

REPORT OF THE
8th MEETING OF THE
ADVISORY COMMITTEE
TO ASCOBANS

NYMINDEGAB, DENMARK
2 - 5 April 2001



ASCOBANS
Agreement on the Conservation
of Small Cetaceans of the
Baltic and North Seas

ASCOBANS Secretariat
United Nations Premises
Martin-Luther-King-Str. 8
D-53175 Bonn, Germany

Tel.: +49 228 815 2418
Fax: +49 228 815 2440
E-mail: ascobans@ascobans.org
Web: www.ascobans.org

Table of Contents

	<i>Page</i>
Executive Summary - Points for Action	1
Item 1: Introduction	3
Item 2: Adoption of Rules of Procedure	3
Item 3: Election of Chairperson and Vice-Chairperson of the Advisory Committee for the Triennium 2001-2003	
Item 4: Adoption of Agenda	3
Item 5: Matters related to research.....	4
Bycatch Working Group.....	4
Baltic Working Group	6
Population Census/Monitoring/Bycatch Monitoring Working Group	8
Item 5.4: Post-mortem research and stranding schemes (data provided by Parties).....	9
Item 5.5: Pollutants issues.....	9
Item 5.6: Fisheries statistics (data submitted by Parties)	9
Item 6.1: National legislation.....	10
Item 6.2: Protected areas.....	10
Item 6.3: Progress in the accession of Range States	10
Item 6.4: Southward and westward extension of the Agreement area	10
Item 6.5: Disturbance by seismic surveys.....	11
Item 6.6: Disturbance by high-speed ferries	12
Item 6.7: Disturbance by military activities.....	12
Item 6.8: Educational programmes "Blue School" and "Alliance for Nature" in Poland	13
Item 7: Cooperation with international organisations.....	13
European Commission (DG ENV).....	13
ACCOBAMS.....	13
Item 8: PR issues.....	14
Item 9: Business session	14
Item 9.1: Budgetary Issues.....	14
Item 9.2: Executive Secretary's Report on Integration of the ASCOBANS Secretariat into the UNEP/CMS Agreements United Nations Premises	15
Item 9.3: Meetings to be attended in 2001/2002.....	16
Item 9.4: Any other business	16
Item 10: Establishment of a comprehensive 2001-2003 Triennial Workplan: Goals and timepath	16
Item 11: Agreement on the draft report	16

Item 12:	Date and venue of next meeting	16
Item 13:	Any other business.....	17
	UNEP	17
	NGO statement	17
	WWF.....	18
	WDCS Stranded Cetaceans Rescues	18
Item 14:	Close of meeting	18
Annex 1:	List of Participants.....	19
Annex 2:	List of Documents.....	25
Annex 3:	Agenda.....	27
Annex 4:	Rules of Procedure for the ASCOBANS Advisory Committee	29
Annex 5:	Record of Discussion of the Working Group on Bycatch Mitigation.....	35
Annex 6:	Record of Discussion of the Population Census/Monitoring/Bycatch Working Group	41
Annex 7a:	Record of Discussion of the Baltic Working Group	45
Annex 7b:	Outline and Terms of Reference for a Workshop Aimed at Drafting a Recovery Plan for Harbour Porpoises in the Baltic Sea	47
Annex 8:	Some Recent References Concerning Marine Pollution Relevant to ASCOBANS	51
Annex 9:	Date of Interest to ASCOBANS 2001/2002	55
Annex 10:	Advisory Committee Triennial Work Plan 2001-2003.....	57

Executive Summary - Points for Action

Items 5.1 - 5.3

The Chairman will write to Andy Read to thank him for his report "A Review of Bycatch Mitigation Measures with Special Reference to the ASCOBANS Area". He will also write to the European Commission, reminding them of the report.

With a view to preparing the projected Workshop on a Recovery Plan for Baltic Harbour Porpoises, the Secretariat will write to DANCEE, which has offered to fund, and HELCOM, which has offered to co-arrange the exercise.

A Steering Group will be established to oversee the organisation of the above Workshop. This Steering Group will comprise representatives of Denmark and Poland, the Secretariat and the Convener. All other Baltic Parties and non-Party Range States will nominate a contact point to be involved in developing the substance of the meeting. A formal peripheral advisory group composed of a representative of the fisheries industry, an NGO representative and scientific advisors will be established to support the group.

ASCOBANS will provide funding to enable Phil Hammond to start preliminary preparations, seek partners and additional funding for a SCANS II survey. The Chairman and Vice-Chairman will coordinate this approach.

The Chairman and Vice-Chairman will liaise with potential funding bodies for this survey.

The Chairman will write to Phil Hammond, thanking him for his paper to the 8th Advisory Committee meeting, setting out suggested priorities and suggesting the further extensions of the survey area to the south.

Item 5.4

The Secretariat will prepare an updated collation of data provided by Parties on post-mortem research and stranding schemes for AC9.

Item 6.4

The Secretariat will address the issue of accession to ASCOBANS in letters to the Irish, Portuguese and Spanish governments.

The Chairman and Vice-Chairman in cooperation with the Secretariat will draw up a proposal outlining the extent of Spanish, Portuguese and Irish waters to be covered by the extended Agreement area.

Item 6.6

The Secretariat will provide a map indicating the points of departure/arrival of high-speed vessels in the Agreement area.

Germany will consider drafting a more flexible reporting format for high-speed vessels. The Chairman and the Vice-Chairman offered their help in doing this.

The Chairman will investigate whether IMO, when considering the impact of high-speed ferries on the marine environment, could include marine mammals in its considerations.

Item 7

The Chairman and Vice-Chairman will consult the Committee on items to be included in an ASCOBANS "wish list", to be presented to the European Commission when drafting a strategic research programme.

Item 9.2

The Secretariat will notify the Parties as soon as possible if an overspend on the personnel budget line for 2001 seems likely to be incurred.

Report on the 8th Meeting of the Advisory Committee to ASCOBANS

Item 1: Introduction

The Chairman, Peter Reijnders (Netherlands), opened the meeting and welcomed the delegates. He stated that he was pleased to see so many participants at what would be an important meeting to set the framework for the Agreement's work during the forthcoming triennium. As delegates would have ample opportunity to get to know each other over the next three days, he did not propose to hold the customary *tour de table*.

Palle Uhd Jepsen (Denmark), speaking on behalf of the Host Government, welcomed the delegates to Denmark, explaining that Nymindegab was very remote but of high nature conservation interest. He confirmed that the Danish Government was prepared to host the next MOP in 2003 in Esbjerg. He also looked forward to welcoming the delegates to an evening reception at the Fisheries and Maritime Museum in Esbjerg.

Item 2: Adoption of Rules of Procedure

The Executive Secretary, Rüdiger Stempel introduced Document 3 and pointed out one proposed change to Rule 6 which would enable the Committee to function in the absence of both the Chairperson and Vice-Chairperson. The amended Rules of Procedure were adopted (Annex 4).

Item 3: Election of Chairperson and Vice-Chairperson of the Advisory Committee for the Triennium 2001 – 2003

Peter Reijnders reminded the meeting that it was customary for elections to the offices of Chairman and Vice-Chairman to be held at the beginning of each triennium. He then invited nominations for the position of Chairperson.

Germany nominated Mark Tasker (United Kingdom). This proposal was seconded by Poland, Sweden and the Netherlands, and Mark Tasker was declared elected.

Sweden proposed Peter Reijnders for the post of Vice-Chairman and this was seconded by Denmark. Peter Reijnders was declared elected.

Peter Reijnders thanked the committee for their support over the past nine years, which had led to successful progress in implementing the Agreement. Mark Tasker thanked Peter Reijnders for his chairmanship, and said that the teamwork that he had enjoyed with Peter Reijnders in the past would continue.

