by the 4<sup>th</sup> Meeting of the parties to ASCOBANS in Esbjerg, Denmark, in 2003. It calls for periodic reviews of the plan. The present revised plan is the result of the first such review.

Since 2005, annual meetings of the so-called Jastarnia Group have been held. This expert working group, composed of representatives from the environment and fisheries sectors of the countries surrounding the Baltic Sea, discusses progress made and further implementation priorities for the Jastarnia Plan and makes recommendations to the ASCOBANS Advisory Committee.

In the process of reviewing the Jastarnia Plan, it was agreed that the Jastarnia Group should continue its work and act as a Steering Group for the Jastarnia Process, in accordance with the Terms of Reference below.

### **2. Terms of Reference**

The Jastarnia Group is a working group of the ASCOBANS Advisory Committee within the meaning of Article 5.4 of the ASCOBANS Agreement. It is the Steering Group for the ASCOBANS Recovery Plan for Baltic Harbour Porpoises.

#### **a) Tasks**

The Jastarnia Group has the following tasks:

- Evaluate progress in the implementation of the Plan,
- Establish further implementation priorities;
- Promote the implementation of the Recovery Plan;
- Carry out the periodic reviews of the Plan.

#### **b) Composition**

The Group consists of representatives of all states bordering the Baltic Sea (“Baltic Sea States”), irrespective of their status as ASCOBANS Parties or Non-Party Range States, as well as Baltic Sea environmental non-governmental organisations and Baltic Sea fisheries organisations (hereinafter referred to as “Jastarnia Group Members”). Each Baltic Sea State shall be entitled to appoint two Jastarnia Group Members, one of whom shall represent the environmental sector, the other the fisheries sector and such Advisers as the Party may deem necessary. Baltic Sea environmental non-governmental organisations and Baltic Sea fisheries organisations shall be entitled to appoint one Jastarnia Group Member and such Advisers as they may deem necessary. The Jastarnia Group may, as appropriate, invite representatives of any other body or any individual qualified in cetacean conservation and management to participate in a meeting in the capacity of “Invited Experts”.

**c) Meetings**

The Jastarnia Group meets at least once annually.

**d) Rules of Procedure**

Pursuant to Rule 19 of the Rules of Procedure of the ASCOBANS Advisory Committee, those Rules shall apply *mutatis mutandis* to the proceedings of the Jastarnia Group insofar as they are applicable.

## Appendix 4: Recommendation Summary Sheets

### RECOMMENDATION 1: Reduce fishing effort in certain fisheries

Cf. p. 16 above

#### OVERALL OBJECTIVE

Bycatch mitigation

#### SPECIFIC OBJECTIVES

Reduction or elimination of fishing effort involving gear known to cause high porpoise bycatch rates

#### RATIONALE

Reduction or elimination of fishing effort involving gear causing high porpoise bycatch rates is the most effective way to reduce bycatch. Relevant EC legislation does not cover all vessel types, types of fisheries and gear types concerned.

#### ACTION REQUIRED

- Provision of incentives to fishermen to reduce fishing effort
- Possibly: national legislation
- Possibly: EU legislation

#### ACTORS

*Responsible for coordination:* Baltic Parties/Range States

*Stakeholders:* legislators, competent ministries, fisheries authorities, fishermen, EU

#### TIMELINE

Implementation to begin immediately

#### EVALUATION OF IMPLEMENTATION

- Jastarnia Group
- Advisory Committee

#### PRIORITY

High

## RECOMMENDATION 2: Involve stakeholders in the work of reducing bycatch of harbour porpoises

Cf. p. 17 above

### OVERALL OBJECTIVE

Bycatch mitigation

### SPECIFIC OBJECTIVES

- Enhancement of cooperation between various stakeholders (governments, fishermen, environmental organisations)
- Increased involvement of fishermen throughout the process of bycatch mitigation (from planning to implementation)

### RATIONALE

Only the involvement of all stakeholders ensures that solutions found are practicable, equitable and meet with the acceptance from fishermen. Acceptance by fishermen is needed to ensure consistent and efficient implementation of mitigation measures.

### ACTION REQUIRED

- Establishment of a working group consisting of government representatives, environmental organisations and fishermen to develop guidelines and methods for reducing and monitoring bycatch in the relevant fisheries
- Facilitation of environmental certification of fisheries

### ACTORS

*Responsible for coordination:* Baltic Parties/Range States, ASCOBANS Secretariat

*Stakeholders:* competent ministries, fisheries authorities, environmental organisations, fishermen

### TIMELINE

Implementation to begin immediately

### EVALUATION OF IMPLEMENTATION

- Jastarnia Group
- Advisory Committee

### PRIORITY

High

**RECOMMENDATION 3: Replace fishing methods known to be associated with high porpoise bycatch (i.e. set nets) and introduce alternative gear that is considered less harmful**

Cf. p. 17 above

**OVERALL OBJECTIVE**

Bycatch mitigation

**SPECIFIC OBJECTIVES**

Changeover to gear that is less harmful to porpoises

**RATIONALE**

The changeover to less harmful gear enables bycatch reduction while maintaining viable fisheries

**ACTION REQUIRED**

- Work to demonstrate cost effectiveness and environmental sustainability of alternative gear
- Development of alternative gear
- Involvement of competent fisheries authorities to ensure consistency of action
- Introduction of gear in Baltic cod fishery

**ACTORS**

*Responsible for coordination:* Baltic Parties/Range States

*Stakeholders:* competent ministries, fisheries authorities, fishermen, scientists

**TIMELINE**

Implementation to begin immediately once cost effectiveness and ecological sustainability have been demonstrated

**RECOMMENDATION EVALUATION**

- Jastarnia Group
- Advisory Committee

**PRIORITY**

High

#### RECOMMENDATION 4: Implement a pinger programme on a short-term basis

Cf. p. 18 above

#### OVERALL OBJECTIVE

Bycatch mitigation

#### SPECIFIC OBJECTIVES

Mandatory pinger use in probable high-risk areas and fisheries associated with bycatch of harbour porpoises on a short-term basis (no more than 3 years) irrespective of vessel size

#### RATIONALE

The rapid introduction of pingers, which have been effective in reducing porpoise bycatch in set net fisheries outside the Baltic and whose use is already mandatory under EU legislation for bottom-set gillnets, entangling nets or drift nets deployed by vessels > 12m in length can lead to a reduction in bycatch in the next few years whereas there will likely be a lag of some years in implementing reductions in fishing effort and a changeover to lower-risk gear. In light of the problems associated with pingers, it is, however, essential that they be used on a short-term basis and that management authorities and fishing industry simultaneously engage in multiple approaches to bycatch reduction and move ahead with longer-term strategies.

#### ACTION REQUIRED

- Introduction of mandatory use of pingers on set-netting vessels of all sizes in high-risk areas
- Instruction of fishermen in proper use of pingers
- Implementation of accompanying measures to verify that pingers are used properly at sea;
- Implementation of independent observer schemes
- Simultaneous rapid development of medium and long-term approaches to mitigation
- Re-evaluation of pinger use after three years

#### ACTORS

*Responsible for coordination:* Baltic Parties/Range States

*Stakeholders:* legislators, competent ministries, fisheries authorities, scientists, fishermen

#### TIMELINE

Duration: 3 years. Implementation to begin immediately

#### EVALUATION OF IMPLEMENTATION

- Jastarnia Group
- Advisory Committee

#### PRIORITY

High

## RECOMMENDATION 5: Analyse stock affinities of harbour porpoises in the “transition zone” of the south-western Baltic

Cf. p. 20 above

### OVERALL OBJECTIVE

Reduction of scientific uncertainty surrounding harbour porpoise conservation in the Baltic

### SPECIFIC OBJECTIVES

Clarification, by means of genetic evidence, of stock relations between porpoises in the Danish straits, Kiel and Mecklenburg Bights on the one hand, and the Baltic proper on the other

### RATIONALE

A clear definition of population(s) is essential to determining their conservation status and developing necessary management measures

### ACTION REQUIRED

- Integrated analysis of available genetic and morphological evidence, taking account of new acoustic, tracking, and genetic data
- Broad initiative to obtain and analyse additional tissue samples from the Baltic proper
- Enhancement of efforts to locate stranded and bycaught animals and to obtain samples from these individuals

### ACTORS

*Responsible for coordination:* Baltic Parties/Range States, ASCOBANS Secretariat

*Stakeholders:* scientists

### TIMELINE

Ongoing, to be continued

### EVALUATION OF IMPLEMENTATION

- Jastarnia Group
- Advisory Committee

### PRIORITY

High

**RECOMMENDATION 6: Develop and apply new techniques (e.g. acoustic monitoring) for assessing trends in abundance**

Cf. p. 20 above

**OVERALL OBJECTIVE**

Reduction of scientific uncertainty surrounding harbour porpoise conservation in the Baltic

**SPECIFIC OBJECTIVES**

Development of new approaches for assessing trends in abundance such as passive/static acoustic monitoring methods in order to obtain better estimates of and detect possible trends in harbour porpoise abundance

**RATIONALE**

Due to low density of harbour porpoises in the Central Baltic, standard line transect sampling methods are unlikely to provide adequate statistical power to detect trends. This information is, however, relevant to developing appropriate management measures.

**ACTION REQUIRED**

None specified

**ACTORS**

*Responsible for coordination:* Baltic Parties/Range States

*Stakeholders:* scientists

**TIMELINE**

Ongoing, to be continued

**EVALUATION OF IMPLEMENTATION**

- Jastarnia Group
- Advisory Committee

**PRIORITY**

Medium

## RECOMMENDATION 7: Develop interactive pingers or pingers using frequencies not audible to seals

Cf. p. 21 above

### OVERALL OBJECTIVE

Reduction of acoustic pollution caused by pingers, avoidance of possible habitat exclusion and habituation with respect to porpoises and facilitation of pinger use in areas where there is a seal-fisheries conflict.

### SPECIFIC OBJECTIVES

Development and marketing of functional interactive pingers

### RATIONALE

“Traditional” pingers, which continuously emit signals, contribute to marine acoustic pollution. Moreover, they may displace porpoises from important habitat and have a “dinner bell effect” on seals. These shortcomings can be alleviated or avoided by using interactive pingers.

### ACTION REQUIRED

Further investigation of efficiency and habituation or habitat exclusion effects of interactive pingers

### ACTORS

*Responsible for coordination:* Baltic Parties/Range States

*Stakeholders:* scientists, pinger industry

### TIMELINE

Ongoing, to be continued

### EVALUATION OF IMPLEMENTATION

- Jastarnia Group
- Advisory Committee

### PRIORITY

High

**RECOMMENDATION 8: Investigate possible detrimental effects of various types of sound and disturbance (including pinger signals, noise from vessels, wind parks, gravel extraction or constructions and seabed exploration for oil and gas) on harbour porpoises**

Cf. p. 21 above

**OVERALL OBJECTIVE**

Mitigating acoustic pollution

**SPECIFIC OBJECTIVES**

Obtaining high quality data on the acoustic capabilities of harbour porpoises and the effects of various types of anthropogenic sounds on this species

**RATIONALE**

Information on the potential and actual effects of underwater noise on harbour porpoises is still insufficient, but important to developing appropriate mitigation measures

**ACTION REQUIRED**

None specified for the Baltic Sea region

**ACTORS**

*Responsible for coordination:* ASCOBANS Parties, ASCOBANS Secretariat

*Stakeholders:* scientists, relevant industries

**TIMELINE**

Ongoing, to be continued

**EVALUATION OF IMPLEMENTATION**

- Jastarnia Group
- Advisory Committee

**PRIORITY**

Medium

**RECOMMENDATION 9: Monitor bycatch of fisheries known to be harmful to harbour porpoises to be able to estimate bycatch levels**

Cf. p. 21 above

**OVERALL OBJECTIVE**

Bycatch mitigation

**SPECIFIC OBJECTIVES**

Obtaining reliable estimates of bycatch levels in key areas and fisheries

**RATIONALE**

This information is essential to developing and implementing effective mitigation measures and to assessing the effectiveness of mitigation measures already being undertaken

**ACTION REQUIRED**

None specified

**ACTORS**

*Responsible for coordination:* Baltic Parties/Range States

*Stakeholders:* competent ministries, fisheries authorities, international fishery bodies, fishermen, scientists

**TIMELINE**

Implementation (insofar as not ongoing) to begin immediately

**EVALUATION OF IMPLEMENTATION**

- Jastarnia Group
- Advisory Committee

**PRIORITY**

High

## RECOMMENDATION 10: Further develop sustainable alternative fishing gear with no bycatch of harbour porpoises

Cf. p. 21 above

### OVERALL OBJECTIVE

Bycatch mitigation

### SPECIFIC OBJECTIVES

Development of long lines and pots optimised for Baltic conditions

### RATIONALE

Long lines and pots can serve as possible alternatives to gillnets in the Baltic. Their setup and rigging can vary greatly and a number of factors determine the commercial viability of their use. Prior to their successful use in the Baltic, these gear types must therefore be adapted to the specific conditions in the region.

### ACTION REQUIRED

Trials to optimise the pot and line fishery for Baltic conditions and subsequent development of appropriate gear

### ACTORS

*Responsible for coordination:* Baltic Parties/Range States

*Stakeholders:* competent ministries, fisheries authorities, fishermen, fishing gear industry

### TIMELINE

Implementation to begin immediately insofar as not ongoing

### EVALUATION OF IMPLEMENTATION

- Jastarnia Group
- Advisory Committee

### PRIORITY

High

## RECOMMENDATION 11: Compile data on fishing effort

Cf. p. 22 above

### OVERALL OBJECTIVE

Bycatch mitigation

### SPECIFIC OBJECTIVES

Identification of high-risk areas for harbour porpoise bycatch in order to target effort reduction to such areas

### RATIONALE

Effort reductions are likely to provide the greatest benefit in terms of bycatch reduction if they are implemented in high risk areas

### ACTION REQUIRED

- Initial assessment to determine sources of relevant data and identify individuals or national focal points whose cooperation is needed and who can deliver the relevant data
- Establishment of a working group to evaluate available data and thereafter compile data on fishing effort

### ACTORS

*Responsible for coordination:* ASCOBANS Secretariat, Jastarnia Group

*Stakeholders:* Jastarnia Group, scientists, fisheries authorities

### TIMELINE

Implementation to begin immediately

### EVALUATION OF IMPLEMENTATION

- Jastarnia Group
- Advisory Committee

### PRIORITY

Medium

## RECOMMENDATION 12: Examine habitat preference of harbour porpoises

Cf. p. 22 above

### OVERALL OBJECTIVE

Reduction of scientific uncertainty surrounding harbour porpoise conservation in the Baltic

### SPECIFIC OBJECTIVES

Prediction of suitable habitats for harbour porpoises in the Baltic proper and verification of findings by acoustic monitoring

### RATIONALE

Knowledge about habitat preference of harbour porpoises is currently scarce due to lack of data. Among other things, this knowledge is highly relevant as it could contribute to identifying high risk areas.

### ACTION REQUIRED

- Development of a spatial model of preferred habitats in waters adjacent to the Baltic Sea and extend this model into the Baltic Sea
- Verification of the presence of porpoises in areas concerned by year-round static acoustic monitoring
- Comparing of findings with fishing effort data for the Baltic to identify high risk areas

### ACTORS

*Responsible for coordination:* Baltic Parties/Range States, ASCOBANS Secretariat

*Stakeholders:* Scientists

### TIMELINE

Implementation to begin as soon as possible

### EVALUATION OF IMPLEMENTATION

- Jastarnia Group
- Advisory Committee

### PRIORITY

Medium

**RECOMMENDATION 13: Examine prevalence of derelict (“ghost”) gear and the feasibility of its removal**

Cf. p. 22 above

**OVERALL OBJECTIVE**

Bycatch mitigation

**SPECIFIC OBJECTIVES**

Reduction of fishing effort and hence of potential harbour porpoise bycatch by clearance of “ghost nets”

**RATIONALE**

“Ghost nets” contribute to effective fishing effort in the Baltic. Their clearance would constitute a reduction in fishing effort that would not affect fishing yield

**ACTION REQUIRED**

None specified

**ACTORS**

*Responsible for coordination:* Baltic Parties/Range States

*Stakeholders:* fisheries authorities, fishermen, possibly NGOs

**TIMELINE**

Implementation to begin immediately insofar as not ongoing

**EVALUATION OF IMPLEMENTATION**

- Jastarnia Group
- Advisory Committee

**PRIORITY**

High

**RECOMMENDATION 14: Expand the network of protected areas in the Baltic Sea and improve its connectivity and ensure the development of appropriate harbour porpoise management plans for these areas**

Cf. p. 23 above

**OVERALL OBJECTIVE**

Habitat conservation

**SPECIFIC OBJECTIVES**

Establishment of a network of protected areas that will provide benefits for harbour porpoises

**RATIONALE**

Existing and proposed protected areas are generally considered either too small or inappropriately designed to provide significant benefits to harbour porpoises. These shortcomings could be alleviated by creating an expanded network of connected protected areas endowed with management plans to improve the status of harbour porpoises and/or their critical resources.

**ACTION REQUIRED**

Identification and designation of suitable, additional protected areas

**ACTORS**

*Responsible for coordination:* Baltic Parties/Range States, Secretariat

*Stakeholders:* Baltic Parties/Range States, EU, HELCOM, Bern Convention

**TIMELINE**

Ongoing and to be continued

**EVALUATION OF IMPLEMENTATION**

- Jastarnia Group
- Advisory Committee

**PRIORITY**

Medium

## RECOMMENDATION 15: Develop a comprehensive public awareness campaign

Cf. p. 23 above

### OVERALL OBJECTIVE

### SPECIFIC OBJECTIVES

Enhance awareness among the general public and persons with jobs related to the sea, in particular fishermen, of the threats faced by Baltic harbour porpoises, the need to take action to conserve the species and the options for action.