Item 4: Adoption of the Agenda

The Chairman led the discussion about the agenda and the work programme (Document 1a). He suggested that three working groups be established to discuss:

- a. bycatch mitigation
- b. issues relating to the Baltic Sea
- c. survey and research work (population censuses and by-catch monitoring)

He suggested that all three groups start their deliberations on Monday afternoon and carry on after lunch on Tuesday after a plenary session on Tuesday morning to take interim reports from Groups b. and c. Group a., dealing with the most important theme, should continue to develop its recommendations, having taken in the contributions of the other two groups. A business session, open only to Party delegates would take place on Tuesday afternoon.

This programme was adopted, after it had been ascertained that none of the smaller delegations felt that they would be overstretched or disadvantaged through not being able to participate in all groups.

The terms of reference, composition and material to be considered by each group were then decided:

Bycatch Mitigation Working Group

There were four relevant papers for this group to take into consideration (Documents 5, 10, 11 and 18). Its task was to be to identify critical areas, review them and come up with proposals to reduce by-catch, ensuring that any recommendations were fair to all fisheries as this would be more likely to elicit a positive response. This Group was to consider a broader discussion on reform of the Common Fisheries Policy of the European Community. John Clorley (United Kingdom) was appointed to chair this Group.

Population Census/Monitoring/Bycatch Monitoring Working Group

This group was to review briefly what the current state of knowledge was, and identify any gaps. Documents 15, 25, 27 and the minutes from MOP3 were relevant (Document 29 was added later). The group would be expected to make proposals concerning the way forward (e.g. whether a new SCANS project would be necessary).

Overlaps with the Baltic Group would need to be discussed. Christina Lockyer (Denmark) was appointed to chair this Group.

Baltic Working Group

The Baltic Group would need to consider how to make progress in realizing the projected workshop aimed at drafting a Baltic Harbour Porpoise Recovery Plan and establish a Steering Group. It would need to consider documents 4, 17 and 25 and would benefit from the presence of Iwona Kuklik and Rüdiger Stempel who had been involved in previous work. Mark Tasker suggested that each of the Baltic Parties and Lithuania, represented by an observer, should participate. Rüdiger Stempel was appointed to chair this Group.

Agenda items 5.1 – 5.3 were accordingly discussed by these working groups, and their reports and the draft outline and Terms of Reference for a workshop aimed at drafting a recovery plan for Baltic Harbour Porpoises (Annexes 5 - 7b) were brought back for plenary discussion.

Item 5: Matters related to research

Items 5.1 – 5.3

Bycatch Working Group

Sarah Jones (WWF) gave a verbal summary of the Bycatch Working Group's deliberations (Annex 5). These covered the fisheries causing most concern, a review of bycatch and recommendations for more mitigation measures. Peter Reijnders had reported on the positive meeting

with the European Commission in February 2001, where amongst other issues the bycatch problem and ways to address it in the new CFP had been discussed.

Five different fisheries were identified: The Celtic Sea bottom-set nets, the central and southern North Sea bottom-set nets, bass trawling, pelagic trawling and set nets in the Kattegat and Belt Seas and the Skagerrak. Baltic Sea fisheries were discussed by the Baltic Sea WG.

The United Kingdom explained that two observers had been placed aboard bass fishing vessels, but their results were not yet available. The United Kingdom asked whether “pingers” should be deployed on all nets or just on hake nets, how the different net types were differentiated and whether this discrimination was fair. The United Kingdom also pointed out that the Read report indicated that the United States had devised a scale for fisheries relating to the risks posed to small cetaceans. The United Kingdom asked how the requirements for “pingers” to be fitted to all static nets in the Celtic Sea would be enforced among Non-Party Range States and suggested that this should be through the Commission. The wording of the report needed to reflect the fact that the Advisory Committee was only making recommendations based on best practice. Information available concerning population estimates needed to be cited (e.g. SCANS 93/4 putting the harbour porpoise population on the Celtic Shelf at 120,000).

The Chairman stressed that the meeting needed to note the Read report and take a position, in view of the quantitative goals it set down for mitigation effort given the known threats and level of bycatch.

The Netherlands informed the meeting that the report had been distributed to six Dutch institutions, which had responded favourably. One problem that had been identified was that, in Europe, reporting of fishing effort was done on a national basis and that this often led to incompatible data sets. This contrasted with the practice in the USA. Germany agreed that the report was very good, while stressing that the fisheries covered were not those of greatest interest to Germany. Denmark had not yet had the chance to collate a broader response, but the delegation’s initial impression was that the report was very useful and comprehensive. Experiences in the USA seemed to be only slightly different from those of Denmark and it appeared that Europe was not as far behind as people had imagined. Lessons could be learnt from experiences on the other side of the Atlantic. There did not yet seem to be clear indications about the way ahead – increased use of pingers and reduced fishing effort both had their pros and cons, and other complex factors were also relevant. Closures of certain areas in the Gulf of Maine had proved less effective than had been hoped (although possibly it was too soon to draw conclusions). The United Kingdom also welcomed the report and commented that one had to be careful comparing the situation in the USA and in Europe, where fisheries issues were dealt with internationally through EU fora. Neither Sweden nor Poland had been able to consult fully but both thought that the report was good. Poland pointed out that two approaches could be considered: gear modification and restrictions on fishing effort (both time and space). Poland had only had 5 incidents of bycatch per annum so an increase in mitigation efforts was hard to justify, without knowing more about population abundance. Finland had no official position, welcomed the report but felt that with only three bycatch cases in 10 years, this was not a vital issue for them. Belgium considered the report to be a comprehensive document and suggested that actions should be taken at the EU level rather than at the national level. As an example the Belgian delegate pointed out that most gillnets used in Belgian waters were set by non-Belgian fishermen, so that restrictions at the national level would not be very effective and could have consequences concerning competition. Norway pointed out that there were often conflicting management objectives between fisheries and conservation, and ASCOBANS needed to ensure that its objectives were taken seriously.

The Chairman summarised that all states welcomed the report, few had had the chance to consult fully, the report would have to be discussed at the next Advisory Committee. The Chairman undertook to write to the report’s author to thank him, and to the Commission reminding them of the report.

The United Kingdom said that from monitoring undertaken to date in the Celtic Sea it was not possible to identify specific areas of high cetacean concentration on which area closures could be based. Closing an area without such information simply risked effort displacement elsewhere to the potential detriment of cetacean populations. This had indeed happened in one such area off the east coast of the USA (Jeffrey's Ledge).

WDCS suggested that broad support for Read's conclusions might be expressed. The representative of WDCS expressed the opinion that there were three requirements for bycatch reduction:

- a clear statement of objectives,
- involvement by stakeholders,
- independent observers.

A case-specific approach was essential and two other matters should be addressed: compliance and enforcement and reconciling conflicting management objectives.

WWF Sweden further noted that the report provided examples of how uncertainties about abundance could be taken into account in a quantitative way (eg the PBR approach). WWF Sweden considered it important that approaches to take uncertainty into account were also applied in ASCOBANS.

ASCOBANS needed to submit the information on bycatch mitigation to the European Commission in response to the Green Paper so that it could be taken into consideration in the review of the CFP.

The discussion on bycatch monitoring in the ASCOBANS area is covered in the section dealing with the Population Census/monitoring/Bycatch Monitoring Working Group.

Baltic Working Group

Rüdiger Stempel reported on the discussions of the Baltic Working Group (Annex 7a), which covered the drafting of the Recovery Plan (an outline of which is contained in Annex 7b), Per Berggren's paper on aerial surveys (Document 25) and the work of the ASCOBANS Baltic Discussion Group (AC8/Doc 4).

The Recovery Plan was first suggested at MOP2 (Bonn 1997) but unfortunately had still not been drafted. Problems had arisen regarding funding, timing and venue, but there was now an offer to finance the meeting from DANCEE (the Danish Agency for Nature Conservation in Central and Eastern Europe) for which ASCOBANS was very grateful. Poland confirmed that it would host the workshop. Unfortunately the target date for the workshop of September 2001 was no longer realistic and it was hoped to hold the meeting in January 2002 (subsequently to the discussion on the subject, HELCOM offered to co-arrange the workshop and the Secretariat was asked to contact both HELCOM and DANCEE).

The overall aim remained to secure a stable and viable population¹ in the Baltic, building on past records, historic status and having identified reasons for the decline, current threats and undertaken a review of key research and the results of bycatch monitoring. Moreover, involvement of local people and building public awareness were also important. The outcomes of the Workshop's deliberations would be considered at the 9th meeting of the Advisory Committee.

¹ The Working Group decided to follow ASCOBANS MOP2, which had agreed that a suitable short-term sub-objective was to restore and/or maintain stocks/populations to 80% or more of carrying capacity, cf. ASCOBANS MOP2/Doc. 4

A Steering Group would be established to oversee the organisation of a Workshop to develop the Recovery Plan, comprising representatives of Denmark, Poland, the Secretariat and the professional convenor. All Baltic Parties and Non-Party Range States would be requested to nominate a contact point to be involved in developing the substance of the meeting. The initial concept was for a three day meeting with approximately 100 participants from the nine Baltic countries. Participants should represent governments, relevant regional inter-governmental organisations, NGOs and industries, with an agenda based on recommendations 1 and 3, and 5 - 12 outlined in the final report of the ASCOBANS Baltic Discussion Group (Document 25).

The Vice-Chairman stressed the need, for the sake of realism, to concentrate on cost-effective solutions and proposals, which Rüdiger Stempel felt was sufficiently covered in the prioritisation process. There was some debate about the composition of the Steering Group, which the Secretariat felt should be kept to a minimum and confined to the logistics of arranging the meeting. The wider group of national representatives would be consulted on content. A formal peripheral advisory group composed of a representative of the fisheries industry, an NGO representative and scientific advisors should support the Steering Group. A number of papers would be commissioned in advance of the meeting, an approach endorsed by the Vice-Chairman following his previous experience. The terms of reference for the workshop to draft a recovery plan were amended slightly and agreed (Annex 7b).

With respect to the final report of the ASCOBANS Baltic Discussion Group, Rüdiger Stempel reported that the Working Group fully endorsed recommendations 1 – 3 and 5 – 12 of the report. Concerning Recommendation 4 (aerial survey of the Baltic, cf. AC8/Doc. 25), the Working Group expressed support for the survey. However, concern was voiced that the area covered by the survey might be too limited. The Working Group therefore emphasised the need to survey areas not covered by Berggren's proposed aerial survey.

Christina Lockyer (Denmark), speaking on behalf of the Population Census/Monitoring/Bycatch Monitoring Working Group and referring to Per Berggren's proposed survey work, said that WWF Sweden and the German Government had offered some funding and suggested that it was desirable for the survey work to be increased off the Polish coast where some "hotspots" of bycatch and population abundance had apparently been discovered.

The Vice-Chairman suggested that the Committee should decide whether to endorse the survey work going ahead as planned or whether to survey areas further east to cover areas not previously surveyed. Germany would like to see some survey effort for a possible breeding area off the Darss. WWF Sweden pointed out that the survey as proposed already was quite extensive and included previously unsurveyed waters in the east, e.g. the Polish coast, together with the areas covered in 1995, all with doubled effort. Although it could be useful to further extend the survey, e.g. northwards in the eastern Baltic Sea, it would require considerable additional funding and it might be difficult to obtain the required permits. In response to the suggestions to perhaps concentrate effort in the previously unsurveyed areas in the east, WWF Sweden commented that this might be possible in principle but had reservations about whether the abundance estimate from such a survey could be added to the existing estimate from 1995 from areas outside Polish waters given uncertainties as to what movements might possibly have taken place between the areas. WWF Sweden felt that it was necessary to consult with Per Berggren about this. Denmark had reservations as to whether the Baltic boundary as defined by man had any relevance for harbour porpoise populations since this was essential to assessing the Baltic harbour porpoise populations. The Secretariat felt that it was unrealistic to try to extend the survey to the entire area, as there was insufficient funding secured for the existing proposal without adding more. The Chairman questioned whether aerial surveys were best suited for the more precise work suggested by Germany's request for a detailed search of calving grounds. Germany suggested that surveys in uncharted waters were less likely to register "hits". Norway pointed out that a greater area was covered in a shorter time through aerial surveys, but the chances of registering sightings were better from ship-based surveys. Germany stated that it

hoped to carry out a ship-based survey in 2002, but would like to have some data as soon as possible.

Population Census/Monitoring/Bycatch Monitoring Working Group

Christina Lockyer, reporting on behalf of the Population Census/Monitoring/Bycatch Working Group, said that the Working Group recognised that the use of independent observers was the best method of monitoring. However, this was not always feasible, particularly for small boat or one-man fisheries.

The Group understood that the ICES Working Group on Marine Mammal Population Dynamics and Habitats would start collating information on fisheries where small cetacean bycatch might be occurring. The group encouraged the ICES WG to accomplish this task.

The system in the USA on assessing the vulnerability of different fisheries could be helpful in Europe, but guidance would be needed.

The Group considered that, as technology developed, the opportunity could exist for using new monitoring technologies like underwater video and cameras on nets. Electronic “observers” or “black boxes” that could record mismatch between load and offload could be developed and considered for the future.

It was noted that there was a current EU Data Collection Regulation² that required data reporting on main target fish species and fleets, and that this regulation might be extended in species range after December 2003. This might be an opportunity to improve cetacean bycatch reporting and monitoring.

The Working Group recognised that developing a dialogue between fishermen, fisheries inspectors and fishery regulations was essential in order to obtain cooperation and collaboration in monitoring.

Christina Lockyer stated that, in the opinion of the Working Group, Peter Evans’ paper (Doc 27) provided useful background material.

MOP3 Resolution 5 had called for an abundance survey to be planned before MOP4 in 2003, with priority to be given to waters to the west of the ASCOBANS area. Phil Hammond’s paper (Doc 16) concluded that an exercise similar to the 1994 SCANS was important. It was evident that survey work needed to be carried out at intervals of less than 10 years in order for population trends to be discerned. This meant that the next tranche of survey work had to be planned now. MOP3 had decided that bycatch levels of less than 1.7% should be the target, and ideally this needed to be backed up with more accurate population estimates. ASCOBANS should provide the “seed” money to enable Hammond to proceed as planned and start preliminary preparations, seek partners and additional funding from the EU. National governments should provide full matching funding to complement any EU funding. In the meeting between Peter Reijnders and the Executive Secretary with the Commission the possibility of a large-scale SCANS project as part of a tranche of complimentary projects had been identified. The Chairman and Vice-Chairman were asked to coordinate this approach.

A document outlining the outcomes of the informal Nordic Sub-group meeting held in February was made available to the Advisory Committee as AC8 Doc 29.

Options for SCANS II were to cover the Baltic, although some adaptation of methodology might be needed, to redo the areas covered in the previous SCANS exercise, to concentrate on

² Council Regulation (EC) No. 1543/2000 of 29 June 2000 establishing a Community framework for the collection and management of the data needed to conduct the Common Fisheries Policy, OJ L 176, 15 July 2000, page 1

waters west of the British Isles or to look south to the Celtic shelf, Biscay and Spanish and Portuguese waters. Because of financial and logistical considerations, the number of vessels and scientists capable of doing the work was limited. Prioritising might be needed, and MOP3 had given a clear indication that the Baltic and waters west of the British Isles were the most urgent. The United Kingdom pointed out disadvantages in conducting surveys in adjacent waters in successive years because of population shift and the migration patterns of harbour porpoises. In a discussion of the need for monitoring of cetacean distribution, Belgium pointed out that seasonal migrations took place and that readers of the SCANS reports could interpret “no sightings” to mean that there were no cetaceans in the southern North Sea. It needed to be noted that “none seen” meant exactly that and not “none there”.