### RATIONALE

Public awareness plays an essential part in supporting any recovery plan

### ACTION REQUIRED

- Further development and promotion of a regional approach to Baltic harbour porpoise conservation
- Enlisting of the support of the general public and people related to the sea in obtaining reports of porpoise observations
- Establishment of direct communication links with Baltic fishermen and seeking their assistance in determining how to reach fishing communities more effectively
- Establishment of national focal points for public awareness activities within the Baltic Parties/Range States
- Provision of assistance to maintain an interactive Baltic harbour porpoise website

### ACTORS

*Responsible for coordination:* Baltic Parties/Range States, ASCOBANS Secretariat

*Stakeholders:* National ministries, nature conservation and fisheries authorities, ASCOBANS Secretariat, NGOs, Fisheries organisations, scientific institutions, media

### TIMELINE

Ongoing and to be continued

### EVALUATION OF IMPLEMENTATION

- Jastarnia Group
- Advisory Committee

### PRIORITY

High

## **RECOMMENDATION 16: Strive for close consultation and cooperation between ASCOBANS and other relevant regional and international bodies**

Cf. p. 25 above

### **OVERALL OBJECTIVE**

Leveraging of synergies between competent international organisations, avoidance of duplication of effort

### **SPECIFIC OBJECTIVES**

Regular consultations between ASCOBANS Secretariat and Secretariats of other relevant organisations, mutual representation at meetings, continuous exchange of information

### **RATIONALE**

Cooperation between ASCOBANS and other relevant regional and international players can contribute to achieving synergies, avoiding duplication of effort and promote more efficient and results-oriented use of available resources.

### **ACTION REQUIRED**

- Sending of revised Recovery Plan and explanatory note to relevant bodies
- Cf. specific objectives above

### **ACTORS**

*Responsible for coordination:* ASCOBANS Secretariat

*Stakeholders:* ASCOBANS Secretariat and other Agreement bodies, EU Commission, Secretariats and other bodies of relevant organisations

### **TIMELINE**

Ongoing, to be continued

### **EVALUATION OF RECOMMENDATION**

- Jastarnia Group
- Advisory Committee

### **PRIORITY**

High

**ASCOBANS**  
**Conservation Plan**  
**for Harbour Porpoises**  
**(*Phocoena phocoena* L.)**  
**in the North Sea**



**ASCOBANS**

Prepared by:

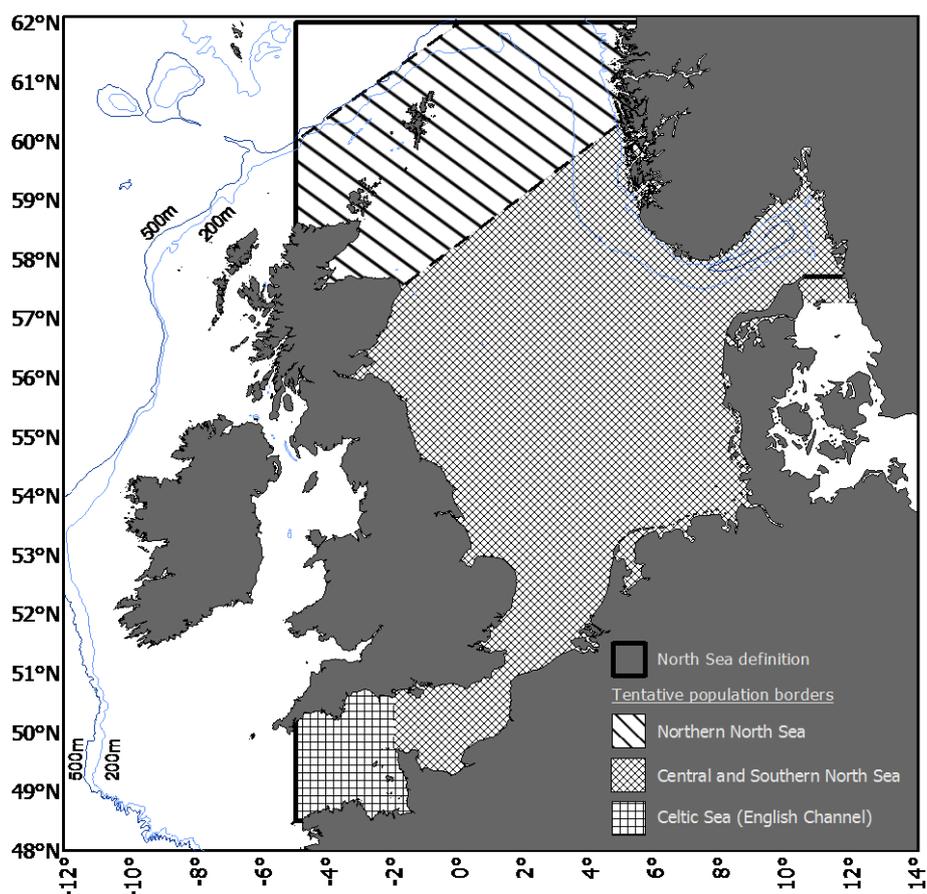
Peter J.H. Reijnders, Greg P. Donovan, Arne Bjørge, Karl-Hermann Kock, Sonja Eisfeld,  
Meike Scheidat & Mark L. Tasker

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## 1 INTRODUCTION

Harbour porpoises (*Phocoena phocoena*, Linnaeus 1758) are widely distributed in shelf waters of the temperate North Atlantic and of the North Pacific Oceans and in some semi-enclosed seas, such as the Black and Baltic Seas. The North Sea is an important habitat for harbour porpoises in the North East Atlantic. Harbour porpoises are exposed to a number of anthropogenic pressures (e.g. Bjørge & Donovan 1995) and are listed as threatened or endangered in several international conservation instruments (e.g. EC Habitats and Species Directive 1992 (92/43/EEC), Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention), Convention on Migratory Species (Bonn Convention), IUCN Red List of Threatened Species).



**Figure 1:** Map of the North Sea as defined at the 5<sup>th</sup> International Conference on the Protection of the North Sea in Bergen, Norway, 20 – 21 March 2002, showing the tentative harbour porpoise population borders. Note that the ASCOBANS agreement area does not cover all of the North Sea.

The 5<sup>th</sup> International Conference for the Protection of the North Sea (Bergen, Norway, 20-21 March 2002) called for a recovery plan for harbour porpoises in the North Sea to be developed and adopted (Paragraph 30, Bergen Declaration). Germany volunteered in 2003 to draft a recovery plan<sup>1</sup> within the framework of ASCOBANS and in association with Range State Norway.

<sup>1</sup> Due to data from SCANS-I, SCANS-II and national surveys on harbour porpoise abundance and distribution in the North Sea, ASCOBANS considered it more appropriate to call this document *Conservation Plan* rather than a Recovery Plan.

This document builds upon considerable work by a number of people. It summarises the current state of knowledge about North Sea harbour porpoises and the risk factors affecting them; detailed information is given in Eisfeld & Kock (2006). The Conservation Plan aims at achieving and maintaining a favourable conservation status, specifically by suggesting a series of priority actions.

## 2 BACKGROUND INFORMATION ON THE SPECIES

### 2.1 POPULATION STRUCTURE, ABUNDANCE AND DISTRIBUTION

Harbour porpoises occur throughout the North Sea and adjacent waters. They are highly mobile. Various lines of evidence suggest that there is stock structure within the North Sea (for details see Eisfeld & Kock, 2006) but the information is not sufficient to define strict or permanent boundaries between any (sub-) populations. IWC/ASCOBANS (2000) divided harbour porpoises occurring in the North Sea for practical management purposes into a Northern North Sea stock, a Central and southern North Sea stock and an additional one occurring in the western Channel (figure 1, table 1).

There are 'open' borders to the north, northwest, Kattegat and south west shelf seas. The implications of these open borders are that additional management actions may be needed outside the boundaries of the North Sea (as defined in this document) in order to achieve objectives within the North Sea. For instance, it is believed that harbour porpoises in the western Channel and the Celtic Sea are part of the same population.

The distribution of harbour porpoises is not static in space or time. For instance, in records from 1979-1997, sighting rates in the south eastern North Sea, the southern Bight and the northern English Channel were substantially lower than in areas further north (Evans *et al.* 2003; Reid *et al.* 2003). More recent surveys reported higher sighting (Scheidat *et al.*, 2003; 2004; Brasseur *et al.*, 2004) and strandings rates (Haelters *et al.*, 2002; Jauniaux *et al.*, 2002; Kiska *et al.*, 2004; Camphuysen, 2004) in the southern North Sea and southern Bight. This increase in both sighting and stranding rates in these southern parts of the North Sea over a relatively short period of time suggests a redistribution of animals from other areas in recent years rather than a sudden and rapid increase in population growth in the southern North Sea. Results from the SCANS II survey (SCANS-II, 2008) confirm that densities in the southern parts of the North Sea have increased while densities in more northerly regions have declined between 1994 and 2005 (Table 1 and Fig 2). Encouragingly, the results suggest that abundance in the North Sea as a whole has not changed significantly.

## 3 DEVELOPMENT OF THE CONSERVATION PLAN

This plan follows the general process used in the development of the Conservation Plan proposal for the bottlenose dolphin in the Spanish Mediterranean (Donovan *et al.* 2008).

### 3.1 OBJECTIVES

The development of this Conservation Plan was the result of a call by the 5<sup>th</sup> International Conference for the Protection of the North Sea. Similarly, the geographical boundaries of the Plan were set following those indicated at that Conference (Fig.1), rather than as a result of an evaluation of harbour porpoise stock structure. Consideration of the effect of the boundaries is a key component of the Conservation Plan. Similarly, the objectives of the Conservation Plan were defined by the 5<sup>th</sup> North Sea Conference and reflect Article 1 of the EU Habitats Directive.

These are:

“This Plan aims to restore and/or maintain North Sea harbour porpoises at a favourable conservation status, whereby

- population dynamics data suggest that harbour porpoises are maintaining themselves at a level enabling their long-term survival as a viable component of the marine ecosystem;
- the range of harbour porpoises is neither reduced, nor is it likely to be reduced in the foreseeable future;
- habitat of favourable quality is and will be available to maintain harbour porpoises on a long term basis; and
- the distribution and abundance of harbour porpoises in the North Sea are returned to historic coverage and levels wherever biologically feasible.”

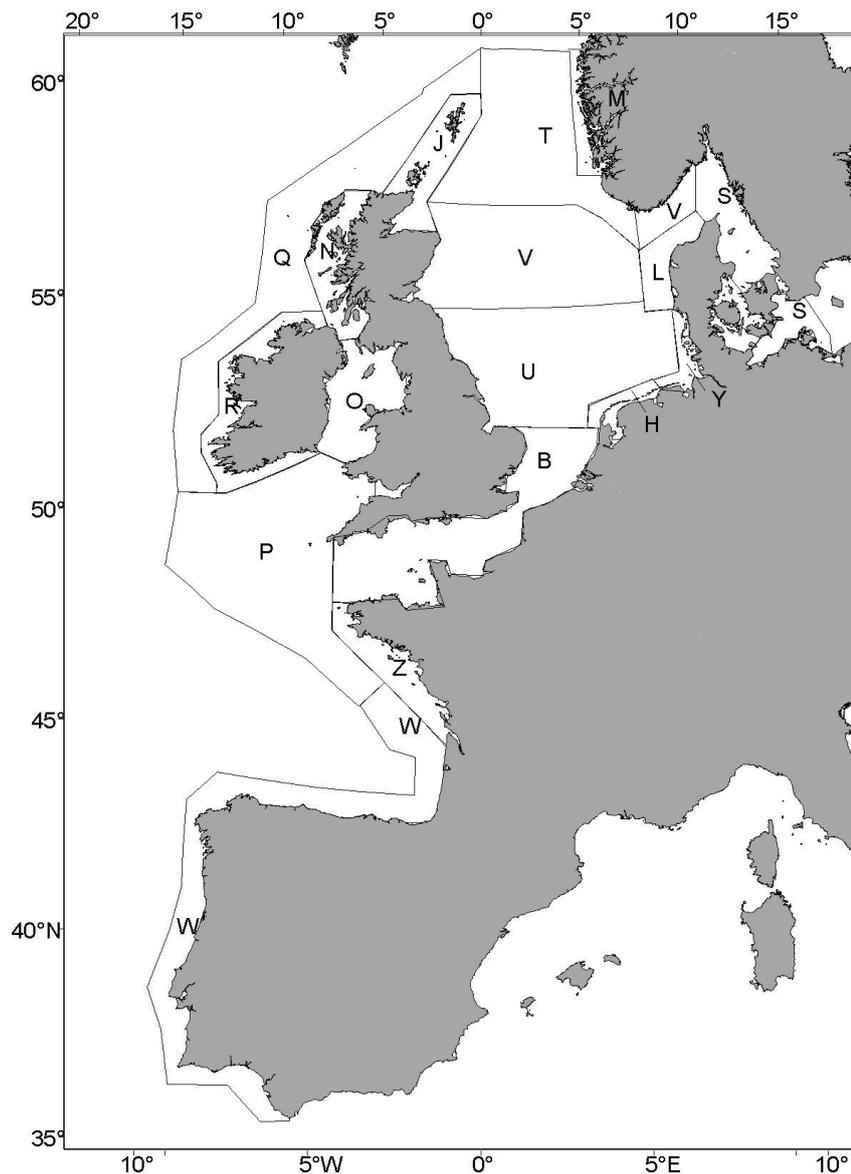
These objectives incorporate the ASCOBANS goal of restoring and/or maintaining populations at 80% or more of the carrying capacity (ASCOBANS, 1997).

Currently it will be difficult to demonstrate the full achievement of these (long-term) goals as insufficient knowledge exists on past harbour porpoise distribution and abundance. The ability to predict the future is also difficult and will need to be based on modelling with assumptions for which we have limited data. However, in the shorter-term a pragmatic minimum objective is to at least maintain the present situation and, if possible, improve it. In any event, it is essential that an appropriate modelling framework is developed that will enable an evaluation of management goals. Progress has been made within the SCANSII project (SCANS-II 2008) building upon the work undertaken by the joint IWC/ASCOBANS working group (IWC, 2000).

**Table 1: Abundance and densities of harbour porpoises in the North Sea and adjacent waters during SCANS I as estimated by Hammond et al., 1995 and SCANS II as estimated by SCANS-II, 2008. Figures in round brackets are coefficients of variation; figures in square brackets are 95% confidence intervals.**

Greater Region	SCANS I			SCANS II		
	SCANS block	Abundance [no. of animals]	Densities [animals/km <sup>2</sup> ]	SCANS block	Abundance [no. of animals]	Densities [animals/km <sup>2</sup> ]
Northern North Sea	E	31,419 (0.49)	0.29	T	23,766 (0.33)	0.18
	D	37,144 (0.25)	0.36	Q*	10,002 (1.24)	0.07
	M	5,666 (0.27)	0.45	M	3,948 (0.38)	0.31
	J	24,335 (0.34)	0.78	J	10,254 (0.36)	0.27
<b>Subtotal (northern North Sea)</b>		98,564 [66,679-145,697]			47,970	n.a.
Central & southern North Sea	C	16,939 (0.18)	0.39	/*	/	/
	F	92,340 (0.25)	0.78	V	47,131 (0.37)	
	G	38,616 (0.34)	0.34	U	88,143 (0.23)	0.56
	H	4,211 (0.29)	0.10	H*	3,891 (0.45)	0.36
	L	11,870 (0.47)	0.64	L	11,575 (0.43)	0.56
	Y	5,912 (0.27)	0.81	Y	1,473 (0.47)	0.13
<b>Subtotal (central &amp; southern North Sea)</b>		169,888 [124,121 - 232,530]			152,213	n.a.
English Channel (mostly)	B	0,000	0.000	B	40,927 (0.38)	0.33
Celtic Shelf	A	36,280 (0.57)	0.18	P*	80,613 (0.50)	0.41
<b>TOTAL</b>		341,000 (0.14)			321,723 (0.15)	

\*these areas differed slightly in shape and size between SCANS and SCANS-II



**Figure 2: Survey blocks defined for the SCANS-II surveys.** Those surveyed by ship were S, T, V, U, Q, P and W. The remaining blocks were surveyed from aircraft.

### 3.2 ACTUAL AND POTENTIAL ANTHROPOGENIC THREATS

In developing the Conservation Plan, it is important to evaluate the main threats that affect or could potentially affect harbour porpoises in the North Sea area (Fig.1, table 2). These were reviewed in for this Conservation Plan.

The primary focus of the Plan is on those threats that affect the status of the population, noting legitimate concerns that there may also be threats on the welfare of the individual animals.

It should be noted that some human activities (Table 2) may act cumulatively, and some threats may be caused by several human activities (alone or in combination).

**Table 2: Approximate distribution and scale of human uses in the North Sea in relation to the notional harbour porpoise sub-populations**

+++ = major use, ++ = medium use, + = minor use.

	<b>Northern North Sea</b>	<b>Central &amp; southern North Sea</b>	<b>Western English Channel</b>
Fishing	+++	+++	+++
Contaminant discharge	+	++	+
Shipping	+	+++	+++
Hydrocarbon exploration	+++	+++	
Sewage discharge	+	+++	+
Construction	+	+++	
Aquaculture	++	+	
Mineral extraction		++	
Recreation	+	+++	++
Military	+	+	+

Table 3 is a summary of the various threats to harbour porpoises in the North Sea, the evidence for them and a qualitative categorisation of the threat, along with some comments on mitigation measures. This information was then used to determine a series of actions (and their priority/time-frame) under the Conservation Plan.