It was agreed that the Chairman and Vice-Chairman would liaise with potential, funding bodies and the Chairman would write to Phil Hammond, thanking him for his paper to the 8th Advisory Committee meeting, setting out suggested priorities and suggesting the further extensions of the survey area to the south.

Item 5.4: Post-mortem research and stranding schemes (data provided by Parties)

The Vice-Chairman introduced document 6. Further information could be provided and integrated into the tables and a similar paper would be prepared for the next meeting of the Advisory Committee.

Item 5.5: Pollutants issues

Mark Simmonds (WDCS) circulated a report by the Pollutants WG on relevant publications (AC8/Doc. 30). Delegates proposed further papers and reports for inclusion and a revised version of the document was prepared and circulated (attached as Annex 8).

Item 5.6: Fisheries statistics (data submitted by Parties)

The Executive Secretary introduced Document 19, stating that only four Parties and two non-Party Range States had provided the requested information.

The Netherlands reported that the Dutch Nature Management Directorate had asked the Fisheries Directorate for the information, but no reply had yet been received.

The United Kingdom presented apologies for not having submitted data. Information regarding landings of fish by species and the type of gear used was available, but it was not clear why this information was required and what purpose it served. Germany and Norway shared this view. Denmark had discussed the requests for data with the statistical office and hoped to provide the data in future years, but shared doubts about the usefulness of providing raw data without knowing precisely why it was needed.

The Vice-Chairman promised to discuss the frequency of the requests for data with the Chairman. It might be possible for submissions to be made triennially rather than annually. The Chairman recalled that the calls for fisheries effort data originated from the 6th Meeting of the Advisory Committee, which had considered it useful to know the nature of all fisheries likely to pose a threat to cetaceans. It may be possible to answer this question using the fisheries rating system described in the Read report.

Item 6.1: National legislation

No Party had submitted reports to the Secretariat. The United Kingdom reported that the Countryside and Rights of Way Act had created an offence of “reckless disturbance of cetaceans”. This legislation applied only to England and Wales.

Item 6.2: Protected areas

Document 8 submitted by WWF provided some background to the issue. An informal group of experts had met in Brussels (14th December 2000). They had recognised that it was possible to identify sites that would provide for critical factors in the life cycle of the harbour porpoise, but it might not be feasible to achieve a high level of representation of the species within the Natura 2000 network. A pragmatic case-by-case approach would therefore appear to be necessary within the national framework.

Denmark explained that it was seeking to identify protected areas as part of its obligation under the EU Habitats Directive. However, Denmark was mostly in favour of achieving a favourable conservation status of the harbour porpoise with general measures to solve fisheries and cetacean interactions on a case-by-case basis.

Item 6.3: Progress in the accession of Range States

The Executive Secretary reported that he used every opportunity to promote the Agreement with the authorities of non-Party Range States, and that a letter had been sent to all of them early this year. New accessions did not appear imminent.

Financial and staff resource constraints seemed to be delaying Estonia and Latvia. Latvia had asked to be kept informed of ASCOBANS activities. Lithuania’s recent elections had slowed down accession, but it was encouraging to see Lithuania represented by an observer at the meeting. The Russian Federation had recently restructured its Ministry and Agency, and although unable to attend the Advisory Committee, the Ministry had also asked to be kept informed. There was no progress in the accession of France.

Lithuania presented a statement, which was circulated as Document 31.

The United Kingdom announced that the applicability of the Agreement would shortly be extended to Jersey, which was bringing its appropriate legislation into line with European legislation. The Vice-Chairman welcomed this development.

Item 6.4: Southward and westward extension of the Agreement area

The Executive Secretary reminded the Meeting that Spain had made contact with the Secretariat in 2000 expressing an interest in acceding to the Agreement. Countries beyond the existing Agreement area could be accommodated either through establishing that they had fishing vessels operating in the Agreement area or by extending the Agreement area. The Secretariat had requested Spain and Portugal to provide information on possible fishing activities of Spanish or Portuguese vessels in the ASCOBANS Agreement Area. Spain had informed the Secretariat that it was currently unable to provide such information.

The Portuguese observer expressed her pleasure at having been invited to attend the AC Meeting. She explained that Portugal intended to ratify ACCOBAMS, but this Agreement only covered Portugal’s southern coast. Portugal’s western coast was covered by neither ACCOBAMS nor ASCOBANS, and this needed to be addressed.

WDCS welcomed these developments and asked whether any progress had been made with recruiting Ireland. The United Kingdom reported that membership of ASCOBANS was regularly raised in bilateral discussions between the United Kingdom and Ireland. The Chairman noted that in previous discussions of this issue an extension of ASCOBANS around Ireland could include the 50-mile cetacean sanctuary, which the Irish Government had declared. However, he pointed out that the office responsible for marine nature conservation issues had only a few staff.

It was agreed that the Secretariat should address the issue of accession to ASCOBANS in letters to the Irish, Portuguese and Spanish governments. It was noted that UNEP might be able to help at higher political levels and that the Chairman and Vice-Chairman would explore with UNEP ways of doing this. The representative of UNEP suggested that a concrete proposal to extend the Agreement Area should be formulated to put to the governments of the three countries. A proposal for the extension of the Agreement area should also take account of political and biological considerations. The Chairman and Vice-Chairman agreed to work with the Secretariat to draw up a proposal for extension.

The interim Executive Secretary of ACCOBAMS welcomed the proposals to extend the Agreement Area, which would open further possibilities for cooperation between the two Agreements.

Item 6.5: Disturbance by seismic surveys

The Executive Secretary introduced Document 20. He explained that only six Parties had responded to the Secretariat's request for information on seismic activities, and only Belgium had provided relatively substantial data. The International Association of Geophysical Contractors (IAGC) had been unable to provide the information requested by the Secretariat.

Norway again stressed that those who were responsible for gathering information found it useful to know why the information was being requested. The Chairman explained that there was a potential threat to small cetaceans arising from seismic testing and it was necessary to know the extent and location of such activities to help assess the trends and impacts. The industry sometimes had problems providing information for commercial reasons.

Germany announced that seismic surveys would be conducted in the Baltic Sea during the course of 2001. WDCS asked whether the problem being experienced in Sweden concerning data collection lay with the government statistics or with the industry. Sweden explained that the Swedish agencies that had been asked for information knew of no such activities but were unable to exclude the possibility. Belgium sought advice on what constituted "high energy" activities and pointed out that 1° squares were not of equal size as they became smaller further north. The Chairman suggested that seismic sources over 250 cubic inches would be regarded as high energy.

Belgium recounted the example of a fin whale that drowned in the harbour at Vlissingen. It was found to have inner ear damage assumed to have been caused by loud noise or an explosion.

The Chairman described the United Kingdom's guidelines on seismic activities, which helped to reduce the impacts of seismic surveys, including placing independent observers on board (which happened in 40% of cases) and requesting reports of any interactions with cetaceans. Other countries might consider following this lead as requested in MOP3 resolution 4. Belgium reported that it had introduced legislation in 1999 requiring an EIA of seismic surveys conducted for commercial purposes and that scientific surveys would be subject to guidelines in due course.

Item 6.6: Disturbance by high-speed ferries

The Executive Secretary introduced Document 9, the composite report of the annual exercise to gather information about high-speed ferries. A number of Parties and non-Party Range States had not provided data, while Finland had reported for the first time. Therefore, the paper was not entirely comparable to the 1999 document and did not provide a comprehensive overview of high-speed vessels in the ASCOBANS Area.