While there is inevitably some overlap, the actions can be categorised as follows:

- (1) Research related to determining whether conservation objectives are being met (e.g. stock structure and distribution, abundance and trends, population modelling);
- (2) Research related to the scale of potential threats (this will include research on the biology/ecology of the animals as well as collection of information on the nature and extent of relevant anthropogenic activities, including underwater noise);
- (3) Assessing and monitoring levels of known threats (primarily bycatch in fishing gear)
- (4) Implementation of mitigation measures for known threats, including monitoring the implementation and collecting data to assess efficacy;
- (5) Evaluation of existing and development of new mitigation measures for identified threats.

**Table 3: Summary of information of actual and potential threats to harbour porpoises in the North Sea area**

<b>Actual/ Potential Threat</b>	<b>Anthropogenic activity/ies</b>	<b>Evidence</b>	<b>Possible impact (in many cases an educated guess)</b>	<b>Prioritisation for action</b>	<b>Actual/potential mitigation measures</b>
Bycatch	Commercial and recreational gillnets, wreck nets, tangle nets, bottom trawls	Strong. Based on observer programmes, stranded animals. See estimates in Table 4	Potentially high especially in some areas, depends on scale of fishing activity	High (implementation of mitigation measures, collection of data, incorporation into modelling framework, improved knowledge of stock structure and movements)	In short-term at least, pingers are effective for certain fisheries but adequate monitoring of implementation and effectiveness essential. Further research is needed into their medium-long-term efficacy and ways to improve them, and provide time to develop better methods
Serious injury/death (not bycatch)	Ship strikes from commercial and recreational vessels	Weak. Indications could be obtained from strandings programmes, photographs	Not believed to be high but possibly localised e.g. in areas with a relative high calve percentage	Low (effort should be directed at research to determine extent in targeted areas)	Shipping lanes, speed restrictions and/or protected areas may be effective if need established and good information on geographical and temporal distribution known
Mechanical destruction of habitat	Bottom trawls, infrastructure construction, oil and gas development, gravel extraction	Known that damage is caused.	Direct effect on harbour porpoises probably v. low but see 'prey depletion'	Low	Restrict activities and/or change methods based on EIAs
Prey depletion	Overfishing, habitat degradation due to pollution, climate change	Many fish stocks depleted due to factors such as overfishing, habitat damage, and possibly climate change( but unknown)	Potentially a problem but insufficient knowledge of harbour porpoise feeding ecology or fish dynamics	Medium (effort directed at research on feeding ecology; co-operation with fishery biologists)	Effective fishery regulations based on good science

<b>Actual/ Potential Threat</b>	<b>Anthropogenic activity/ies</b>	<b>Evidence</b>	<b>Possible impact (in many cases an educated guess)</b>	<b>Prioritisation for action</b>	<b>Actual/potential mitigation measures</b>
Acoustic pollution/harassment	Fishing vessels, general maritime traffic, acoustic harassment devices at fish farms, pingers, military activities, infrastructure construction, oil and gas development (including seismic surveys, explosions) recreational activities	Clear evidence that noise pollution is high and has increased in recent times due to a wide variety of human activity	Potentially a problem (could impede communication, affect distribution and hence feeding/reproduction) but lack of direct evidence of long-term impact on harbour porpoises	Medium (effort should be directed at better assessment of impact of various noise sources on harbour porpoises)	A number of mitigation measures have been proposed (e.g. for mitigating noise from pile driving for windfarms, seismic survey guidelines) but efficacy, especially for harbour porpoises unknown and needs evaluation. Cover in EIAs.
Chemical pollution	Terrestrial industrial development, terrestrial run-off harbours, ships, aquaculture, sewer discharges, aerial transport.	Clear evidence of chemical pollution within the North Sea	Some evidence certain pollutants may affect health status of harbour porpoises (increased susceptibility to infectious diseases). Quantitative evaluation not available	Medium (further effort at examining cause-effect relationships in a population dynamics framework)	A number of conventions deal with aspects of chemical pollution. Irrespective of scientific knowledge on effects on harbour porpoises, these must be implemented and efficacy monitored
Climate change	The global climate change is likely to increase the temperature of the North sea	Time series document increasing trend in North Sea temperature. Monitoring programs show increase of southern cetacean species	Increase d occurrence of new cetacean species can be unfavourable to porpoise due to competition for food or aggressive behaviour	Low (further effort to monitor northward shifts in distribution of cetaceans from warm temperate Atlantic)	A number of international and intergovernmental organisations and conventions are dealing with climate change and efforts to reduce increase in global temperature.

**Table 4: Summary of bycatch information for harbour porpoises.** Figures in square brackets are 95% confidence intervals.

\* Extrapolated from bycatch rates determined from observers 1987 – 2001. First estimate is based on fleet effort, second is based on landings as used by Vinther (1999). Bycatch is probably overestimated due to use of pingers in cod wreck fishery not being accounted for.

Greater Region	ICES area	Country	Main gear type	Target species	Size of fisheries	Estimation method	Year	Total reported bycatch	Estimated annual bycatch	Seasonal peaks	Source
Norwegian coastal North Sea waters	Vla	Norway	Bottom-set gillnets	Angler fish, cod, mixed fisheries		observed	2006	4	Not yet available		Bjørge 2007
Norwegian Skagerrak	IIIa	Norway	Bottom-set gillnets	Angler fish, cod, mixed fisheries		observed	2006	10	Not yet available		Bjørge 2007
Kat./IDW/ German Baltic	IIIa	Sweden	bottom trawls	herring lumpfish sole, cod, crab		fishermen interviews	2001	-	80	-	ASCOBANS 2004  Lunneryd <i>et al.</i> , 2004
			pelagic trawls					1	11		
			trammel nets					1	8		
			gillnets					6	70		
Skagerrak	IIIa	Sweden	gillnets, trammel nets, pelagic trawls	cod		fishermen interviews	2001	-	20	-	ASCOBANS, 2004  Lunneryd <i>et al.</i> , 2004
			bottom trawls					2	25	-	
North Sea	IV	UK	set nets	cod, skate, turbot, sole, monkfish, dogfish			1995 - 2002	-	439 [371-640]	-	ASCOBANS, 2004

Greater Region	ICES area	Country	Main gear type	Target species	Size of fisheries	Estimation method	Year	Total reported bycatch	Estimated annual bycatch	Seasonal peaks	Source
Central & Southern North Sea	IV	Denmark	wreck nets, gillnets	cod, hake, turbot, plaice, sole	very large	observer program	1987 - 2002	-	5,817/ 5,591*	-	Vinther & Larsen, 2002
	IV b	Germany	gillnets	cod, turbot, sole, other demersal fish	small	observer program	2002 - 2003	-	25-30	-	Flores & Kock, 2003
	IVc	Belgium	gillnets gill + trammel nets	sole, plaice, cod		strandings	2003-2007	90		32 (2006)	ASCOBANS, 2004; Haelters & Kerckhof 2005, Haelters & Camphuysen 2009
	IVc	Netherlands	gillnets	unknown	unknown	strandings	2003 & 2004	-	100	-	Reijnders, 2005; García Hartman, <i>et al.</i> , 2004
Celtic Shelf (incl. Channel)	VII e, f	UK	gillnets	hake	medium	Observer program	August 1992 – March 1994	28	740 [383-1097]	March - May	Tregenza <i>et al.</i> , 1997
			tangle nets wreck nets gill + tangle nets	hake and other white fish			2005 / 2006	1 0	453 / 728		ICES, 2008
	VII g, h, j, k	Ireland	gillnets, wreck and tangle nets gill + tangle nets		Big		2005-2007	14 -	1497 [566-2428] 350		ICES, 2008
			VII e, h	France			Gillnets, tangle nets, trammel nets	Monkfish	1992 – 1993		0

## 4 SUMMARY OF ACTIONS

In addition to some specific actions, there are some important general considerations that require elucidation.

### 4.1.1 DEALING WITH INADEQUATE DATA

Ideally, all conservation plans and associated management actions should be based on full and adequate scientific data. However, there are occasions when the potential conservation consequences of waiting for confirmatory scientific evidence may mean that it is better to take action immediately whilst collecting the necessary information. This has become known as following the “Precautionary Principle”. However, application of the precautionary principle must be carefully considered and adequately justified.

One of the main challenges encountered in the process of developing this initial version of the Conservation Plan has been that a lack of data, both with respect to:

- (1) the target species (e.g. stock structure, movements and feeding ecology); and
- (2) human activities and their actual/potential impact at different levels (e.g. adequate data on “effort / scale” of certain human activities; adequate data on the effect(s) on the species).

An important part of the development of this Conservation Plan has been to identify the major information gaps that need to be filled in order to improve recommended conservation measures. Consequently, the actions include a number of research and monitoring actions aimed at obtaining the necessary baseline information for the establishment of adequate scientifically-based management actions.

### 4.1.2 MONITORING

Establishing the necessary baseline information as a scientific reference for conservation actions is only the first step towards effective conservation. Once this is achieved, monitoring (of the species concerned, threats due to human activities, implementation of mitigation measures and effectiveness of those measures) **must** be seen as an integral and essential part of management, not an optional extra (as stressed by e.g. Donovan, 2005). Monitoring is required in order to obtain information on trends in the conservation status of harbour porpoises and to examine the effectiveness of the management actions and if necessary adjust them to achieve our established conservation aims. As stated by the European Union’s Habitats Directive (Article 12(4): “Member States shall establish a system to monitor the incidental capture and killing of the animal species listed in Annex IV (a). In the light of the information gathered, Member States shall take further research or conservation measures as required to ensure that incidental capture and killing does not have a significant negative impact on the species concerned”.

### 4.1.3 LIFE OF THE CONSERVATION PLAN

No conservation plan should be regarded as a definitive and unalterable document. It is rather a document that covers a temporal phase within the framework of the efforts for the conservation of a species, and therefore needs to be reviewed periodically to adjust the actions to the diverse changes that can occur, either in response to the results of the monitoring of the conservation plan actions themselves or to changing external factors.

#### 4.1.4 IMPLEMENTATION OF THE CONSERVATION PLAN; CO-ORDINATION, INVOLVEMENT OF STAKEHOLDERS

Experience has shown that in order to be effective, Conservation Plans must have a recognised, full-time co-ordinator. This is particularly true where effective conservation requires action (including legislative action) by a number of stakeholders including: intergovernmental and national authorities, scientist from several disciplines, representatives from industry, local communities, and interested NGOs. The scale of work required by this Plan exceeds the resources available within the (part-time) ASCOBANS Secretariat. Ideally, the co-ordinator should have a scientific and management background and be an effective communicator to the various stakeholders. The importance of actively involving stakeholders, especially those whose livelihoods may be affected (e.g. fishermen), cannot be overemphasised. The co-ordinator should report to a Steering Committee appointed with close collaboration between ASCOBANS, the North Sea RAC (Regional Advisory Council), the EU, Norway and other appropriate authorities.

While measures to control and reduce pressures and impacts on the marine environment do exist on a national and European level, they have been developed in a sector by sector approach resulting in a patchwork of policies, legislation, programmes and actions plans at national, regional, EU and international level. It is necessary to encourage North Sea Member States to harmonise their national efforts to ensure that the Conservation Plan is implemented.

Amongst other things, the Co-ordinator/Steering Committee would be asked to:

- promote and coordinate the implementation of the Conservation Plan (including investigating funding) with particular attention paid to affected stakeholders;
- gather information on its implementation, the results obtained, the objectives reached, and the difficulties encountered;
- communicate this information to the general public through regular reporting in an accessible format;
- appoint a group of experts to evaluate the effectiveness of the Conservation Plan every three years and to update it. The conclusions of this group should be made public.

Finally, it has to be stressed that a Conservation Plan will be useless if sufficient funding is not found. At the very least, sufficient funds must be made available for the appointment of a co-ordinator and the functioning of the Steering Group at the earliest opportunity.

#### 4.1.5 EXECUTIVE SUMMARY OF THE ACTIONS

As noted above, the Conservation Plan will be useless without appropriate co-ordination and support. This is the focus of

*Action 1 implementation of the Conservation Plan: co-ordinator and Steering Committee.*

Table 3 summarises the present state of knowledge of actual and potential threats to harbour porpoises in the North Sea. It is clear from that table that the highest priority must be given to the question of **bycatch**. For that reason the majority of Actions focus on aspects of that problem ranging from:

### Management (and related monitoring) actions

*Action 2: implementation of existing regulations on bycatch of cetaceans;*

*Action 3: establishment of bycatch observation programmes on small vessel (<15m) and recreational fisheries;*

*Action 4: regular evaluation of all relevant fisheries with respect to extent of porpoise bycatch;*

*Action 9: collection of incidental catch data through stranding networks in the region;*

### Mitigation measure research Action

*Action 5: review of current pingers, development of alternative pingers and gear modifications;*

### Scientific actions essential for providing adequate management advice

*Action 6: finalise a management procedure approach for determining maximum allowable anthropogenic removals in the region;*

*Action 7: monitoring trends in distribution and abundance of harbour porpoises in the region;*

*Action 8: review of the stock structure of harbour porpoises in the region;*

Of course, Actions 6-8 are relevant to all anthropogenic activities.

As shown in Table 3, our level of knowledge on the effects of **other anthropogenic activities** on harbour porpoises is limited. Before discussing specific actions aimed at improving our knowledge of these, it is worth emphasising that for certain potential threats, it is clear that at best the activities will be neutral and more likely negative; in such cases there is no reason for management action not to be taken before our knowledge of effects on harbour porpoises improves. It is therefore **strongly recommended** that existing legislation and agreements with respect to e.g. chemical pollution and climate change are implemented effectively. It is also clear that effective fisheries management based on sound science is essential.

That being said, there are a number of research actions aimed at improving our understanding of potential threats to harbour porpoises within the region:

*Action 10: investigation of the health, nutritional status and diet of harbour porpoises in the region;*

*Action 11: investigation of the effects of anthropogenic sounds on harbour porpoises*

*Action 12: collection and archiving of data on anthropogenic activities and development of a North Sea-wide GIS based database*

## 5 ACTIONS

The Actions are provided below, with each action beginning on a new page. At present no costs are associated with these actions but they will undoubtedly be expensive. One of the first tasks for the Co-ordinator/Steering Committee will be to develop detailed specifications for each action and where appropriate, assign costings and likely sources of funding

## ACTION 1: IMPLEMENTATION OF THE CONSERVATION PLAN: CO-ORDINATOR AND STEERING COMMITTEE

*Management Action*

Priority: HIGH

### SPECIFIC OBJECTIVES

To ensure that timely progress is made with respect to the overall implementation of the Conservation Plan and the specific actions included therein, and to provide progress reports for appropriate bodies including ASCOBANS, the North Sea RAC (Regional Advisory Council) and the EU.

### RATIONALE

This Conservation Plan is complex and for it to be effective it will require considerable co-ordination and the development of detailed workplans for the individual Actions. In particular, its success is dependent on a large number of stakeholders and a broad range of areas of expertise. Without a full-time co-ordinator to support a larger Steering Committee it is highly unlikely that the Conservation Plan will be successfully implemented.

### TARGET

Appointment of a Steering Committee for the Conservation Plan and the appointment of a suitably qualified full-time co-ordinator (needs a conservation science background) for the Conservation Plan (with an appropriate budget)

### TASKS

- Document and collate existing international and national regulations and guidelines that are relevant to the conservation and management of harbour porpoises in the North Sea and to provide this collation to all stakeholders.
- To promote and explain the Conservation Plan to relevant stakeholders, including:
  - International and supranational bodies
  - Range states
  - Appropriate industry representatives incl. fisheries, hydrocarbon exploration, shipping etc
  - Appropriate local authorities
  - NGOs
- To develop mechanisms to ensure that the Actions given in the Conservation Plan are implemented including the organisation of scientific workshops
- To make a recommendation for the evolution of some EU fishery regulations: data collection regulation, electronic logbooks, etc. in order to get the most appropriate data from effective fishing effort
- To co-ordinate the collection of and collation of appropriate data on anthropogenic activities in a format that will facilitate its use in a GIS context
- To manage the Conservation Plan Fund
- To develop progress reports on the implementation
- To arrange for periodic reviews of the Conservation Plan

## ACTORS

- **responsible for co-ordination of the Action:** ASCOBANS, with the North Sea RAC (Regional Advisory Council) and the EU, to appoint the Steering Committee for the Conservation Plan; the Steering Committee to appoint the co-ordinator
- **stakeholders:** as listed above under ‘Tasks’

## ACTION EVALUATION

- ASCOBANS, with the North Sea RAC (Regional Advisory Council) and the EU
- Regular (e.g. biennial or triennial) meetings open to stakeholders

## PRIORITY

- Importance: essential
- Feasibility: high if political will is there

## ACTION 2: IMPLEMENTATION OF EXISTING REGULATIONS ON BYCATCH OF CETACEANS

*Management Action*

Priority: HIGH

### SHORT DESCRIPTION OF ACTION

- **specific objective:** implementing existing regulations appropriately (e.g. Habitats Directive, EU Regulation 812/2004)
- **specific threats to be mitigated:** bycatch
- **rationale:** while legislation exists (EU Fisheries Regulations) the overall level of implementation and effectiveness is unclear
- **target:** to ensure that existing regulations with respect to bycatch reduction measures are being effectively implemented and to collect data on their efficacy in reducing bycatch
- **method:**
  - through a scientifically designed and flexible observer scheme and review of existing schemes, and development and testing of reliable mitigation devices/methods.

It is apparent that Regulation 812/2004 is not fully serving its purpose in certain areas/fisheries. A flexible implementation with the objective of minimising small cetacean bycatch would better serve harbour porpoise conservation.
  - consider how certification schemes could enhance the commercial value of fish caught with techniques that avoid harbour porpoise bycatch.
- **implementation-timeline:** immediate

### ACTORS

- **responsible for co-ordination of action:** Parties to ASCOBANS/ Range States; EU
- **stakeholders:** Affected fishing fleets; co-ordinator/steering committee of CP

### ACTION EVALUATION

- Co-ordinator/Steering Committee of Conservation Plan
- analyses by the ASCOBANS Advisory Committee (AC) of Parties' reporting to EU

### PRIORITY

- importance: high
- feasibility: high

### ACTION 3: ESTABLISHMENT OF BYCATCH OBSERVATION PROGRAMMES ON SMALL VESSEL (<15M) AND RECREATIONAL FISHERIES

*Management Action*

Priority: HIGH

#### DESCRIPTION OF ACTION

- **specific objective:** address bycatch in fisheries in small vessel fisheries
- **specific threats to be mitigated:** bycatch
- **rationale:** while some aspects of EU Regulation 812/2004 applies to small vessel fisheries in the North Sea, there are particular difficulties in observing operations and applying any necessary mitigation in these fisheries. Similar difficulties are associated with “recreational fisheries”.
- **target:** to further develop methods to observe and mitigate bycatch (including implementation monitoring) in small vessel fisheries.
- **method:**
  - further develop and implement a scientifically robust system for remote monitoring on vessels where placing onboard of observers is not feasible
  - develop a system involving small vessel fishermen to maximise the reporting/delivery of bycaught porpoises
  - collect effort data on recreational fisheries (e.g. number, length, soak time of nets), seek information on bycatch, and determine and apply appropriate mitigation techniques
- **implementation-timeline:** 2008-2010

#### ACTORS

- **responsible for co-ordination of action:** Range States/Parties to ASCOBANS (will need scientific and legal advice; consultation with fishermen)
- **stakeholders:** affected Fishing Fleets; co-ordinator/steering committee of CP

#### ACTION EVALUATION

- Co-ordinator/Steering Committee of Conservation Plan
- analyses by the ASCOBANS Advisory Committee (AC) of Parties’ reporting to EU

#### PRIORITY

- importance: high
- feasibility: high

## ACTION 4: REGULAR EVALUATION OF ALL FISHERIES WITH RESPECT TO EXTENT OF HARBOUR PORPOISE BYCATCH

*Management Action*

Priority: HIGH

### DESCRIPTION OF ACTION

- **specific objective:** evaluate bycatch levels in all relevant fisheries
- **specific threats to be mitigated:** bycatch
- **rationale:** although mitigation measures are in place for some fisheries, it is essential to assess, at regular intervals, whether those measures are achieving the desired goals or require adjustment
- **target:** to estimate levels of bycatch of harbour porpoises in the North Sea at regular intervals to enable mitigation measures to be reviewed and if necessary modified
- **method:** analyse data provided by Range States/Parties from observer schemes and elsewhere (e.g. from strandings, see Action 9) on bycatch and fishery data and incorporate this into a population dynamics modelling framework
- **implementation-timeline:** immediate, and at intervals of 3-5 years

### ACTORS

- **responsible for co-ordination of action:** Range States/Parties to ASCOBANS (will need scientific advice)
- **stakeholders:** affected fishing fleets; fishery bodies; co-ordinator/steering committee of CP

### ACTION EVALUATION

- Co-ordinator/Steering Committee of Conservation Plan
- analyses by the ASCOBANS Advisory Committee (AC) of Parties' reporting to EU

### PRIORITY

- importance: high
- feasibility: high/medium

## ACTION 5: REVIEW OF CURRENT PINGERS, DEVELOPMENT OF ALTERNATIVE PINGERS AND GEAR MODIFICATIONS

*Research Action*

Priority: HIGH

### DESCRIPTION OF ACTION

- **specific objective:**
  - review and as appropriate address uncertainties on (long term) efficacy and potential impact of conventional pingers on porpoises
  - develop new fishing gear and/or practices less likely to resulting in porpoise bycatch
- **specific threats to be mitigated:**

potential adverse effects of conventional pingers on porpoises (including exclusion from habitat, habituation)
- **rationale:**
  - concerns have been expressed about the long-term effectiveness of existing pingers to reduce bycatch and their potential effects on the animals themselves and their habitat
  - concerns have also been expressed by the industry as to costs
  - it is timely to review the available data on pingers which are now widely used and to consider modifications as appropriate (including economic considerations)
  - other mitigation measures such as changes in fishing gear and practices should be investigated
- **target:** more universal acceptance by all stakeholders (and hence better implementation) of mitigation measures to reduce harbour porpoise bycatch
- **method:**
  - a full review of the use of existing information (from the viewpoint of reducing bycatch, effects on animals and practicality and cost to fishermen) initially via a specialist workshop including biologists, gear technologists and appropriate stakeholders
  - development and research evaluation of new pinger-related technology and deployment (e.g. interactive pingers, less pingers per length of net) and alternative porpoise alerting passive and active devices
  - further development and research evaluation of changes in fishing practices and/or fishing gear to reduce harbour porpoise bycatch
  - development and undertaking of appropriate field trials
  - recommendations for implementation where appropriate
- **implementation-timeline:** workshop in early 2010, research programmes ongoing

## ACTORS

- **responsible for co-ordination of action:** co-ordinator/steering committee of CP, Parties to ASCOBANS/other Range States, EU-member States (will need input from biologists, gear technologists and other specialists)
- **stakeholders:** fishing industry, fisheries authorities, research institutes, legislators

## ACTION EVALUATION

- Co-ordinator/Steering Committee of Conservation Plan
- analyses by the ASCOBANS Advisory Committee (AC)

## PRIORITY

- importance: high
- feasibility: medium

## ACTION 6: FINALISE A MANAGEMENT PROCEDURE APPROACH FOR DETERMINING MAXIMUM ALLOWABLE BYCATCH LIMITS IN THE REGION

*Research and Management Action*

Priority: HIGH

### SHORT DESCRIPTION OF ACTION

- **specific objective:** to meet the agreed objectives of ASCOBANS in relation to bycatch (Resolution 5, MoP5)
- **specific threats to be mitigated:** bycatch
- **rationale:** it is important that the conservation goals for the harbour porpoise are examined in the context of a management procedure context that takes uncertainty into account
- **target:** to finalise a population dynamics modelling framework for evaluating the effect of bycatches (and other anthropogenic activities) on harbour porpoises in the North Sea that anthropogenic activities do not prevent agreed conservation goals being met
- **method:** building upon the advances made by the IWC/ASCOBANS working group, the ICES/SGBYC and the SCANS II project and the recommendations therein and other Actions (2, 3, 4, 7) of this plan including: agreement of operational management objectives by policymakers; finalisation and scientific implementation of a management procedure by scientists; agreement by policymakers to develop and implement management advice based on the results of the management procedure
- **implementation-timeline:** begin immediately with aim for completion by 2010

### ACTORS

- **responsible for co-ordination of action:** Range States/Parties to ASCOBANS/EU
- **stakeholders:** policymakers; co-ordinator/steering committee of CP; scientists incl. joint ASCOBANS/IWC Scientific working group

### ACTION EVALUATION

- Co-ordinator/Steering Committee of Conservation Plan
- joint ASCOBANS/IWC Scientific working group

### PRIORITY

- importance: high
- feasibility: high

## ACTION 7: MONITORING TRENDS IN DISTRIBUTION AND ABUNDANCE OF HARBOUR PORPOISES IN THE REGION

*Research Action*

Priority: HIGH

### SHORT DESCRIPTION OF ACTION

- **specific objective:** to monitor whether the management actions of the Conservation Plan are meeting the management objectives with respect to abundance and distribution
- **specific threats to be mitigated:** the combined effects of anthropogenic activities
- **rationale:** without monitoring it is impossible to evaluate the success or otherwise of the Conservation Plan and to determine whether modifications are needed
- **target:** to provide regular information on the abundance and distribution of harbour porpoises in the region as input into the management procedure approach discussed under Action 6 , to provide information relevant to evaluating mitigation measures including a comparison of the relative distribution of animals with anthropogenic activity (see Action 7)
- **method:** build upon the advances made by the SCANS II project and the recommendations therein to develop an agreed monitoring programme (involving one or more scientific workshops) and to implement it
- **implementation-timeline:** begin immediately with aim for completion of the design of the programme by 2010 after which it is implemented

### ACTORS

- **responsible for co-ordination of action:** Range States/Parties to ASCOBANS
- **stakeholders:** scientists especially those involved in the monitoring component of SCANS II, policymakers; co-ordinator/steering committee of CP

### ACTION EVALUATION

- Co-ordinator/Steering Committee of Conservation Plan
- ASCOBANS scientific working group

### PRIORITY

- importance: high
- feasibility: high

## ACTION 8: REVIEW OF THE STOCK STRUCTURE OF HARBOUR PORPOISES IN THE REGION

*Research Action*

Priority: HIGH

### SHORT DESCRIPTION OF ACTION

- **specific objective:** to review stock structure and movements of harbour porpoises in the region
- **specific threats to be mitigated:** essential information to be able to evaluate threats caused by anthropogenic activities
- **rationale:** such information is fundamental to the management procedure approach outlined in Action 6
- **target:** to provide information on the stock structure and movements of harbour porpoises in the region that can be used in the management procedure
- **method:** to fully review the available data (from a suite of techniques including, genetics, telemetry, distribution, bycatches) and to provide appropriate information on plausible hypotheses for use in the management procedure and, if needed, to suggest research to reduce uncertainty (via a scientific workshop)
- **implementation-timeline:** to be completed in time for use by scientists in the management procedure

### ACTORS

- **responsible for co-ordination of action:** Range States/Parties to ASCOBANS; Co-ordinator/Steering Committee of Conservation Plan
- **stakeholders:** scientists

### ACTION EVALUATION

- Co-ordinator/Steering Committee of Conservation Plan
- ASCOBANS scientific working group

### PRIORITY

- importance: high
- feasibility: high

## ACTION 9: COLLECTION OF INCIDENTAL PORPOISE CATCH DATA THROUGH STRANDING NETWORKS

Research Action

Priority: MEDIUM

### DESCRIPTION OF ACTION

- **specific objective:** evaluate bycatch levels in all fisheries
- **specific threats to be mitigated:** bycatch
- **rationale:** stranded animals can provide, *inter alia*, an important additional source of information (to observer schemes) to investigate whether porpoise bycatch occurs as well as other forms of anthropogenic mortality (see Action 11)
- **target:** provide qualitative information on bycatch occurrence and an assessment of minimum number of annually bycaught porpoises
- **method:** regularly carry out full necropsies on all stranded porpoises for evidence of bycatch, ideally using an agreed protocol; in addition: data gathered along North Sea shores should be put together (n<sup>o</sup> of strandings/month/area, n<sup>o</sup> of bycatches/month/area)
- **implementation-timeline:** immediate and ongoing, with input into the regular reviews of the incidence of bycatch given under Action 4

### ACTORS

- **responsible for co-ordination of action:** co-ordinator/steering committee of CP, Range States/Parties to ASCOBANS (will need scientific , especially veterinary, advice)
- **stakeholders:** fisheries authorities, experienced pathologists

### ACTION EVALUATION

- Co-ordinator/Steering Committee of Conservation Plan
- analyses by the ASCOBANS Advisory Committee (AC)

### PRIORITY

- importance: medium
- feasibility: high

## ACTION 10: INVESTIGATION OF THE HEALTH, NUTRITIONAL STATUS AND DIET OF HARBOUR PORPOISES IN THE REGION

Research Action

Priority: MEDIUM

### DESCRIPTION OF ACTION

- **specific objectives:** to collect fundamental information the question of of human activities (other than bycatch) including contaminants, sewage and debris discharge, noise, presence, fishing (via competition for resources) for input into population dynamics modelling
- **specific threats to be mitigated:** this addresses one aspect of to contribute to our ability to avoid cumulative and synergistic adverse effects of human activities on the health and nutritional status of porpoises and thus the viability of harbour porpoises in the region
- **rationale:** Our knowledge of the qualitative and quantitative effects on porpoises of a range of human activities is incomplete. This action is designed to improve this situation by collecting information on health status (by toxicological and pathological investigations) and nutritional status (by examining their diet)
- **target:** to obtain good quality data on health parameters and the diet of porpoise populations in the area of application of the CP
- **method:** retrieving stranded and bycaught porpoises and:
  - performing full necropsies and general pathology to assess general health (incl. condition) of a representative sample (sex, age) of the retrieved animals
  - collecting inner ears and assessing acoustic trauma in connection with tissue examination for acoustic impact (see Jepson *et al.* 2002, for methodology)  
*note: this matter proves to be very complex and results are not promising; however, it is still worthwhile to be pursued*
  - collecting, archiving and analysing representative samples of porpoise tissues for relevant contaminants (including concentrations and biomarkers for exposure and effect); for methods see IWC-POLLUTION2000+ Programme (Reijnders *et al.* 1999).
  - collecting stomach and intestine contents, and tissue samples for fatty acid and stable isotope analyses, to investigate diet
  - collecting tissue samples for further analyses on immune- and bacteriological parameters
  - assessing parasitic infestation
- **implementation-timeline:** ongoing with a regular (every 3-5 years) review of results

### ACTORS

- **responsible for co-ordination of action:** co-ordinator/steering committee of CP, Range States/Parties to ASCOBANS (will need scientific input)

- **stakeholders:** scientists from research institutes with experience in tissue and data collection from stranded and bycaught porpoises, scientists with experience in marine mammal toxicological, pathological (incl. acoustical), immunological, parasitological, bacteriological examinations and diet analyses on marine mammals.

#### ACTION EVALUATION

- Co-ordinator/Steering Committee of Conservation Plan
- analyses by the ASCOBANS Advisory Committee (AC)
- regular reporting by the relevant research institutes/strandings schemes

#### PRIORITY

- importance: medium
- feasibility: medium

## ACTION 11: INVESTIGATION OF THE EFFECTS OF ANTHROPOGENIC SOUNDS ON HARBOUR PORPOISES

*Research Action*

Priority: MEDIUM

### DESCRIPTION OF ACTION

- **specific objectives:** to collect fundamental information on the effects of anthropogenic sounds on harbour porpoises
- **specific threats to be mitigated:** acoustic pollution
- **rationale:** a wide variety of anthropogenic activities introduce sound into the marine environment (e.g. vessels of all kinds, construction and operation of windfarms, general construction works, hydrocarbon exploration, military activities, pingers, acoustic harassment devices) yet we are still unsure of the actual or potential effects of such sounds on harbour porpoises in the short-term or long-term; it is essential to obtain a
- **target:** to obtain good quality data on the acoustic capabilities of harbour porpoises and relate this to 1) the acoustic properties of anthropogenic sounds (also see Action 12), and 2) the most relevant information on the effects of noise on porpoises
- **method:**
  - review/collect data on the acoustic properties of the variety of anthropogenic sound sources in the North Sea
  - review and if necessary obtain further data on the acoustic capabilities of harbour porpoises (incl. playback experiments where appropriate)
  - review work on the 'dose-based approach' to examining the effects of sound on cetaceans (including how to compute and how to interpret)
  - review effectiveness or otherwise of potential mitigation measures for various anthropogenic sound sources
- **implementation-timeline:** ongoing with a regular (every 3-5 years) review of results

### ACTORS

- **responsible for co-ordination of action:** co-ordinator/steering committee of CP,
- **stakeholders:** harbour porpoise scientists; acoustics experts from industry

### ACTION EVALUATION

- Co-ordinator/Steering Committee of Conservation Plan
- analyses by the ASCOBANS Advisory Committee (AC)

### PRIORITY

- importance: medium
- feasibility: medium

## ACTION 12: COLLECTION AND ARCHIVING OF DATA ON ANTHROPOGENIC ACTIVITIES AND DEVELOPMENT OF A GIS

*Research action*

Priority: MEDIUM

### DESCRIPTION OF ACTION

- **specific objectives:** to collect fundamental information on anthropogenic activities that may affect harbour porpoises in the region
- **specific threats to be mitigated:** will provide information relevant to all actual and potential threats
- **rationale:** a wide variety of anthropogenic activities occur in the North Sea region that may potentially affect harbour porpoises; it is necessary to be able to determine the occurrence and temporal/geographical distribution of these and any changes over time to be able to (a) compare these with the distribution of the animals to determine potential problem areas; (b) to have baseline information to compare if changes in harbour porpoise abundance and distribution are observed via Action 7
- **target:** to obtain data on relevant anthropogenic activities in the North Sea over time in a format suitable for incorporating into a GIS (along with data from Action 7)
- **method:**
  - review available sources of data on anthropogenic activities and determine their suitability for incorporation into a database or meta-database and GIS
  - identify information important gaps and possible ways to fill them
- **implementation-timeline:** ongoing

### ACTORS

- **responsible for co-ordination of action:** co-ordinator/steering committee of CP,
- **stakeholders:** relevant stakeholders with information on anthropogenic activities

### ACTION EVALUATION

- Co-ordinator/Steering Committee of Conservation Plan
- analyses by the ASCOBANS Advisory Committee (AC)

### PRIORITY

- importance: medium
- feasibility: medium

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## Resolution No. 2

### **Adverse Effects of Underwater Noise on Marine Mammals during Offshore Construction Activities for Renewable Energy Production**

*Recalling* that the Conservation and Management Plan annexed to the Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas<sup>1</sup> stipulates that ASCOBANS work towards "the prevention of other significant disturbance, especially of an acoustic nature";

*Recalling* Resolution No. 4 of the 5<sup>th</sup> Meeting of the Parties and previous related Resolutions and Recommendations adopted within the framework of ASCOBANS and *welcoming* progress within Parties to implement that Resolution;

*Recalling* CMS Resolution 9.19 on adverse anthropogenic marine/ocean noise impacts on cetaceans and other biota, adopted by the 9<sup>th</sup> Meeting of the Conference of the Parties, and previous related Resolutions and Recommendations adopted within the framework of CMS;

*Recalling* CMS Resolution 7.5 on wind turbines and migratory species, adopted by the 7<sup>th</sup> Meeting of the Conference of the Parties;

*Recalling* the obligation of States Parties to the United Nations Convention on the Law of the Sea (UNCLOS) to cooperate through the appropriate international organizations for the conservation and management of marine mammals (Articles 65 and 120);

*Recalling* the obligations of Member States of the European Union under Council Directive 92/43/EEC (Habitats Directive);

*Noting* the work undertaken on the impact of offshore wind farms in the framework of the Bern Convention;

*Reaffirming* that the difficulty of proving detrimental effects of acoustic disturbance on cetaceans necessitates a precautionary approach in dealing with this issue;

*Recognizing* the commitment of Parties to a change to using renewable sources of energy;

*Recognizing* the potential disturbance caused by activities associated with renewable energy such as offshore wind farms, particularly pile driving and other construction activities;

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

1. *Recommends* that Parties and Range States consider a strategic approach to the siting of marine renewable energy developments; to include Strategic Environmental Assessments and Environmental Impact Assessments carried out prior to the construction of marine renewable energy developments and taking into account the construction phase and cumulative impacts;

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<sup>1</sup> For Parties that have not yet accepted the Amendment of the Agreement as adopted in MOP4 Resolution No. 4 (2003): Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas

2. *Requests* Parties and Range States that have not yet done so to introduce precautionary guidance on measures and procedures for all activities surrounding the development of renewable energy production in order to minimise risks to populations, and mitigate possible effects to small cetaceans following current best practice;

3. *Recommends* that these guidelines should include where possible and relevant:

- (a) Appropriate siting of devices to minimise impacts on small cetaceans;
- (b) Measures for avoiding construction activities with high underwater noise source levels during the periods of the year with the highest densities of small cetaceans, and in so doing limiting the number of animals exposed, if potentially significant adverse effects on small cetaceans cannot be avoided by other measures;
- (c) Measures for avoiding construction activities with high underwater noise source levels when small cetaceans are present in the vicinity of the construction site;
- (d) Measures for alerting small cetaceans to the onset of potentially harmful construction noise; and
- (e) Technical measures for reducing the sound emission during construction works, if potentially significant adverse effects on small cetaceans cannot be avoided by other measures.