As in previous years, “hotspots” were the English Channel, the Irish Sea and the Sound. There had been a particularly dramatic increase in the English Channel, where the number of vessels reported has risen from eleven to 19. Increases were also noted for the Baltic and the Sound. Overall, there appeared to be more high speed vessels operating regularly in the Agreement Area. The Executive Secretary pointed out that there were some discrepancies in the data, where two countries had reported on the same vessel but provided different data.

Norway stated that it was unsure as to how this information was to be used. Belgium requested that a map be provided indicating the points of departure/arrival of the vessels reported. The Secretariat agreed to provide this. Denmark asked what the long-term purpose of collecting these data was and pointed out that high-speed private leisure vessels could have an impact because of their irregular and less predictable routes. The Chairman pointed out that the IMO also considered the impact of ferries, but not in relation to marine mammals. He agreed to investigate whether IMO could include marine mammals in its considerations. WDCS suggested that the disturbance due to ferries should be part of an overall evaluation of noise and disturbance matters, including seismic and military activities, and that high-speed ferries were particularly important because of the risk of collision with cetaceans.

Germany explained that it had had difficulty in obtaining the data and apologised for not providing them. Germany would prefer a better reporting format and offered to consider drafting a more flexible reporting format. The Chairman and Vice-Chairman offered their help in doing this. The question of what to do with the raw data and who could use the evaluations was a valid one.

The United Kingdom pointed out that the triennial work programme included the commissioning of a report on shipping impacts, which was to be submitted to the tenth meeting of the Advisory Committee. The questionnaire struck the right balance, the ferry companies were not obliged to reply but most did. Gathering and collating information about leisure vessels would be difficult, although some areas did operate voluntary reporting schemes.

Item 6.7: Disturbance by military activities

The representative of WDCS introduced Document 12. While aware of national and global security issues, he expressed concern about reports of disturbance arising from a military exercise in the North Sea near Sylt and Amrum, which caused disturbance in and around a protected area. Germany agreed that it was an unfortunate incident, which had been raised in the German Parliament, and that liaison between State and Federal authorities (Ministry of Defence and Navy) had been improved to keep the protected area clear of military exercises as far as possible. Germany added that a German scientist had witnessed strange behaviour by herring and orcas in the vicinity of a NATO exercise in Vestfjord, Norway. WDCS went on to refer to a report (AC8 Doc15) written by a scientist on cetacean strandings that had occurred in the Bahamas during military exercises there, in which sonar had been used. Biologists had examined the carcasses of these cetaceans and ascertained that the sinuses of the animals had been ruptured. The report provided strong evidence that active sonar had been responsible for the strandings. Germany explained that research was being conducted into the effects of sonar, and not all was leading to the same conclusions as that of the scientist mentioned above.

Germany informed the meeting that it intended to develop LFAS from 2002 onwards accompanied by an environmental impact analysis, which would include assessments of the methods and timing of use of the equipment. The United Kingdom Ministry of Defence was conducting tests on LFAS but deployment was not expected before 2005. The Defence Ministry also subjected equipment its testing to environmental impact analyses.

It was agreed to add noise pollution and disturbance to the Advisory Committee's annual review of pollution.

Item 6.8: Educational programmes 'Blue School' and 'Alliance with Nature' in Poland

The Polish delegation introduced Document 7, outlining a number of promotional activities undertaken in Poland to raise public awareness. These included postage stamps, postcards, envelopes and telephone cards. A Polish version of the ASCOBANS exhibition had been produced and additional posters printed.

Besides the above activities two educational programmes had been undertaken:

"Blue School" – Hel Marine Station, in cooperation with a local NGO in Hel, was conducting lectures and courses on marine ecology, focusing on the Baltic marine mammals, aimed at primary and secondary school pupils. Response had been very positive.

"Alliance with Nature" – the Polish navy had been recruited to assist with gathering information about sightings. Navy personnel had had to undergo training to enable them to identify different species.

These were just examples of supplementing scientific data gathering by enlisting help from non-experts and the general public. Both initiatives produced useful data and helped raise public awareness

Item 7: Cooperation with international organisations

European Commission (DG ENV)

The Vice-Chairman reported on the meeting between ASCOBANS and the EU Commission, in February 2001, in which ASCOBANS had been represented by the Executive Secretary and himself. The main items discussed were reform of the Common Fisheries Policy, bycatch issues and the new data collection regulation, which would make some pilot projects such as setting up schemes and mitigation measures eligible for EU funding. Both DG Environment and DG Fisheries were interested in developing a strategic research programme in which ASCOBANS interests should be flagged up. The Chairman and Vice-Chairman would consult the Committee on items to be included in the "wish list". The 6th Environmental Action Programme included a marine conservation strategy, and ASCOBANS' views on this, particularly in the field of pollution, would be sought.

Regarding accession of the European Community to the Agreement, the Commission had limited funding and staff resources to dedicate to ASCOBANS, although it was clearly interested in partnership and cooperation.

ACCOBAMS

The Interim Executive Secretary to ACCOBAMS announced that the Agreement would enter into force in June following the accession of Malta. Albania and Georgia were expected to de-

posit their instruments of ratification shortly. MOP1 would take place in February 2002 and representatives of ASCOBANS would be invited. ACCOBAMS expressed thanks to the ASCOBANS Secretariat for its help and advice about the organisation of the MOP. ACCOBAMS planned to establish a scientific committee, comprising representatives of existing institutions and regional experts. Two questionnaires had been issued to Range State governments covering legislation and strandings (Document 13). Other key issues were disturbance, fisheries interactions and habitat loss and degradation.

The marine mammal sanctuary in Franco-Italo-Monegasque waters was progressing, with France and Monaco already having ratified. Scientific work was already under way.

Item 8: PR issues

The Executive Secretary explained that both AC7 and MOP3 had urged the Secretariat to produce some promotional material, in line with the Secretariat's suggestion to do so. As there was no dedicated budget line, the voluntary contribution from Germany had been used to revamp the website, and to produce a brochure and postcards, copies of which had been distributed. He thanked the German government for this generous and valuable contribution. The Chairman added his thanks on behalf of the Committee to the German government.

ACCOBAMS congratulated the ASCOBANS Secretariat on the excellent promotional material that had been produced.

In 2000, the ASCOBANS exhibition "Harbour Porpoise in Distress" had been shown in Bruges (Belgium), Konstanz (Germany), Hel (Poland), and at the UN Premises in Bonn. In 2001 it would be shown in and around Bonn. It would be shown in Finland in 2002.

The Executive Secretary reminded the Meeting that 2001 was the tenth anniversary of the Agreement. A logo had been designed and a reception was planned for September 2001 in Bonn. It was likely that this would be linked to an exhibition of Polish art related to marine mammals and the sea. A publication marking the tenth anniversary was also in preparation.

Finland reported that a Finnish version of the ASCOBANS poster was about to be printed (in both Finnish and Swedish) in conjunction with a promotional brochure. These would be distributed in coastal areas, to coast guard stations, sailing clubs and others.

Germany was in the process of updating an existing video to make it suitable for broadcast on TV. An English language version of the commentary was also being considered.

Item 9: Business Session

This section of the proceedings was open to delegates of Parties only.