4. *Recommends further* that Parties and Range States:

- (a) Continue to develop effective mitigation measures, guidelines and technological adaptations to minimise any potentially significant adverse effects on small cetaceans due to offshore construction in the framework of marine renewable energy production, including disturbance effects and physical damage;
- (b) Develop and implement procedures to assess the effectiveness of any guidelines or management measures introduced;
- (c) Continue to conduct research into the effects on small cetaceans of marine renewable energy production, including on physical and behavioural effects, and at the individual and population level; and actively exchange information on methods and results;
- (d) Continue to conduct research into the development of acoustic warning devices for small cetaceans;
- (e) Set in place adaptive management systems so that guidance can be regularly reviewed and updated in this little known but rapidly developing marine industry.

### Resolution No. 3

#### Activities of the ASCOBANS Advisory Committee and Work Plan for the Triennium 2010-2012

*Reaffirming* the importance of cooperating with and complementing the work of other international bodies and the desirability of drawing upon their expertise;

*Recognising* that much progress is achieved by the commissioning of work by specialists, whether members of the Advisory Committee or otherwise;

*Reaffirming* that the Advisory Committee, as a body tasked to provide advice on scientific, policy-related and administrative matters, needs a balance of scientists, policy-makers and administrators to cover its role adequately;

*Stressing* that the successful work of the Advisory Committee depends on the ability of its members to allocate sufficient time to the work of the Committee and its working groups;

*Welcoming* the draft Work Plan for the Triennium 2010-2012 developed by the Secretariat and Advisory Committee;

*Noting* that resources are limited and that, while respecting the mandate of the Agreement, a focussed approach is necessary;

*Therefore welcoming* the strategy to focus ASCOBANS' work recommended by the Advisory Committee, which establishes clear priorities to guide the work of the Contracting Parties, the Advisory Committee and the Secretariat;

*Further welcoming* the elaboration of a Communication, Education and Public Awareness (CEPA) Plan for the Agreement;

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

1. *Agrees* that, subject to sufficient resources being provided, the Advisory Committee and Secretariat should carry out the Work Plan attached as Annex 1;
2. *Instructs* the Secretariat to provide reports on its progress with the implementation of relevant parts of the Work Plan to each meeting of the Advisory Committee;
3. *Supports* the direction proposed in the Strategy Paper attached as Annex 2 to this Resolution;
4. *Agrees* that there is a need to develop a more focussed approach towards a limited set of the most urgent priorities, while at the same time developments with respect to other issues are carefully monitored; in case of special events they might need additional care and attention of the Advisory Committee beyond this work plan;

5. *Decides* that the Advisory Committee and the Secretariat, with respect to the implementation of the activities requested of the Parties, should:

- (a) Focus a substantial part of available resources on two priority issues: bycatch and disturbance by noise;
- (b) Monitor general developments with respect to other issues at stake, and report if new urgencies arise;
- (c) Develop a practical road map and identify key opportunities to strengthen the co-operation with and interaction of the European Commission (DG Mare and DG Environment), other international organizations (e.g. ICES, HELCOM, ACCOBAMS, OSPAR, CMS), fishery and other economic sectors and non-governmental organizations;
- (d) Continue to reflect on ways to advance the objectives of the Agreement through the further elaboration of the Strategy Paper attached as Annex 2;

6. *Requests* the Advisory Committee to elaborate and agree at its meeting in 2010 a Communication, Education and Public Awareness (CEPA) Plan for the Agreement and *encourages* Parties, stakeholders and the Secretariat to implement the recommendations of that Plan accordingly;

7. *Reiterates* its request that Parties:

- (a) Ensure that all nominated Advisory Committee members and their advisors can allocate time to attend Advisory Committee meetings, to intersessional work, and to participate in the intersessional Advisory Committee working groups;
- (b) Continue to ensure where possible suitable expertise within delegations to the Advisory Committee;

8. *Encourages* Parties to support the activities outlined in Annex 1 and the CEPA Plan to be agreed by the Advisory Committee by means of financial and in-kind contributions.

### Triennial Work Plan (2010-2012) – Tasks for the Secretariat / Advisory Committee (AC)

ACTIVITY TRIENNIUM WORK PLAN 2010-2012	ACTION BY	TIMING	LINKS TO AGREEMENT, CONSERVATION AND MANAGEMENT PLAN AND STRATEGY PAPER
<b>Conservation issues</b>			
1. Review annually and as far as possible in conjunction with EU, ICES and IWC, new information on bycatch and make recommendations to Parties and other relevant authorities for further action. This should include information provided by Parties and Range States on the implementation, efficacy and impacts of measures introduced to reduce bycatch, and on effort in relevant fisheries	AC (supported by Secretariat)	Annually	Proposed strategic priority in the Strategy paper
2. Continue to review annually new information on pollution and its effects on small cetaceans that occur in the ASCOBANS area and, on the basis of this review, provide recommendations to Parties and other relevant authorities	AC	Annually	
3. Continue to review the extent of negative effects of sound, vessels and other forms of disturbance on small cetaceans and to review relevant technological developments and best practices with a view to developing guidelines which Parties may use to reduce disturbance by noise	AC (supported by Secretariat)	Annually	Proposed strategic priority in the Strategy paper
4. Review new information, as far as possible in co-operation with EU, ICES and IWC, on cetacean population size, distribution, structure, and causes of any changes in the ASCOBANS area and based on implications for conservation to make appropriate recommendations to Parties and other relevant authorities	AC	Annually	

ACTIVITY TRIENNIUM WORK PLAN 2010-2012	ACTION BY	TIMING	LINKS TO AGREEMENT, CONSERVATION AND MANAGEMENT PLAN AND STRATEGY PAPER
5. Continue to evaluate progress in the implementation of the Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan), establish further implementation priorities, carry out the periodic review of the Plan and promote the implementation of the Plan	Jastarnia Group (supported by the Secretariat)	Annually	Proposed strategic priority in the Strategy paper
6. Review the effectiveness of the ASCOBANS Recovery Plan for Baltic Harbour Porpoises in 2011. Jastarnia Group to draft revision of plan if necessary for AC preceding the MoP7*	Independent reviewer (e.g. R. Reeves) / Jastarnia Group	2011	
7. Incorporate the implications arising from the conclusions of the ASCOBANS/HELCOM Small Cetacean Population Structure Workshops in the development of the Jastarnia and North Sea harbour porpoise action plans and potentially other actions (to be elaborated by the Advisory Committee), taking particular note of the fact that the western Baltic, Inner Danish Waters and Kattegat areas are at present not covered by either plan	AC	AC17	
8. Promote and coordinate the implementation of the Conservation Plan for Harbour Porpoises in the North Sea, gather information on its implementation and the results obtained, inform the public and evaluate the effectiveness of the Plan every three years to update it*	Coordinator/Steering Group (supported by the Secretariat)	Throughout the triennium	Proposed strategic priority in the Strategy paper
9. Continue to consider how the work of ASCOBANS should be extended to take account of the new Agreement Area, which includes areas beyond national jurisdiction	AC (supported by Secretariat)	Throughout the triennium	

ACTIVITY TRIENNIUM WORK PLAN 2010-2012	ACTION BY	TIMING	LINKS TO AGREEMENT, CONSERVATION AND MANAGEMENT PLAN AND STRATEGY PAPER
10. Promote an informal Working Group of the Advisory Committee which shall summarise information on large cetaceans in the Agreement area and address aspects of their conservation (in accordance with the Terms of Reference proposed by MOP6 for this group)	AC	Throughout the triennium	
11. Review progress of bottlenose dolphin project (TURSIOPS SEAs) and guide as required	AC, led by UK		
<b>ASCOBANS Meetings and Workshops</b>			
12. Ensure the annual cycle of Advisory Committee Meetings, with papers circulated one month in advance of the meetings	Secretariat	Annually	Article 4.2
13. Seek to secure a host for the 7 <sup>th</sup> Meeting of Parties at least a year in advance of the meeting; otherwise arrange for it to be held in Bonn	Secretariat	2011	Article 4.2
14. Organize meetings of regional working groups (Jastarnia Group, North Sea Group) at intervals defined in each group's ToR*	Secretariat	Throughout the triennium	Article 4.1, 4.2
15. If required by AC, organize a workshop, e.g. at an annual conference of the ECS, on a topic of priority interest to ASCOBANS*	Secretariat	During triennium	1. Habitat Conservation and Management

\* Depending on budget agreement, activities marked with an asterisk may require additional funding

ACTIVITY TRIENNIUM WORK PLAN 2010-2012	ACTION BY	TIMING	LINKS TO AGREEMENT, CONSERVATION AND MANAGEMENT PLAN AND STRATEGY PAPER
16. In conjunction with the European Cetacean Society and North Sea Foundation, organize one or more meetings to develop a constructive dialogue with the fisheries sector in the ASCOBANS area, in order to aid the Parties to progress bycatch mitigation measures in an effective manner. The first meeting is proposed to take place at the Annual Conference of the ECS in Stralsund in March 2010. To initiate the process, an intersessional Steering Group under the Advisory Committee Chair shall be established between MOP6 and AC17	AC (supported by Secretariat)	Throughout the triennium	Proposed strategic priority in the Strategy paper
17. Propose priorities for the coming triennium (2013 – 2015)	AC	2012	
<b>Budgetary and Administrative Issues</b>			
18. Report on budgetary and administrative issues to each meeting of the Advisory Committee	Secretariat	Annually	Article 4.2
19. Present a draft budget for the next triennium for consideration at an Advisory Committee meeting at least six months prior to the next Meeting of Parties	Secretariat / AC	2012	Article 4.1, 4.2
20. Prepare draft resolutions on budgetary and administrative issues for consideration at the last meeting of the Advisory Committee prior to MoP7	Secretariat / AC	2012	Article 4.1, 4.2
21. Encourage Parties and partner organizations to provide voluntary contributions for projects prioritised by the AC or outreach initiatives	Secretariat	Throughout the triennium	Article 4.1

ACTIVITY TRIENNIUM WORK PLAN 2010-2012	ACTION BY	TIMING	LINKS TO AGREEMENT, CONSERVATION AND MANAGEMENT PLAN AND STRATEGY PAPER
22. Assist in developing funding arrangements for projects covering themes prioritised by the Advisory Committee (see task 15) and Meeting of Parties	Secretariat	Throughout the triennium	Article 4.1
<b>Communication, Education and Public Awareness</b>			
23. Develop a co-ordinated outreach programme, focussing particularly on activities that can help achieve the aims of ASCOBANS*	Secretariat/AC	2010	Proposed strategic priority in the Strategy paper
24. Report on outreach and communication issues to each meeting of the Advisory Committee	Secretariat	Annually	Article 4.2
25. Develop and implement CEPA to raise awareness of issues related to cetacean conservation in the Agreement Area*	Secretariat / Parties and observers	Throughout the triennium	5. Information and education
26. Continue to update and translate ASCOBANS information material into the languages of both Party and non-Party Range States*	Secretariat	Throughout the triennium	5. Information and education
27. Continue to develop the ASCOBANS website, aiming to meet the needs of a wide range of target audiences and including educational material*	Secretariat	Throughout the triennium	5. Information and education
28. Collaborate with partner organizations to develop joint actions in educational and promotional activities, and create synergy to provide added value while avoiding duplication of effort	Secretariat	Throughout the triennium	5. Information and education
29. Assess the need for targeted information material on conservation issues facing small cetaceans in the region in consultation with Parties and appropriate other bodies, and develop material as necessary in close cooperation with these partners*	Secretariat	Throughout the triennium	5. Information and education

ACTIVITY TRIENNIUM WORK PLAN 2010-2012	ACTION BY	TIMING	LINKS TO AGREEMENT, CONSERVATION AND MANAGEMENT PLAN AND STRATEGY PAPER
<b>Cooperation with other Organizations</b>			
30. Identify priorities and improve co-operation between ASCOBANS and the European Union institutions	AC / Secretariat	Throughout the triennium	Article 4.1, 4.2, Proposed strategic priority in the Strategy paper
31. Ensure close collaboration with the Secretariats of CMS and other CMS Regional Agreements on all issues of mutual interest, and contribute to the process of defining the future shape of CMS	Secretariat	Throughout the triennium	Article 4.1, 4.2
32. Seek to cooperate with the HELCOM Secretariat in the creation and maintenance of a joint Baltic harbour porpoise database as part of HELCOM's online information system*	Jastarnia Group / Secretariat	Throughout the triennium	Article 4.1, 4.2
33. Continue to invite intergovernmental bodies such as IWC, ICES, CMS, HELCOM, NAMMCO, OSPAR, ACCOBAMS, the European Commission and other relevant international organizations to send representatives to Advisory Committee meetings	Secretariat	Annually	Article 4.1, 4.2
34. Ensure that the chairs of the Advisory Committee receive invitations to meetings of CMS and other CMS Regional Agreements	Secretariat	Throughout the triennium	Article 4.1, 4.2
35. Explore the possibilities of further developing positive relationships with other stakeholders, especially the fishing industry and Regional Advisory Councils	AC / Secretariat	Throughout the triennium	Article 4.1, 4.2
36. Compile for each meeting of the Advisory Committee a list of Dates of Interest	Secretariat	Annually	Article 4.1, 4.2

ACTIVITY TRIENNIUM WORK PLAN 2010-2012	ACTION BY	TIMING	LINKS TO AGREEMENT, CONSERVATION AND MANAGEMENT PLAN AND STRATEGY PAPER
37. Insofar as budgetary provisions and guidance by the Advisory Committee allow for it, ensure proper representation at an appropriate level at meetings of other relevant organizations*	Secretariat	Throughout the triennium	Article 4.1
38. Continue and improve effective communication with non-governmental and international organizations, such as OSPAR, HELCOM, ICES, ACCOBAMS, CBD and IWC	Secretariat / AC	Throughout the triennium	Article 4.1, 4.2
<b>Institutional Issues</b>			
39. Promote the Agreement and its aims in Parties, Range States and with other relevant players *	Secretariat	Throughout the triennium	Article 4.1
40. Promote accession of non-Party Range States and the European Commission to the Agreement	Secretariat	Throughout the triennium	Article 4.1
41. Present to Parties, each year no later than 30 June, provided all reports have been received by that date, a compilation of Annual National Reports	Secretariat	Annually	Article 4.2
42. Present to the Meeting of Parties a summary of, <i>inter alia</i> , progress made and difficulties encountered since the last Meeting of Parties	Secretariat	2012	Article 4.3
43. Support Parties, Range States and Agreement bodies in implementing this Work Plan, in so far as primary responsibility does not lie with the Secretariat	Secretariat	Throughout the triennium	Article 4.1

## Strategy Paper on the Options for Future Arrangements for ASCOBANS

### Introduction and objective of this paper

1. Since its establishment in 1992, ASCOBANS has made an important contribution to the conservation of small cetaceans and has the potential to do even more. ASCOBANS is currently the only intergovernmental organisation specifically involved in the promotion of favourable conservation status of small cetacean populations in the Baltic, North East Atlantic, Irish and North Seas and should continue to make an important contribution to the reduction of threats to small cetacean species.