Item 9.1. Budgetary Issues

The Executive Secretary reported that the German Federal Ministry for the Environment had carried out the audit. All that remained was for the report to be signed, for which the approval of the Belgian authorities was required. Approval of Parties had been sought by the Secretariat because of the transfer of resources to the salaries budget line from savings elsewhere. The overspend on salaries had been present throughout the triennium because the staff employed were more experienced than had been envisaged and they had had to be paid in compensation for untaken leave when the Secretariat passed from Federal Agency for Nature Conservation (BfN) administration to UNEP. The Belgian delegate at the meeting explained that he was not

responsible for budgetary matters and would consult with his colleagues after the meeting to see whether Belgium's consent to the budget report could be obtained.³

The Executive Secretary explained that the UN Scales of Assessment had been reviewed since the invoices for the 2001 contributions had been issued by UNON. The ceiling for contributions from any one party had been reduced from 25% to 22%, which meant that most Parties had been undercharged. The simplest solution appeared to be to adjust the contributions in 2002 and the Parties agreed to this. An updated table of Party contributions for the triennium 2001 - 2003 is attached at Annex 11.

The Vice-Chairman asked whether the meeting wished to appoint a successor to Trevor Salmon who had led on budgetary matters. It was not clear whether this unofficial post was necessary now that ASCOBANS was being administered by UNEP, and the meeting agreed that agreed to defer a decision and await a recommendation from the Secretariat after one or two years' experience.

There was a sum of \$4,000 available for consultancies and the Chairman invited delegates to propose their preferences for how this money should be spent. The initial phase of preparing for SCANS II (Hammond) received most votes, work on fisheries categorisation was second (although ICES might yet be able to provide most of the information) and the bycatch situation report was third.

Item 9.2: Executive Secretary's Report on Integration of the ASCOBANS Secretariat into the UNEP/CMS Agreements Unit

The Executive Secretary reminded the meeting that MOP3 had decided to proceed with the integration of the Secretariat into the UNEP/CMS Agreements Unit, which had become effective on 1 January 2001. He thanked the German Government and in particular the Federal Agency for Nature Conservation for 2½ years of excellent cooperation since the Secretariat's move from Cambridge to Bonn. He also thanked CMS and UNON for their support during the period of transition.

The Executive Secretary provided an update on progress in and practical aspects of integration. He explained that since integration the Assistant's post had been reduced to part time, and this was proving problematic. In the run-up to the Advisory Committee, 80 hours of overtime had been accumulated by the Assistant.

With respect to the recruitment process for the post of Executive Secretary, a job description had been prepared in advance of MOP3 and submitted to CMS in August 2000. Interviews for the post were held in mid-December, but no final decision on the appointment had been announced as yet. Concerning the Assistant, proposals for an interview panel and a draft vacancy announcement had been submitted to UNON through CMS. The Executive Secretary hoped that interviews could be conducted in late April or early May.

Since the original objective of appointing the Executive Secretary by 1 January 2001 had not been achieved, Secretariat staff had received short-term contracts, which had now been extended until the end of May.

The UN "project document", needed to enable the Secretariat to conduct its financial affairs, had taken some time to complete. An interim solution had however been found to allow the Secretariat to meet its financial commitments using CMS accounts. The ASCOBANS Secretariat had received the project document on 22 March 2001.

³ This approval was obtained following AC8

Belgium recalled the long negotiations concerning Secretariat staff at the last Meeting of Parties and expressed concern at the level of overtime being done by the Assistant, fearing that this would lead to a further overspend on salaries. Delegates felt that any reallocation between budget lines should be agreed beforehand and asked that any request for transfer be given a reasonable time for response. The United Kingdom asked the Executive Secretary to notify the Parties as soon as possible if an overspend on the personnel budget line was likely to be incurred.

The United Kingdom voiced concern that no appointment had been made regarding the Executive Secretary post three months after the interviews. There also seemed to be a number of other problems with the changeover to UNEP. The United Kingdom asked that the UNEP representative reported the dissatisfaction of the Committee to UNEP and UNON.

The representative of UNEP expressed his thanks to the staff at CMS and ASCOBANS who had worked hard to ensure that the transition had worked. With regard to the post of Executive Secretary the Executive Director of UNEP had approved the appointment, which needed to pass just one further administrative hurdle. A decision was expected within weeks. He also offered to do anything to assist in expediting matters if further delays occurred.

The Chairman pointed out that in its eight years of existence, the Secretariat had had six Executive Secretaries, meaning that on average they had served for 15 months. The delays experienced in the current appointment procedure represented too high a proportion of the likely period in office. He recalled that the MOP decision left open the possibility of reviewing arrangements and that integration could be revoked if UNON's standard of service was considered inadequate. The United Kingdom reported that similar views had been expressed at the EUROBATS Advisory Committee in March.

The representative of UNEP undertook to report these concerns back to Nairobi.

Item 9.3: Meetings to be attended in 2001/2002

The draft table of dates of interest to ASCOBANS was discussed and further events and meetings were suggested and the question of who should attend on behalf of the Agreement was addressed. The table of dates of interest is attached as Annex 9.

Item 9.4: Any other issues

The United Kingdom asked whether the Secretariat had sent a copy of the report of the Third Meeting of Parties to the European Commission accompanied by a letter containing the United Kingdom's statement stressing the importance of MOP Resolution 3 (Incidental Take of Small Cetaceans). The Executive Secretary replied that he had provided an MOP report to the European Commission immediately after the MOP. He undertook to send a copy of the letter to the Parties as soon as possible.

Item 10: Establishment of a comprehensive 2001-2003 Triennial Workplan: goals and timepath

A draft work-plan was presented and discussed. Amendments were made in the light of the comments made and the revised version is attached as Annex 10.

Item 11: Agreement on the draft report

The draft report was agreed in plenary.

Item 12: Date and venue of next meeting

Sweden offered to host the next meeting of the Advisory Committee. The meeting would be scheduled for mid-April 2002. The precise venue and dates would be decided as soon as possible. The Meeting thanked the Swedish delegation for this generous offer.

Item 13: Any other business

UNEP

The representative of UNEP declared that he was delighted to be dealing with ASCOBANS again after a gap of eight years, albeit in a different capacity. He brought with him the best wishes of the Executive Director, Dr Töpfer. He recalled that ASCOBANS was one of the pioneering Article IV Agreements under CMS, and had helped point the way for ACCOBAMS. The possible extension of the Agreement Area to the West and South was also a positive sign. The establishment of the CMS Agreements Unit was a tangible step towards building synergies. Part of his role in the Division of Environmental Conventions (DEC) was to represent ASCOBANS' interests at UN HQ in Nairobi. The advantages for ASCOBANS of operating under the blue flag should not be underestimated. For example, ASCOBANS was being consulted alongside other MEAs in the ongoing review of global environmental governance prior to "Rio +10" in 2002. Liaison could also be strengthened between ASCOBANS with its strong research base and UNEP's Division of Early Warning and Assessment, which was helping to steer major studies such as the Global Environmental Outlook (GEO) and the Millennium Ecosystem Assessment. SCANS II could make an input into these studies. UNEP's Marine Mammal Action Plan was in need of fresh impetus, which ASCOBANS might help provide. ASCOBANS could provide guidance to other regions on how to develop cetacean agreements and should also take advantage of the UNEP press and information unit in Geneva and the new Press Officer in Nairobi (Nick Nuttall, formerly of *The Times*).

NGO Statement

WDCS supported by IFAW, DSCN, S-MAR, RSPCA and GSM-Denmark, made a statement to the Committee to ensure that ASCOBANS did not associate itself with any survey employing lethal methods and referred to the fact that there was a proposal under consideration in Norway to kill 60 dolphins for research purposes.

Germany, recognising that Norway was not a party to ASCOBANS, but an active observer, pointed out that Norway had undertaken extensive research programmes into small cetaceans without killing. The German Minister for the Environment had already written to the Norwegian Minister of Fisheries proposing Norway's accession to ASCOBANS and urging him not to give permission for research involving killing.

At this point the Norwegian representative left the meeting due to his objection to the style with which WDCS had presented this item. The Chairman then asked non-Parties to leave and the Meeting continued as a closed session to consider this development.