2. However, since 1992 several developments have changed the context within which ASCOBANS has to meet its objectives, the most important of which are:

- a. The increase of the number of Parties from the six that allowed the Agreement to enter into force in 1994 to currently 10 and a south-westward extension of the agreement area to include waters off France, Ireland, Spain, Portugal and areas beyond national jurisdiction, which entered into force in 2008.
- b. Since 2004 all Parties to ASCOBANS have been members of the European Union<sup>1</sup>, and are therefore obliged to implement the Habitats Directive (92/43/EC), as well as other European instruments that address or affect the conservation of small cetaceans and their environment.
- c. Within the CMS family several instruments have developed since 1992 that aim to protect cetaceans in various regions around the globe. These include ACCOBAMS (Mediterranean and Black Seas), the Pacific Islands Cetaceans Memorandum of Understanding (MoU) and the Western African Aquatic Mammals MoU, which also covers Macaronesia.
- d. In 2000, Parties decided to integrate the ASCOBANS Secretariat into UNEP, and the Executive Director of UNEP became responsible for the management of the ASCOBANS Secretariat.
- e. In 2006 the 5<sup>th</sup> Meeting of the Parties to ASCOBANS (MOP5) decided that for the triennium 2007-2009 the CMS Secretariat would serve as the ASCOBANS secretariat pursuant to provision No. 4 of the ASCOBANS Agreement, and the Executive Secretary of CMS would be the Acting Executive Secretary for ASCOBANS.
- f. The 9<sup>th</sup> Conference of the Parties of the Convention on Migratory Species decided to start a process to consider the future shape of CMS (UNEP/CMS/Resolution 9.13). This process will explore the possibilities for strengthening the contribution of CMS and the CMS Family of Agreements to conservation of the planet's wildlife.
- g. Within the United Nations, the management of environmental governance is also under review. In this context it has been asserted that the current framework of international environmental governance is weakened by institutional fragmentation and specialization and by the lack of a holistic approach to environmental issues and sustainable development. It has been suggested that environmental governance could be strengthened by, for instance, more strategic planning, a better division of labour between agreements, taking into account their respective mandates and strengths, as well as an improved cooperation between the secretariats of MEAs.

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<sup>1</sup> The Range of ASCOBANS would allow Norway and Russia to become Non-EU-Parties. However, at present neither appears interested in becoming a Party.

3. This paper has been drafted in the context of these developments; it aims to strengthen ASCOBANS' contribution to the conservation of cetaceans in the Baltic, North East Atlantic, Irish and North Seas. As a secondary objective, it aims also to strengthen its contribution to wider cetacean conservation and to improve its contribution to the international MEA-community. In order to achieve these aims, this paper takes stock of the strengths and weaknesses of the Agreement, identifies future challenges and presents options for future arrangements for ASCOBANS, as a basis for discussion at the 6<sup>th</sup> Meeting of the Parties.

### Looking back: strengths and weaknesses of ASCOBANS

4. Over the years, ASCOBANS has been very successful in achieving good results. Several *strengths* of the Agreement can be identified which underpin these achievements:

- a. ASCOBANS has a well-developed scientific understanding with respect to the conservation of small cetaceans in the Baltic, North East Atlantic, Irish and North Seas.
- b. ASCOBANS brings together both scientists and administrators and encourages a constructive dialogue.
- c. The Agreement provides a unique platform to integrate available data and to transmit the integrated data to other organisations and decision makers.
- d. ASCOBANS, particularly in the Baltic, has supported much education and awareness raising of the public. Its efforts have contributed to the awareness of the general public as regards the need to protect and conserve small cetaceans and their habitats.
- e. By building on its work in the Baltic, North East Atlantic, Irish and North Seas, ASCOBANS contributes to the work of other international organisations and NGO's, e.g. through the exchange of best practices within the CMS family around the world in protecting small cetaceans.
- f. All current Parties to ASCOBANS now work from a regional focus and common EU-base.

5. However, notwithstanding the good results, it must also be acknowledged that there still is considerable room for improvement. Paraphrasing the ASCOBANS website in this respect: "*While much has already been achieved, much remains yet to be done*". This statement correctly and concisely sums up the agreement's record of achievements to date. However, an evaluation of its performance requires an answer to the question of how many of its goals ASCOBANS has actually been able to achieve during the past 15 years of its existence.

6. Five major weaknesses can be identified which undermine the effectiveness of ASCOBANS:

- a. Parties are not yet implementing fully many Resolutions that they have agreed.
- b. There has been insufficient progress in the reduction of bycatch of small cetaceans. Some progress has been made (often incidentally due to the contraction of the fishing sector), but much more could be done to reduce bycatch numbers.
- c. ASCOBANS has not been particularly successful in influencing other international organisations. At the same time it is clear that ASCOBANS only can be effective if it cooperates with other international organisations especially with the European Union, the competent authority for fishery management in European seas. But also with respect to other cetacean instruments within the CMS Family, there is

room for improvement, for example as regards an efficient use of limited resources and better scientific cooperation.

- d. ASCOBANS has not been very successful in creating an effective dialogue with economic sectors, notably the fishing industry. In order to achieve its objectives it is important that ASCOBANS works with fishery organisations active in its agreement area. Joint work programmes with these organisations focussing on common priorities would be beneficial to both.
- e. ASCOBANS needs to further improve the integration of science with policy decisions. Notwithstanding the constructive dialogue between scientists and administrators, there is often too strong a focus on scientific issues, without always properly addressing related policy issues. Good integration of both aspects is required to maximise the effectiveness of ASCOBANS.

### Looking forward: future challenges

7. In order for ASCOBANS to remain effective in the future and to live up to its expectations again, ASCOBANS needs to refresh itself and to address future challenges. Building on the developments in the context of ASCOBANS and in the evaluation of its strengths and weaknesses as presented earlier, the following future challenges need to be addressed:

- a. A first step in improving the effectiveness of ASCOBANS is to step up the implementation efforts of the Parties, in order to achieve the Agreement's objectives.
- b. Especially there is a need for Parties to ASCOBANS to better achieve its agreed bycatch commitments. Bycatch remains the biggest threat to small cetaceans in the ASCOBANS area and bycatch can be reduced with a willing and a concerted effort by Parties. While key recommendations have been made that have influenced European legislation, more needs to be done in order to achieve the objectives.
- c. Also with respect to disturbance by noise, the implementation needs to be more effective. It is urgently needed to explore whether or not disturbance of cetaceans by noise is a problem, and – if so – what would be practical ways to deal with it.
- d. ASCOBANS needs to better influence key decision makers, especially in the European Union. ASCOBANS needs to identify what kind of actions it would expect from the EU and what it can offer to the EU, e.g. by directly contributing to EU consultation exercises and commenting on proposals. For example, the European Union's Marine Strategy Framework Directive aims to achieve Good Environmental Status in Europe's seas by 2020. This Directive would fit in well with the desire for an improved habitat for small cetaceans. ASCOBANS could consider how it might help in implementing the Directive in order to ensure this outcome.
- e. ASCOBANS needs to re-establish a good working relationship with DG Mare and DG Environment of the European Commission. The exclusive competence of the European Commission to propose fisheries legislation makes this particularly important. Further consideration should be given to the benefits of the EU becoming a Party to ASCOBANS (they are Party to CMS and AEWA). Permanent participation by the European Commission at ASCOBANS meetings is important.
- f. ASCOBANS needs to develop a more focussed approach towards a limited set of the most urgent priorities. Resources and the time of experts are scarce, and not all problems – however important they are – can be effectively dealt with at the

same time. ASCOBANS could be more effective in achieving its own objectives, and in influencing the EU and other international organisations if it focussed its attention on agreed priorities. This does not mean that other areas are not important, nor that other items that currently occupy the agenda should not be discussed. The whole suite of issues should be on ASCOBANS rolling agenda, but the major part of the time and resources allocated should be devoted to the most urgent priorities.

- g. Furthermore, it is important to stabilise the situation with regard to the Secretariat and finance. This means that Parties will need to choose the most appropriate and cost-effective Secretariat structure for the future, taking into account the tasks of the Secretariat and the qualifications of its staff needed for this, the evaluation of the results of the merger so far, the opportunities for the future and ongoing discussions with respect to more effective governance at the UN and CMS level.

### **Focussing ASCOBANS' conservation efforts (priority issues and major tools in achieving these)**

8. Bycatch remains the priority issue for future ASCOBANS work:

#### **I. Bycatch**

Bycatch remains the greatest threat to small cetaceans in the ASCOBANS area. While we have made important analyses and key recommendations that have influenced European legislation, we believe that bycatch should be the key priority for the agreement for the foreseeable future. Efforts could be made to prioritise the issue of bycatch, increasing research and development in this area and making key evidence-based recommendations.

#### **II. Disturbance by noise**

A second priority is disturbance by noise. Regarding this priority ASCOBANS and its Parties firstly should focus on the examination of the effects of disturbance from underwater noise. Despite considerable research, no population level effects have been detected but nevertheless some concerns remain – especially in relation to increasing and relatively novel sources of sound. A working group on underwater noise is presently considering this issue. However, notwithstanding the scientific uncertainty, Parties agree that disturbance by noise can pose a substantial threat to small cetaceans. ASCOBANS should promote the exchange of best practices in dealing with these threats, including experiences with the development and use of guidelines in dealing with disturbance by noise.

9. In order to achieve our objectives in respect to the priority issues, ASCOBANS has two important tools to build upon:

#### **I. Management plans for harbour porpoises in the Baltic and North Seas**

A full and timely implementation of the two management plans is important in enhancing the effectiveness of the Resolutions made at earlier Meetings of the Parties of ASCOBANS.

#### **II. Education, publicity and outreach**

Raising the awareness of the key threats to small cetaceans and mitigation and conservation measures that might be utilised are significant tools. While there has been progress in these areas ASCOBANS could increase education and publicity and make it a priority over the next few years, building on measures that contracting governments have made. It is important that collectively we raise the profile and status of the organisation so that it has greater influence over decision-

making. Therefore a co-ordinated outreach programme, focussing particularly on activities that can help achieve the aims of ASCOBANS should be a priority.

### **Increasing ASCOBANS effectiveness**

10. Parties need to step up their efforts to contribute to the achievement of ASCOBANS' objectives. Potentially effective ways forward in this respect are:

- a. To identify actions and measures, Parties can take within their territorial waters (12 mile zone) and their Exclusive Economic Zones or equivalent (as far as Parties have competence in their EEZs), in order to better protect cetaceans. Parties are responsible for an effective management of cetaceans and fisheries in coastal seas. This creates good opportunities for setting good examples in the conservation of small cetaceans, which can then be built upon in an EU context.
- b. To develop a mechanism within ASCOBANS to assist individual Parties – if appropriate – with advice as regards problems in conserving small cetaceans. If Parties and/or the Secretariat could provide individual Parties with advice regarding difficult (political) issues in managing their small cetaceans, the ASCOBANS community as a whole would make much better use of its scarce resources.

11. In order to better influence EU key decision makers, a practical road map could guide ASCOBANS activities with the European Union. Building on its discussions and conclusions the Meeting of the Parties could consider the following steps as elements for such a road map:

- a. Identify which products of ASCOBANS that are concluded at the 6<sup>th</sup> Meeting of the Parties would be suitable as a starting point for a revitalized cooperation with the EU. Possible candidates are in this respect the Management Plans for the conservation of harbour porpoises in the Baltic Sea and the North Sea.
- b. Identify, in the light of the priorities of ASCOBANS, the key processes within the EU and develop a collective ASCOBANS approach as regards its contribution to the conservation of small cetaceans through these processes. Possible candidate processes are the implementation of the Marine Strategy Framework Directive, EU bycatch policies and the implementation of Natura 2000 at sea.
- c. Develop a proposal for regular contacts between the EU and ASCOBANS; this should be a combined effort of the Secretariat, the (vice) chair of the Advisory Committee and/or Parties (e.g. the Chair of the MOP).

12. In order to better influence key decision makers of other international organisations and economic sectors ASCOBANS needs to identify its strategic alliances, and also needs to develop a common future agenda in cooperation with these organisations and sectors.

13. ASCOBANS needs to develop its contribution to the process of defining the future shape of CMS. Similarly to the approach towards the European Union, ASCOBANS should identify which of its products could be key contributions of ASCOBANS to the future of the CMS family, which processes within other CMS Agreements or instruments are the most essential for ASCOBANS to co-operate with and which opportunities need to be developed for more regular contacts and cooperation with colleagues within the CMS family.

### **Consequences for the Triennium Workplan 2010-2012**

14. If the 6<sup>th</sup> Meeting of the Parties of ASCOBANS decides – in line with this strategy paper – to develop a more focussed approach on three priority issues, and to strengthen ASCOBANS' efforts to influence other international bodies, especially the EU, and economic sectors, the Triennium Workplan 2010-2012 needs to be adopted accordingly. Therefore the

draft Triennium Workplan 2010-2012 indicates which actions would be priority actions if the 6<sup>th</sup> Meeting of the Parties wants to adopt the proposed strategic approach.

**Consequences for ASCOBANS' organisational structure**

15. Implementing a more strategic approach does not imply that ASCOBANS' organisational structure needs to be adapted. However, if the 6<sup>th</sup> Meeting of the Parties agrees to a more strategic approach, the way ASCOBANS operates needs to be more focussed towards the agreed priorities. Consideration might be given to greater prioritisation and particular issues only being discussed for every other (or third) Advisory Committee. In that way time could be freed up for the key strategic issues.

16. A more focussed and strategic approach of course would benefit from a more stabilised situation as regards the management of the Agreement's Secretariat. A more stable Secretariat would help improve cooperation within the CMS family.

## Resolution No. 4

### Management of Expenditures between 2005 and 2008

*Recalling* Article 6.1 c) of the Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas<sup>1</sup> (hereinafter referred to as "the Agreement"), which states that the Meeting of Parties shall consider and decide upon "the establishment and review of financial arrangements and the adoption of a budget for the forthcoming three years";

*Recalling* the Resolution on Management of Expenditures adopted at the Fifth Session (The Hague, Netherlands, December 2006);

*Appreciating* that the financial situation of the Agreement has improved markedly since the previous Session as a result of the change in currency for subscriptions, substantial in-kind support received and careful stewardship by the Secretariat;

*Giving* special thanks to the German Government for providing, and agreeing to continue to provide, the accommodation for the Secretariat on a rent-free basis and its annual voluntary contribution in support of special measures and projects aimed at improving the implementation of the Agreement;

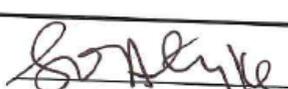
*Acknowledging* with appreciation also the additional support provided by various Parties on a voluntary basis to contribute to the implementation of the Agreement;

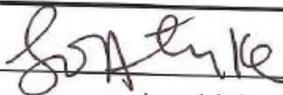
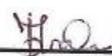
#### *The Meeting of the Parties to ASCOBANS*

1. *Discharges and approves* the expenditures for the years 2005, 2006, 2007 and 2008 attached as Annex 1 to this Resolution;
2. *Agrees* that the expenditures for the year 2009 should be discharged and approved by the 7<sup>th</sup> Meeting of Parties (MOP7).

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<sup>1</sup> For Parties that have not yet accepted the Amendment of the Agreement as adopted in MOP4 Resolution No. 4 (2003): Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas

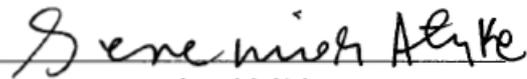
<b>General Trust Fund for the Conservation of Small Cetaceans of the Baltics and North Seas (ASCOBANS)</b>	
<b>I. Statement of income and expenditure and changes in reserves and fund balances for the twelve months period of the biennium 2008-2009 ended 31 December 2008</b>	
<b>Income</b>	<b>USD</b>
Voluntary contributions	219,351
Interest income	3,555
Miscellaneous income	9,415
<b>Total Income</b>	<b>232,321</b>
<b>Expenditure</b>	
Staff and other personnel costs	131,977
Contractual services	(20,876)
Travel	6,806
Operating expenses	4,172
Acquisitions	1,183
Programme support costs	16,024
<b>Total Expenditure</b>	<b>139,286</b>
<b>Excess/(shortfall) of income over expenditure</b>	<b>93,035</b>
<b>Net excess/(shortfall) of income over expenditure</b>	<b>93,035</b>
Reserves and fund balances, beginning of period	19,563
<b>Reserves and fund balances, end of period</b>	<b>112,598</b>
Operating reserves/Endowment Fund, beginning of period	87,542
Operating reserves/Endowment Fund, end of period	87,542
<b>II. Statement of assets, liabilities, reserves and fund balances as at 31 December 2006</b>	
<b>Assets</b>	
Cash pool - Euro	120,972
Voluntary contributions receivable	1,922
Inter-fund balances	82,651
Other	(1,436)
<b>Total assets</b>	<b>204,109</b>
<b>Liabilities</b>	
Unliquidated obligations	
Other accounts payable	1,361
<b>Total liabilities</b>	<b>2,608</b>
<b>Net assets/(liabilities)</b>	<b>3,969</b>
<b>Reserves and fund balances</b>	
Operating Reserve	87,542
Cumulative surplus	112,598
<b>Total reserves and fund balances</b>	<b>200,140</b>
<b>Total liabilities, reserve and fund balance</b>	<b>204,109</b>
 Jeremiah Atuke Chief ACCOUNTS SECTION BUDGET AND FINANCIAL MANAGEMENT SERVICE, UNON	
 United Nations Office at Nairobi ACCOUNTS SECTION Budget and Financial Management Services 20/07/2009	
BAL	

<b>Support of the ASCOBANS Secretariat</b>	
<b>I. Statement of income and expenditure and changes in reserves and fund balances for the twelve months period of the biennium 2008-2009 ended 31 December 2008</b>	
<b>Income</b>	<b>USD</b>
Voluntary contributions	77,640
Interest income	927
Miscellaneous income	782
<b>Total Income</b>	<b>79,349</b>
<b>Expenditure</b>	
Contractual services	23,760
Operating expenses	71,439
Programme support costs	12,376
<b>Total Expenditure</b>	<b>107,575</b>
<b>Excess/(shortfall) of income over expenditure</b>	<b>(28,226)</b>
<b>Net excess/(shortfall) of income over expenditure</b>	<b>(28,226)</b>
Transfer to other funds	16,580
Reserves and fund balances, beginning of period	42,381
<b>Reserves and fund balances, end of period</b>	<b>30,735</b>
<b>II. Statement of assets, liabilities, reserves and fund balances as at 31 December 2006</b>	
<b>Assets</b>	
Cash pool - Euro	38,395
Inter-fund balances	27,709
<b>Total assets</b>	<b>66,104</b>
<b>Liabilities</b>	
Unliquidated obligations	30,397
Other accounts payable	4,972
<b>Total liabilities</b>	<b>35,369</b>
<b>Net assets/(liabilities)</b>	<b>30,735</b>
<b>Reserves and fund balances</b>	
Cumulative surplus	30,735
<b>Total reserves and fund balances</b>	<b>30,735</b>
<b>Total liabilities, reserve and fund balance</b>	<b>66,104</b>
 Jeremiah Atuke Chief ACCOUNTS SECTION BUDGET AND FINANCIAL MANAGEMENT SERVICE, UNON	
 United Nations Office at Nairobi ACCOUNTS SECTION Budget and Financial Management Service 20/07/2009	
QVL	

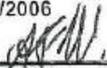
<b>General Trust Fund for the Conservation of Small Cetaceans of the Baltics and North Seas (ASCOBANS)</b>	
<b>i. Statement of income and expenditure and changes in reserves and fund balances for the biennium 2006-2007 ended 31 December 2007</b>	
<b>Income</b>	<b>USD</b>
Voluntary contributions	448,209
Allocations	-
Interest income	12,730
Programme support income	-
Billings	-
Deferred income	-
Miscellaneous income	23,566
Royalties	-
Sale of publications	-
<b>Total income</b>	<b>484,505</b>
<b>Expenditure</b>	
Staff and other personnel costs	340,174
Contractual services	8,499
Travel	21,403
Operating expenses	18,034
Acquisitions	2,501
Fellowships, grants and contributions	-
Programme support costs	50,666
<b>Total Expenditure</b>	<b>441,277</b>
<b>Excess/(shortfall) of income over expenditure</b>	<b>43,228</b>
Transfers from/(to) Other Funds	-
Prior period adjustments	-
<b>Net excess/(shortfall) of income over expenditure</b>	<b>43,228</b>
Provisional savings on or cancellation of prior periods' obligations	-
Refund to Donors	-
Transfers to/from other funds	-
Transfers to reserves	(87,542)
Reserves and fund balances, beginning of period	63,876
<b>Reserves and fund balances, end of period</b>	<b>19,562</b>
<b>ii. Statement of assets, liabilities, reserves and fund balances as at 31 December 2007</b>	
<b>Assets</b>	
Cash and term deposits	-
Cash pool - Euro	158,690
Cash pool - USD	52,101
Accounts receivable	-
Voluntary contributions receivable	21,710
Inter-fund balances	-
Other	1,004
Other Assets	-
Imprest advance/replenishment	-
Inventory	-
<b>Total assets</b>	<b>233,505</b>
<b>Liabilities</b>	
Payments or contributions received in advance	23,765
Unliquidated obligations	17,456
Accounts Payable	-
Interfund balances	85,180
Other	-
Other liabilities	-
<b>Total liabilities</b>	<b>126,401</b>
<b>Net assets/(liabilities)</b>	<b>107,104</b>
<b>Reserves and fund balances</b>	
Cumulative surplus	19,562
Operating reserves	87,542
<b>Total reserves and fund balances</b>	<b>107,104</b>
<b>Total liabilities, reserve and fund balance</b>	<b>233,505</b>
 L-K Jeremiah Atuke Chief ACCOUNTS SECTION BAL BUDGET AND FINANCIAL MANAGEMENT SERVICE, UNON 24/06/2008	

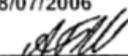


Support of the ASCOBANS Secretariat	
<b>I. Statement of income and expenditure and changes in reserves and fund balances for the biennium 2006-2007 ended 31 December 2007</b>	
<b>Income</b>	<b>USD</b>
Voluntary contributions	87,602
Allocations	-
Interest income	5,383
Programme support income	-
Billings	-
Deferred income	-
Miscellaneous income	2,273
Royalties	-
Sale of publications	-
<b>Total Income</b>	<b>95,258</b>
<b>Expenditure</b>	
Staff and other personnel costs	-
Contractual services	102,470
Travel	-
Operating expenses	-
Acquisitions	-
Fellowships, grants and contributions	-
Programme support costs	13,321
<b>Total Expenditure</b>	<b>115,791</b>
<b>Excess/(shortfall) of income over expenditure</b>	<b>(20,533)</b>
Prior period adjustments	-
<b>Net excess/(shortfall) of income over expenditure</b>	<b>(20,533)</b>
Provisional savings on or cancellation of prior periods' obligations	-
Transfer to other funds	-
Refund to donors	-
Reserves and fund balances, beginning of period	62,913
<b>Reserves and fund balances, end of period</b>	<b>42,380</b>
<b>II. Statement of assets, liabilities, reserves and fund balances as at 31 December 2007</b>	
<b>Assets</b>	
Cash and term deposits	-
Cash pool -Euro	36,314
Cash pool - US Dollar	8,472
Accounts Receivable	
Voluntary contributions receivable	-
Interfund balances	18,632
Other accounts receivable	-
Inventory	-
Imprest advance/replenish	-
Deferred charges	-
<b>Total assets</b>	<b>63,418</b>
<b>Liabilities</b>	
Payments or contributions received in advance	-
Unliquidated obligations	17,278
Accounts payable	
Interfund balances	-
Other accounts payable	3,760
Other liabilities	-
<b>Total liabilities</b>	<b>21,038</b>
<b>Net assets/(liabilities)</b>	<b>42,380</b>
<b>Reserves and fund balances</b>	
Cumulative surplus	42,380
<b>Total reserves and fund balances</b>	<b>42,380</b>
<b>Total liabilities, reserve and fund balance</b>	<b>63,418</b>
 United Nations Office at Nairobi ACCOUNTS SECTION Budget and Financial Management Service	
J.A.T.  Jeremiah Atuke Chief ACCOUNTS SECTION BUDGET AND FINANCIAL MANAGEMENT SERVICE, UNON	
QVL 16/07/2008	

<b>General Trust Fund for the Conservation of Small Cetaceans of the Baltics and North Seas (ASCOBANS)</b>	
<b>I. Statement of income and expenditure and changes in reserves and fund balances for the biennium 2006-2007 ended 31 December 2006</b>	
<b>Income</b>	<b>USD</b>
Voluntary contributions	197,846
Interest income	4,349
<b>Total Income</b>	<b>202,195</b>
<b>Expenditure</b>	
Staff and other personnel costs	176,431
Contractual services	4,349
Travel	19,537
Operating expenses	16,221
Acquisitions	2,000
Programme support costs	28,399
<b>Total Expenditure</b>	<b>246,937</b>
<b>Excess/(shortfall) of income over expenditure</b>	<b>(44,742)</b>
<b>Net excess/(shortfall) of income over expenditure</b>	<b>(44,742)</b>
Transfers to reserves	(87,542)
Reserves and fund balances, beginning of period	63,876
<b>Reserves and fund balances, end of period</b>	<b>(68,408)</b>
<b>Operating reserves, end of period</b>	<b>87,542</b>
<b>Total Reserves and fund balances, end of period</b>	<b>19,134</b>
<b>II. Statement of assets, liabilities, reserves and fund balances as at 31 December 2006</b>	
<b>Assets</b>	
Cash pool - US dollar	37,985
Accounts receivable	
Inter-fund balances	1,131
Other	634
<b>Total assets</b>	<b>39,750</b>
<b>Liabilities</b>	
Payments or contributions received in advance	11,852
Unliquidated obligations	4,836
Accounts Payable	
Other	3,928
<b>Total liabilities</b>	<b>20,616</b>
<b>Reserves and fund balances</b>	
Cumulative surplus	(68,408)
Operating reserves	87,542
<b>Total reserves and fund balances</b>	<b>19,134</b>
<b>Total liabilities, reserve and fund balance</b>	<b>39,750</b>
 Jeremiah Atuke Chief ACCOUNTS SECTION	
BAL	BUDGET AND FINANCIAL MANAGEMENT SERVICE, UNON
	30/07/2007

<b>Support of the ASCOBANS Secretariat</b>		
<b>I. Statement of income and expenditure and changes in reserves and fund balances for the biennium 2006-2007 ended 31 December 2006</b>		
<b>Income</b>		<b>USD</b>
Voluntary contributions		59,565
Interest income		3,222
Miscellaneous income		29
<b>Total income</b>		<b>62,816</b>
<b>Expenditure</b>		
Contractual services		51,251
Programme support costs		6,663
<b>Total Expenditure</b>		<b>57,914</b>
<b>Excess/(shortfall) of income over expenditure</b>		<b>4,902</b>
<b>Net excess/(shortfall) of income over expenditure</b>		<b>4,902</b>
Reserves and fund balances, beginning of period		62,913
<b>Reserves and fund balances, end of period</b>		<b>67,815</b>
<b>II. Statement of assets, liabilities, reserves and fund balances as at 31 December 2006</b>		
<b>Assets</b>		
Cash pool - US Dollar		76,019
Accounts Receivable		
Interfund balances		9,378
<b>Total assets</b>		<b>85,397</b>
<b>Liabilities</b>		
Unliquidated obligations		17,023
Accounts payable		
Other accounts payable		559
<b>Total liabilities</b>		<b>17,582</b>
<b>Reserves and fund balances</b>		
Cumulative surplus		67,815
<b>Total reserves and fund balances</b>		<b>67,815</b>
<b>Total liabilities, reserve and fund balance</b>		<b>85,397</b>
 Jeremiah Atuke Chief ACCOUNTS SECTION		
 DS 28/7	BUDGET AND FINANCIAL MANAGEMENT SERVICE, UNON	18/07/2007
QVL		

<b>General Trust Fund for the Conservation of Small Cetaceans of the Baltics and North Seas (ASCOBANS)</b>	
<b>I. <u>Statement of income and expenditure and changes in reserves and fund balances for the biennium 2004-2005 ended 31 December 2005</u></b>	
<b>Income</b>	<b>USD</b>
Voluntary contributions	377,482
Interest income	6,002
Miscellaneous income	36
<b>Total Income</b>	<b>383,520</b>
<b>Expenditure</b>	
Staff and other personnel costs	313,379
Contractual services	6,589
Travel	14,201
Operating expenses	34,824
Acquisitions	13,208
Programme support costs	49,676
<b>Total Expenditure</b>	<b>431,877</b>
<b>Excess/(shortfall) of income over expenditure</b>	<b>(48,357)</b>
Prior period adjustments	(13,810)
<b>Net excess/(shortfall) of income over expenditure</b>	<b>(62,167)</b>
Reserves and fund balances, beginning of period	126,044
<b>Reserves and fund balances, end of period</b>	<b>63,877</b>
<b>II. <u>Statement of assets, liabilities, reserves and fund balances as at 31 December 2005</u></b>	
<b>Assets</b>	
Cash pool - US dollar	125,431
Accounts receivable	
Voluntary contributions receivable	6,896
Other	634
<b>Total assets</b>	<b>132,961</b>
<b>Liabilities</b>	
Payments or contributions received in advance	32,548
Accounts Payable	
Interfund balances	32,707
Other	3,829
<b>Total liabilities</b>	<b>69,084</b>
<b>Reserves and fund balances</b>	
Cumulative surplus	63,877
<b>Total reserves and fund balances</b>	<b>63,877</b>
<b>Total liabilities, reserve and fund balance</b>	<b>132,961</b>
 _____ <b>Solomon Kabuye</b> Officer in Charge ACCOUNTS SECTION	
BAL	BUDGET AND FINANCIAL MANAGEMENT SERVICE, UNON
	25/07/2006 

<b>Support of the ASCOBANS Secretariat</b>		
<b>I. <u>Statement of income and expenditure and changes in reserves and fund balances for the biennium 2004-2005 ended 31 December 2005</u></b>		
<b>Income</b>		<b>USD</b>
Voluntary contributions		106,443
Interest income		2,053
<b>Total Income</b>		<b>108,496</b>
<b>Expenditure</b>		
Contractual services		20,571
Programme support costs		3,156
<b>Total Expenditure</b>		<b>23,727</b>
<b>Excess/(shortfall) of income over expenditure</b>		<b>84,769</b>
Prior period adjustments		751
<b>Net excess/(shortfall) of income over expenditure</b>		<b>85,520</b>
Reserves and fund balances, beginning of period		(22,606)
<b>Reserves and fund balances, end of period</b>		<b>62,914</b>
<b>II. <u>Statement of assets, liabilities, reserves and fund balances as at 31 December 2005</u></b>		
<b>Assets</b>		
Cash pool - US Dollar		55,628
Accounts Receivable		
Interfund balances		13,525
<b>Total assets</b>		<b>69,153</b>
<b>Liabilities</b>		
Unliquidated obligations		5,227
Other liabilities		1,012
<b>Total liabilities</b>		<b>6,239</b>
<b>Reserves and fund balances</b>		
Cumulative surplus		62,914
<b>Total reserves and fund balances</b>		<b>62,914</b>
<b>Total liabilities, reserve and fund balance</b>		<b>69,153</b>
<p>_____ Solomon Kabuye Officer in Charge ACCOUNTS SECTION</p>		
QVL	BUDGET AND FINANCIAL MANAGEMENT SERVICE, UNON	28/07/2006 

**Resolution No. 5**  
**Financial, Budgetary and Administrative Matters**  
**2010-2012**

*Recalling* Article 6.1 c) of the Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas<sup>1</sup> (hereinafter referred to as "the Agreement"), which states that the Meeting of Parties shall consider and decide upon "the establishment and review of financial arrangements and the adoption of a budget for the forthcoming three years";

*Having regard to* Article 7 of the Agreement, which states that the Parties agree to share the cost of the budget according to the United Nations scale of assessment and that these sums shall be paid to the government or international organization hosting the Secretariat;

*Recalling* the Resolution on Financial and Budgetary Matters adopted at the Fifth Session (The Hague, Netherlands, December 2006);

*Recognizing* the need to provide sufficient resources, including manpower, to enable the Secretariat of the Agreement to continue to carry out the Agreement's Work Plan and to serve its Parties;

*Appreciating* the willingness of the Parties to the Convention on Migratory Species (CMS) to continue to provide Secretariat services to ASCOBANS (CMS Res.9.14, Rome, Italy, December 2008);

*Accepting* that CMS will not bear any additional costs arising in connection with the organizational solution for ASCOBANS;

*Recognizing* the ongoing intersessional CMS process of its future shape, which is also of great importance with regard to ASCOBANS' future shape and may create new possibilities for increasing the effectiveness and efficiency of ASCOBANS' operation;

*Expecting* that the Secretariat of the Agreement shall cooperate effectively with other Agreement Secretariats within the UNEP/CMS Agreements Unit;

*Noting* with appreciation the establishment of a CMS Information, Capacity Building and Fundraising Unit, which offers to provide services to the co-located Agreement Secretariats if these agree to contribute to the expenditures involved;

*Appreciating* that the financial situation of the Agreement has improved markedly since the previous Session as a result of the change in currency for subscriptions, substantial in-kind support received and careful stewardship by the Secretariat;

*Supporting* the efforts of the Secretariat to find the most cost-effective solution for Information Technology Services for the Secretariat;

*Giving* special thanks to the German Government for providing, and agreeing to continue to provide, the accommodation for the Secretariat on a rent-free basis and its annual voluntary contribution of 25,600 Euro in support of special measures and projects aimed at improving the implementation of the Agreement;

*Acknowledging* with appreciation also the additional support provided by various Parties on a voluntary basis to contribute to the implementation of the Agreement;

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<sup>1</sup> For Parties that have not yet accepted the Amendment of the Agreement as adopted in MOP4 Resolution No. 4 (2003): Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas

*The Meeting of the Parties to ASCOBANS*

1. *Adopts* the budget for 2010-2012 attached as Annex 1 to this Resolution and agrees to the scale of annual contributions contained in Annex 2;
2. *Reiterates* that in accordance with Paragraph 7.2 of the Agreement, the annual contributions are to be paid in fully convertible Euros as soon as practicable after the end of March and no later than the end of June of the calendar year to which they relate;
3. *Agrees* that there shall be maintained a working capital at a constant level of at least 15 per cent of estimated annual expenditure or three months' salaries, whichever is higher;
4. *Takes note* of the medium-term plan for 2010-2015 attached at Annex 3 to this Resolution;
5. *Invites* Parties and Non-Party Range States, governmental, intergovernmental and nongovernmental organizations, and other stakeholders to make voluntary contributions towards special activities for the implementation of the Agreement;
6. *Encourages* Parties to consider financing Junior Professional Officers or providing interns, volunteers and technical experts to the Secretariat to increase its capacity in accordance with the United Nations rules and regulations and to agree on providing modest funding within the approved budget of the Agreement to cover the applicable overhead charges for such staff;
7. *Instructs* the Secretariat to report on its income and expenditure to the Advisory Committee at each of its meetings, and to report back to the Meeting of Parties at its next session;
8. *Authorizes* the Advisory Committee to decide upon withdrawals from the Trust Fund reserve in the event of unforeseen major shortfalls on established budget lines and subject to the provision of satisfactory documentation by the Secretariat;
9. *Decides* to continue the current Secretariat arrangements and *therefore decides* that from 1 January 2010 the UNEP/CMS Secretariat shall serve for another provisional three year period as the Secretariat pursuant to provision No. 4 of the ASCOBANS Agreement, and that the Executive Secretary of UNEP/CMS shall be the acting Executive Secretary for ASCOBANS;
10. *Requests* the Advisory Committee to evaluate the Secretariat arrangements at its session in 2011; and *further requests* the results of this evaluation to be reported back to the Conference of the Parties (COP) to CMS in 2011 as a contribution to the debate on the future shape of CMS, followed in due time by the MOP of ASCOBANS in 2012, with the aim of identifying the best arrangements for the future;
11. *Requests* the Executive Director of UNEP to extend the duration of the trust fund to 31 December 2012;
12. *Invites* the Executive Director of UNEP to consider, on a case-by-case basis, the allocation of financial resources from the income generated under the Programme Support Costs from the Trust Fund for voluntary contributions (XV Fund) for the implementation of activities;
13. *Requests* the Executive Director of UNEP to consider, as appropriate, providing financial support for special activities;
14. *Approves* the Terms of Reference for the administration of the Trust Fund as set out in Annex 4 to this Resolution, for the period 2010-2012.