After discussion, the Chairman and Vice-Chairman were asked to invite the Norwegian representative to rejoin the Meeting and respond to the item. He responded that the Norwegian authorities were considering an application for such research, but that no decision had yet been taken. However, he felt unable to rejoin the current meeting.

The Parties greatly regretted the manner in which the situation had arisen, and urged that in future, if such matters were to be raised, proper documentation should be provided to support the item. They greatly appreciated the present co-operation with Norway on scientific and technical

advice on matters that form an important contribution to the work of ASCOBANS. Norway's participation in research and surveys was invaluable. Internal decisions by non-Party Range States should not affect collaboration with ASCOBANS Parties in areas of mutual benefit.

Denmark, Finland and Sweden expressed the view that the Advisory Committee was not the most appropriate place to raise such matters because it was not a political forum but one where primarily scientific and technical matters were discussed.

WWF

WWF announced it was preparing a submission for a research project to the EU regarding a social, economic and environmental cost benefit analysis relating to fisheries (a summary was submitted as Document 8, Appendix III). The focus of the project was to assess the increase in profitability that would be afforded by radical 5 to 10 year stock recovery programmes, but the process opened opportunities for research and greater consideration of social and conservation issues. Further details of the proposed project could be obtained from WWF who were seeking the input of expertise from all sectors.

WDCS Stranded Cetacean Rescues

The representative of WDCS reported that the UK Rescue Network had recently undertaken a review of its rescue work and new manual for stranded cetaceans had been produced which he hoped would be posted on websites shortly (www.wdcs.org and www.bdmlr.org.uk).

Item 14: Close of meeting

The Chairman closed the meeting at 1.30 p.m.

List of Participants

Parties

Belgium

Mr Jan Haelters
Management Unit of the North
Sea Mathematical Models
3e en 23e Linierregimentsplein
8400 Oostende
Belgium

Tel. +32 59 70 01 31
Fax +32 59 70 49 35
j.haelters@mum.ac.be

Denmark

Mr Palle Uhd Jepsen
The National Forest and Nature Agency
Nature and Wildlife Section
Ålholtvej 1
6840 Oksbøl
Denmark

Tel. +45 76 54 10 40
Fax +45 76 54 10 46
puj@sns.dk

Mr Victor Hjort
Ministry of Food, Agriculture and Fisheries
Holbergsgade 2
1057 København K
Denmark

Tel. +45 3392 3519
Fax +45 3311 8271
vhj@fvm.dk

Dr Christina Lockyer
Danish Institute for Fisheries Research
Charlottenlund Slot
Jægersborg Allé
2920 Charlottenlund
Denmark

Tel. +45 33 96 33 73
Fax +45 33 96 33 33
chl@dfu.min.dk

Ms Charlotte B. Mogensen
Ministry of Food, Agriculture and Fisheries
Holbergsgade 2
1057 Copenhagen
Denmark

Tel. +45 33 92 35 81
Fax +45 33 11 82 71
cmo@fvm.dk

Mr Michael Andersen
National Forest and Nature Agency
Haraldsgade 53
2100 Copenhagen
Denmark

Tel. +45 39 47 2665
Fax +45 39 47 2690
man@sns.dk

Dr Jonas Teilmann
National Environmental Research Institute
Postbox 358
Frederiksborgvej 399
4000 Roskilde
Denmark

Tel. +45 46 30 19 47
Fax +45 46 30 19 14
jte@dmu.dk

Ms Pia L. Pedersen
National Forest and Nature Agency
Ålholtvej 1
6840 Oksbøl
Denmark

Tel. +45 76 54 10 40
Fax +45 76 54 10 46
plp@sns.dk

Finland

Ms Penina Blankett
Ministry of the Environment
P.O. Box 380
Kasarmikatu 25
00131 Helsinki
Finland

Tel. +358 9 1991 9518
Fax + 358 9 1991 9364
Penina.Blankett@vyh.fi

Mr Kai Mattsson
Särkänniemi Dolphinarium
Särkänniemi Oy
Dolphinarium
33230 Tampere
Finland

Tel. +358 3 24 88 111
Fax +358 3 21 21 279
kai.mattsson@sarkanniemi.fi

Germany

Dr Tilman Pommeranz
Federal Ministry for the Environment,
Nature Conservation and Nuclear Safety
P.O. Box 12 06 29
53048 Bonn
Germany

Tel. +49 228 305 2632
Fax +49 228 305 2684
pommeranz.tilman@bmu.de

Mr Joachim Schmitz
Federal Ministry for the Environment,
Nature Conservation and Nuclear Safety
P.O. Box 12 06 29
53048 Bonn
Germany

Tel. +49 228 305 2634
Fax +49 228 305 2684
schmitz.joachim@bmu.de

Ms Petra Deimer
Gesellschaft zum Schutz der Meeressäuger
Garstedter Weg 4
25474 Hasloh
Germany

Tel. +49 4106 4712
Fax +49 4106 4775
pdeimer@gsm-ev.de

Mr Klaus Lucke
Forschungs- und Technologiezentrum
Westküste
Hafentörn
25671 Büsum
Germany

Tel. +49 4834 604 110
Fax +49 4834 604 199
lucke@ftz-west.uni-kiel.de

Netherlands

Dr Peter J.H. Reijnders
Alterra
Marine and Coastal Zone Research
P.O. Box 167
1790 AD Den Burg
Netherlands

Tel. +31 222 369 704
Fax +31 222 319 235
p.j.h.reijnders@alterra.wag-ur.nl

Poland

Dr Krzysztof Skóra
Hel Marine Station
University of Gdansk
P.O. Box 37
84-150 Hel
Poland

Tel. +48 58 6750 836
Fax +48 58 6750 420
skora@univ.gda.pl

Ms Iwona Kuklik
Hel Marine Station
University of Gdansk
P.O. Box 37
84-150 Hel
Poland

Tel. +48 58 6750 836
Fax +48 58 6750 420
oceik@univ.gda.pl

Sweden

Ms Christina Rappe
Swedish Environmental Protection Agency
Blekholmsterrassen 36
10648 Stockholm
Sweden

Tel. +46 8 698 1085
Fax +46 8 698 1662
christina.rappe@environ.se

Mr Håkan Westerberg
National Board of Fisheries
Box 423
40126 Göteborg
Sweden

Tel. +46 31 743 0333
Fax +46 31 743 0444
hakan.westerberg@fiskeriverket.se

United Kingdom

Ms Christine Tucker
Department of the Environment,
Transport and the Regions
European Wildlife Division
902A Tollgate House
Houlton Street
Bristol BS2 9DJ
United Kingdom

Tel. +44 117 987 8296
Fax +44 117 987 8182
christine_tucker@detr.gsi.gov.uk

Mr John Clorley
Department of the Environment,
Transport and the Regions
European Wildlife Division
902A Tollgate House
Houlton Street
Bristol BS2 9DJ
United Kingdom

Tel. +44 117 987 8700
Fax +44 117 987 8182
john_clorley@detr.gsi.gov.uk

Mr Mark Tasker
Joint Nature Conservation Committee
Dunnet House
7, Thistle Place
Aberdeen AB10 1UZ
United Kingdom

Tel. +44 1224 655 701
Fax +44 1224 621 488
mark.tasker@jncc.gov.uk

Mr Simon Waterfield
Ministry of Agriculture, Fisheries and Food
17 Smith Square
London SW1P 3JR
United Kingdom

Tel. +44 20 7238 6546
Fax +44 20 7238 5721
s.waterfield@fish.maff.gsi.gov.uk

Mr Simon Northridge
Sea Mammal Research Unit
Gatty Marine Laboratory
University of St Andrews
St Andrews KY9 1JB
United Kingdom