### Budget for 2010-2012 – ASCOBANS Trust Fund (BA) in Euro

BL	Budget Item	2010	2011	2012	Total
		EUR	EUR	EUR	EUR
10	PERSONNEL				
1100	Professional Staff				
1101	Executive Secretary (D1); 3%	5,263	5,368	5,476	16,107
1102	CMS Professional Staff (P4), 15% (ASCOBANS Senior Advisor)	19,584	19,976	20,375	59,935
1103	Associate Coordination Officer (P2), 75%	61,200	62,424	63,672	187,296
1220	Professional Consultancies and fractional CMS Staff time	8,000	8,240	8,487	24,727
1300	Administrative Support				
1301	General Services: Administrative Assistant (GS-5), 50%	36,750	38,588	40,517	115,854
1600	Travel on Official Business				
1601	Secretariat Staff	4,370	4,501	4,636	13,507
1602	Experts on Mission	1,500	1,545	1,591	4,636
1999	<b>Personnel Subtotal</b>	<b>136,667</b>	<b>140,642</b>	<b>144,755</b>	<b>422,063</b>
20	SUBPROJECTS				
2201	Conservation Projects	1,590	1,591	1,591	4,772
2999	<b>Subprojects Subtotal</b>	<b>1,590</b>	<b>1,591</b>	<b>1,591</b>	<b>4,772</b>
30	MEETINGS				
3301	Meeting of Parties	0	0	3,000	3,000
3302	Meeting of the Advisory Committee	3,000	3,090	3,183	9,273
3999	<b>Meetings Subtotal</b>	<b>3,000</b>	<b>3,090</b>	<b>6,183</b>	<b>12,273</b>
40	EQUIPMENT AND PREMISES				
4100	Expendable Equipment				
4101	Miscellaneous Office Supplies	753	776	799	2,327
4200	Non-Expendable Equipment				
4201	Office Equipment	905	905	905	2,715
4300	Premises				
4301	Rent and Maintenance Costs	0	0	0	0
4999	<b>Equipment and Premises Subtotal</b>	<b>1,658</b>	<b>1,681</b>	<b>1,704</b>	<b>5,042</b>

BL	Budget Item	2010	2011	2012	Total
		EUR	EUR	EUR	EUR
50	MISCELLANEOUS COSTS				
5100	Operation and Maintenance				
5101	Operation/Maintenance computers	538	554	571	1,663
5102	IT Services	10,000	10,000	10,000	30,000
5103	Operation/Maintenance of printers	215	221	228	665
5200	Reporting Costs				
5201	Information Material/Outreach and Education Work	1,500	1,500	1,500	4,500
5202	Reference Material	107	110	114	331
5203	Website Maintenance and Development	2,000	2,060	2,122	6,182
5300	Sundry				
5301	Telephone and Fax	591	609	627	1,827
5302	Postage and Miscellaneous	1,500	1,545	1,591	4,636
5401	Hospitality	0	0	0	0
5999	<b>Miscellaneous Costs Subtotal</b>	<b>16,451</b>	<b>16,600</b>	<b>16,753</b>	<b>49,803</b>
	<b>SUBTOTAL</b>	<b>159,366</b>	<b>163,603</b>	<b>170,985</b>	<b>493,954</b>
6000	Programme Support Cost (PSC), 13%	20,718	21,268	22,228	64,214
	<b>GRAND TOTAL</b>	<b>180,084</b>	<b>184,871</b>	<b>193,213</b>	<b>558,168</b>

**Scale of Contributions by Parties  
to the UNEP/ASCOBANS Trust Fund for 2010-2012 in Euro**

<b>Party</b>	<b>Scale of Assessment (2009)</b>	<b>in %</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>Total</b>
Belgium	1.102	7.495	13,498	13,857	14,482	<b>41,836</b>
Denmark	0.739	5.026	9,052	9,292	9,712	<b>28,055</b>
Finland	0.564	3.836	6,908	7,092	7,412	<b>21,412</b>
France	6.301	20.000	36,017	36,974	38,643	<b>111,634</b>
Germany	8.577	20.000	36,017	36,974	38,643	<b>111,634</b>
Lithuania	0.031	0.211	380	390	407	<b>1,177</b>
Netherlands	1.873	12.739	22,941	23,551	24,614	<b>71,107</b>
Poland	0.501	3.408	6,136	6,300	6,584	<b>19,020</b>
Sweden	1.071	7.284	13,118	13,467	14,075	<b>40,660</b>
United Kingdom	6.642	20.000	36,017	36,974	38,643	<b>111,634</b>
<b>Total</b>	<b>27.401</b>	<b>100.000</b>	<b>180,084</b>	<b>184,871</b>	<b>193,213</b>	<b>558,168</b>

**Medium Term Plan for 2010-2015 in Euro**

Budget Item	Description	2010	2011	2012	2013	2014	2015
1100	Professional Staff	86,047	87,768	89,523	92,209	94,975	97,825
1200	Consultants	8,000	8,240	8,487	8,742	9,004	9,274
1300	Administrative Support	36,750	38,588	40,517	41,732	42,984	44,274
1600	Travel on Official Business	5,870	6,046	6,227	6,414	6,607	6,805
2200	Subprojects	1,590	1,591	1,591	1,639	1,688	1,739
3300	Meetings	3,000	3,090	6,183	3,278	3,377	6,756
4000	Equipment	1,658	1,681	1,704	1,755	1,808	1,862
5100	Operation and Maintenance	10,753	10,776	10,799	11,123	11,457	11,800
5200	Reporting Costs and Information Material	3,607	3,670	3,735	3,847	3,963	4,082
5300	Sundry	2,091	2,154	2,218	2,285	2,353	2,424
5400	Hospitality	0	0	0	0	0	0
	<b>SUBTOTAL</b>	<b>159,366</b>	<b>163,603</b>	<b>170,985</b>	<b>173,024</b>	<b>178,215</b>	<b>186,840</b>
6000	13% PSC	<b>20,718</b>	<b>21,268</b>	<b>22,228</b>	<b>22,493</b>	<b>23,168</b>	<b>24,289</b>
	<b>TOTAL</b>	<b>180,084</b>	<b>184,871</b>	<b>193,213</b>	<b>195,518</b>	<b>201,383</b>	<b>211,129</b>

## **TERMS OF REFERENCE FOR THE ADMINISTRATION OF THE TRUST FUND FOR THE AGREEMENT ON THE CONSERVATION OF SMALL CETACEANS OF THE BALTIC, NORTH EAST ATLANTIC, IRISH AND NORTH SEAS**

1. The Trust Fund for the Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas (hereinafter referred to as the Trust Fund) shall be extended for a period of three years to provide financial support for the aims of the Agreement, taking into account the merger of the ASCOBANS Secretariat with the Secretariat of CMS, but maintaining a separate budget for ASCOBANS.
2. The financial period shall be for three calendar years beginning 1 January 2010 and ending 31 December 2012.
3. The Trust Fund shall be administered by the Executive Director of the United Nations Environment Programme (UNEP), subject to the approval of the Governing Council of UNEP and the consent of the Secretary-General of the United Nations.
4. The administration of the Trust Fund shall be governed by the Financial Regulations and Rules of the United Nations, the Staff Regulations and Rules of the United Nations, and other administrative policies or procedures, promulgated by the Secretary-General of the United Nations.
5. In accordance with United Nations rules, UNEP shall deduct from the income of the Trust Fund an administrative charge equal to 13 per cent of the expenditure charged to the Trust Fund in respect of activities financed under the Trust Fund.
6. In the event that the Parties wish the Trust Fund to be extended beyond 31 December 2012, the Executive Director of UNEP shall be so advised in writing immediately after the sixth session of the Meeting of Parties. It is understood that such extension of the Trust Fund shall be decided at the discretion of the Secretary-General of the United Nations.
7. The financial resources of the Trust Fund for 2010-2012 shall be derived from:
  - (a) The contributions made by the Parties by reference to Annex 2, including contributions from any new Parties;
  - (b) Further contributions from Parties and contributions from States not Parties to the Agreement, other governmental, intergovernmental and non-governmental organisations and other sources.
8. All contributions to the Trust Fund shall be paid in Euros. For contributions from States that become Parties after the beginning of the financial period, the initial contribution (from the thirtieth day after deposit of the instrument of ratification, acceptance or accession until the end of the financial period) shall be determined pro rata based on the contribution of other States Parties on the same level on the United Nations scale of assessment, as it applies from time to time. However, if the contribution of a new Party determined on this basis would be more than 20 per cent of the budget, the contribution of that Party shall be 20 per cent of the budget for the financial year of joining (or pro rata for a part-year). Contributions of Parties acceding to the Agreement during the ongoing triennium will not be used to reduce the subscriptions of existing Parties during that triennium, but will rather flow into the Agreement trust fund. Contributions for all Parties throughout the triennium 2010-2012 shall be based on the UN Scale of Assessments applicable at the time of adoption of this resolution. Contributions shall be paid in annual instalments. The contributions shall be

due on 1 January 2010, 2011 and 2012. Contributions shall be paid into the following account:

**UNEP Euro Account**  
**Account No. 6161603755**  
**JP Morgan AG**  
**Junghofstr. 14**  
**60311 Frankfurt/Main, Germany**  
**Bank code number 501 108 00**  
**SWIFT No. CHASDEFX**  
**IBAN: DE 56501108006161603755**

9. For the convenience of the Parties, for each of the years of the financial period the Executive Director of UNEP shall as soon as possible notify the Parties to the Agreement of their assessed contributions.

10. Contributions received into the Trust Fund that are not immediately required to finance activities shall be invested at the discretion of the United Nations, and any income shall be credited to the Trust Fund.

11. The Trust Fund shall be subject to audit by the United Nations Board of Auditors.

12. The budget estimates covering the income and expenditure for each of the three calendar years constituting the financial period to which they relate, prepared in Euros, shall be submitted to the ordinary session of the Meeting of Parties to the Agreement.

13. The estimates of each of the calendar years covered by the financial period shall be divided into sections and objects of expenditures, shall be specified according to budget lines, shall include references to the programmes of work to which they relate, and shall be accompanied by such information as may be required by or on behalf of the contributors, and such further information as the Executive Director of UNEP may deem useful and advisable. In particular estimates shall also be prepared for each programme of work for each of the calendar years, with expenditure itemised for each programme so as to correspond to the sections, objects of expenditure, and budget lines described in the first sentence of this paragraph.

14. In addition to the budget estimates for the financial period described in the preceding paragraphs, the Secretariat of the Agreement, in consultation with the Advisory Committee and the Executive Director of UNEP, shall prepare a medium-term plan as envisaged in Chapter III of the Legislative and Financial Texts Regarding the United Nations Environment Programme and the Environment Fund. The medium-term plan will cover the years 2010-2015, inclusive, and shall incorporate a draft budget for the financial period 2010-2015.

15. The proposed budget and medium-term plan, including all the necessary information, shall be dispatched by the Secretariat to all Parties at least ninety days before the date fixed for the opening of the ordinary session of the Meeting of Parties.

16. The budget and medium-term plan shall be adopted by a three-quarters majority of the Parties present and voting at the ordinary session.

17. In the event that the Executive Director of UNEP anticipates that there might be a shortfall in resources over the financial period as a whole, the Executive Director shall consult with the Secretariat, who shall seek the advice of the Advisory Committee through the Chair as to its priorities for expenditure.

18. Commitments against the resources of the Trust Fund may be made only if they are covered by the necessary income of the Agreement. No commitments shall be made in advance of the receipt of contributions. In the case of voluntary (non-statutory) contributions by Parties or non-Party Range States, commitments may be made immediately upon conclusion of the relevant donor agreement.

19. At the beginning of the first calendar year of a triennium, the Secretariat, after seeking the advice of the Parties through the Chair of the Advisory Committee, shall be authorised to allocate the surplus of the previous triennium left in the Trust Fund above and beyond the six-month operational reserve<sup>2</sup> to reducing the annual contributions of Parties for the second and third years of that triennium, in accordance with their scales of assessments for the ASCOBANS budget.

20. Upon the request of the Secretariat of the Agreement, after seeking the advice of the Advisory Committee, the Executive Director of UNEP should, to the extent consistent with the Financial Regulations and Rules of the United Nations, make transfers from one budget line to another. At the end of any calendar year within the financial period, the Executive Director of UNEP may transfer any uncommitted balance of appropriations to the following calendar year, provided that the total budget approved by the Parties is not exceeded, unless this is specifically sanctioned in writing by the Advisory Committee.

21. At the end of each calendar year within the financial period<sup>3</sup>, the Executive Director of UNEP shall submit to the Parties, through the UNEP/ASCOBANS Secretariat, the accounts for the year. The Executive Director shall also submit, as soon as practicable, the audited accounts for the financial period. These shall include full details of actual expenditure compared to the original provisions for each budget line.

22. Those financial reports required to be submitted by the Executive Director of UNEP shall be transmitted simultaneously by the Secretariat of the Agreement to the members of the Advisory Committee.

23. The Secretariat of the Agreement shall provide the Advisory Committee with an estimate of proposed expenditures over the coming year simultaneously with, or as soon as possible after, distribution of the accounts and reports referred to in the preceding paragraphs.

24. The present terms of reference shall be effective from 1 January 2010 to 31 December 2012.

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<sup>2</sup> The operational reserve amounts to 15% of the budget of a calendar year or three months' salaries, whichever is higher.

<sup>3</sup> The calendar year 1 January to 31 December is the accounting and financial year, but the accounts official closure date is 31 March of the following year. Thus, on 31 March the accounts of the previous year have to be closed, and it is only then that the Executive Director can submit the accounts of the previous calendar year.

**Revised Format for the  
 ASCOBANS Annual National Reports**

**General Information**

Name of Party:	Period covered:
	Date of report:

Report submitted by:	
Name:	Function:
Organization:	Address:
Telephone / Fax:	Email:
Any changes in coordinating authority or appointed member of advisory committee	

List of national authorities, organizations, research centres and rescue centres active in the field of study and conservation of cetaceans, including contact details
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**NEW Measures / Action Towards Meeting the Objectives of the Conservation and Management Plan and the Resolutions of the Meeting of Parties**

Please feel free to add more rows to tables if the space provided is not sufficient.

***A. HABITAT CONSERVATION AND MANAGEMENT***

**1 Direct Interaction with Fisheries**

Investigations of methods to reduce bycatch
Implementation of methods to reduce bycatch
Please provide any other relevant information, including bycatch information from opportunistic sources.

In addition, please attach or provide link to your country's Report under EC Regulation 812/2004.

## 2 Reduction of Disturbance

### 2.1 Anthropogenic Noise

Please reference and briefly summarise any studies undertaken

### 2.2 Ship Strike Incidents

Please list all known incidents and for each, provide the following information:

Date	Species	Type of injury	Fatal injury (Yes / No)	Type of vessel (length, tonnage and speed)	Location (coordinates)	More information: (Name / Email)

### 2.3 Major Incidents Affecting Significant Numbers\* of Cetaceans

Date	Location	Type of incident	Further Information

\*Two or more animals

### 2.4 Pollution and Hazardous Substances

Please report on main types of pollution and hazardous substances (including source, location and observed effects on cetaceans). Please provide information on any new measures taken to reduce pollution likely to have an impact.

### 2.5 Other Forms of Disturbance

Please provide any other relevant information, e.g. relating to recreational activities affecting cetaceans.

## 3 Marine Protected Areas for Small Cetaceans

Please provide any relevant information on measures taken to identify, implement and manage protected areas for cetaceans, including MPAs designated under the Habitats Directive and MPAs planned or established within the framework of OSPAR or HELCOM.

Please indicate where GIS data of the boundaries (and zoning, if applicable) can be obtained (contact email / website).

## ***B. SURVEYS AND RESEARCH***

### **4.1 Overview of Research on Abundance, Distribution and Population Structure**

Please provide an brief summary of (and reference to) any national work.

### **4.2 New Technological Developments**

Please provide a brief summary of any relevant information

### **4.3 Other Relevant Research**

Please provide a brief summary of any relevant information

## ***C. USE OF BY-CATCHES AND STRANDINGS***

### **5 Post-Mortem Research Schemes**

Contact details of research institutions / focal point	
Methodology used (reference, e.g. publication, protocol)	
Collection of samples (type, preservation method)	
Database (Number of data sets by species, years covered, software used, online access)	
Additional Information (e.g. website addresses, intellectual property rights, possibility of a central database)	

### 5.1 Number of Necropsies Carried out in Reporting Period:

Species	Recorded cause of death

Please provide any other relevant information on post-mortem / stranding schemes.

### ***D. LEGISLATION***

#### **6.1 Relevant New Legislation, Regulations and Guidelines**

Please provide any relevant information.

### ***E. INFORMATION AND EDUCATION***

#### **7.1 Public Awareness and Education**

Please report on any public awareness and education activities to implement or promote the Agreement to the general public and to fishermen.

### ***POSSIBLE DIFFICULTIES ENCOUNTERED IN IMPLEMENTING THE AGREEMENT***

Please provide any relevant information.

Please return this form, preferably by e-mail, to:

UNEP/CMS/ASCOBANS Secretariat  
UN Campus  
Hermann-Ehlers-Str. 10  
53113 Bonn  
Germany

Tel: +49 228 815 2416  
Fax: +49 228 815 2440  
Email: [ascobans@ascobans.org](mailto:ascobans@ascobans.org)