Tel. ++44 1334 46 26 54
Fax ++44 1334 46 26 32
s.northridge@st-andrews.ac.uk

Secretariat

Mr Rüdiger Stempel
ASCOBANS Secretariat
United Nations Premises
Martin-Luther-King-Str. 8
53175 Bonn
Germany

Tel. +49 228 815 2418
Fax +49 228 815 2440
rstempel@ascobans.org

Ms Patricia Stadié
ASCOBANS Secretariat
United Nations Premises
Martin-Luther-King-Str. 8
53175 Bonn
Germany

Tel. +49 228 815 2416
Fax +49 228 815 2440
pstadie@ascobans.org

Mr Robert Vagg
CMS Secretariat
Martin-Luther-King-Strasse 8
53175 Bonn

Tel. +49 228 815 2423
Fax +49 228 815 2449
rvagg@cms.unep.de

Range States

France

Mr Sami Hassani
Océanopolis
Boite Postale 411
29275 Brest
France

Tel. +33 298 34 40 52
Fax +33 298 34 40 69
sami.hassani@oceanopolis.com

Lithuania

Dr Saulius Karalius
Juru Muziejus
Smiltynes 3
5800 Klaipėda
Lithuania

Tel. +37 26 49 07 40
Fax +37 26 49 07 50
director@juru.muziejus.lt

Norway

Dr Arne Bjørge
Institute of Marine Research
P.O. Box 1870
Nordnes
5817 Bergen
Norway

Tel. +47 55 23 86 10
Fax +47 55 23 86 17
arne.bjorge@imr.no

Non-Range States

Portugal

Dr Marina Sequeira
Instituto da Conservação da Natureza
Rua Ferreira Lapa, 29-4
1169-138 Lisbon
Portugal

Tel. +351 21 3523 317
Fax +351 21 3542 501
marinasequeira7@yahoo.com

Observers

IGOs

ACCOBAMS

Dr Marie-Christine Van Klaveren
Villa Girasole
16 Bd. de Suisse
98000 Monaco
Monaco

Tel. +377 9315 8010
Fax +377 9350 9591
mcvanklaveren@gouv.mc

IBSFC

Mr Victor Hjort
Ministry of Food, Agriculture and Fisheries
Holbergsgade 2
1057 København K
Denmark

Tel. +45 3392 3519
Fax +45 3311 8271
vhj@fvm.dk

NAMMCO

Dr Arne Bjørge
c/o Institute of Marine Research
P.O. Box 1870
Nordnes
5817 Bergen
Norway

Tel. +47 55 23 86 10
Fax +47 55 23 86 17
arne.bjorge@imr.no

UNEP

Mr Robert Hepworth
United Nations Environment Programme
P.O. Box 30552
Nairobi
Kenya

Tel. +254 2 62 32 60
Fax +254 2 62 39 26
robert.hepworth@unep.org

Nordic Fishermen's Council

Mr Carsten Krog
c/o Fiskeriforening
H.C. Andersens Boulevard 37
1504 Copenhagen V
Denmark

Tel. +45 7010 4040
Fax +45 7545 1928
ck@fiskeriforening.dk

NGOs**Danish Society for the Conservation of Nature**

Mr Bo Håkansson
Masnedøgade 20
2100 Copenhagen Ø
Denmark

Tel. +45 3917 4023
Fax +45 3917 4141
BoH@dn.dk

European Cetacean Society

Dr Christina Lockyer
c/o Danish Institute for Fisheries Research
Charlottenlund Slot
Jægersborg Allé
2920 Charlottenlund
Denmark

Tel. +45 33 96 33 73
Fax +45 33 96 33 33
chl@dfu.min.dk

GSM Denmark

Ms Birgith Sloth
Teglgaardsvej 601, 3 TV
3050 Humlebaek
Denmark

Tel. +45 49 19 16 26
Fax +45 49 19 16 26
be-eco@mail.tele.dk

International Fund for Animal Welfare

Dr Stefan Bräger
Kattrepelsbrücke 1
20095 Hamburg
Germany

Tel. +49 40 866 500 28
Fax +49 40 866 500 22
sbraeger@ifaw.org

RSPCA

Ms Laila Sadler
Causeway
Horsham
West Sussex RH12 1HG
United Kingdom

Tel. +44 1403 264181
Fax +44 11403 218042
lsadler@rspca.org.uk

Swedish Society for the Marine Environment

Ms Helen McLachlan
P. O. Box 6349
102 35 Stockholm
Sweden

Tel. +46 8 318 434
Fax +46 8 318 434
helen@ssmar.org

Whale and Dolphin Conservation Society

Dr Mark P. Simmonds
Alexander House
James Street West
Bath, Avon BA1 2BT
United Kingdom

Tel. +44 1225 33 45 11
Fax +44 1225 48 00 97
marks@wdcs.org

Ms Alison Ross
Alexander House
James Street West
Bath, Avon BA1 2BT
United Kingdom

Tel. +44 1225 33 45 11
Fax +44 1225 48 00 97
ali@sundog-energy.co.uk

WWF

Dr Sarah Jones
Panda House, Weyside Park
Catteshall Lane
Godalming
Surrey GU7 1XR
United Kingdom

Tel. +44 1483 412522
Fax +44 1483 426409
sjones@wwf.org.uk

WWF Sweden

Dr Thomas Lyrholm
Ulriksdals Slott
17081 Stockholm
Sweden

Tel. +46 8 624 7446
Fax +46 8 85 13 29
thomas.lyrholm@wwf.se

Other Observers**Fisheries and Maritime Museum Esbjerg**

Dr Carl Chr. Kinze
Tarpbagevej 2
6710 Esbjerg
Denmark

Tel. +45 35 32 10 73
Fax +45 35 32 10 10
cckinze@zmuc.ku.dk

List of Documents

Number	Agenda Item	Document Title	Submitted by
Doc. 1	-	Agenda	Secretariat
Doc. 1a	-	Annotated Agenda	Secretariat
Doc. 2	-	List of Documents	Secretariat
Doc. 2a	-	List of Documents by Agenda Item	Secretariat
Doc. 3	2	Amended Rules of Procedure for the ASCOBANS Advisory Committee	Secretariat
Doc. 4	5.2	Report of the ASCOBANS Baltic Discussion Group	Secretariat
Doc. 5	5.1	Report by A. Read: "Potential Mitigation Measures for Reducing By-catches of Small Cetaceans in ASCOBANS Waters"	Secretariat
Doc. 6	5.4	Information submitted by Parties and Range States in response to post mortem research questionnaire	Secretariat
Doc. 7	6.8 & 8.4	Report for the 8 th Meeting of the ASCOBANS Advisory Committee on Poland's Activities in the Field of Popularising the Problems of the Status and the Protection of Small Cetaceans in the Baltic	Poland
Doc. 8	-	Statement by the World Wide Fund for Nature	WWF
Doc. 8a	-	Statement by the World Wide Fund for Nature - Appendix III	WWF
Doc. 9	6.6	Disturbance by high-speed ferries: Secretariat's update	Secretariat
Doc. 10	5.1	EPIC - Elimination of Harbour Porpoise Incidental Catches. Project no. DG XIV 97/0006. Final Report for the period 1 June 1998 - 31 July 2000	Denmark
Doc. 11	7	Report on meeting between ASCOBANS and EU Commission	Secretariat
Doc. 12	6.7	Military Noise: A statement of concern from WDCS	WDCS
Doc. 13	13	Questionnaire on national legislation on cetaceans conservation in ACCOBAMS Range States	ACCOBAMS
Doc. 14	13	Inventory of Research Programmes in the Cetacean Sanctuary - 2001	ACCOBAMS
Doc. 15	6.7	Letter by K.C. Balcomb to J.S. Johnson	WDCS
Doc. 16	5.2	P. S. Hammond, "Small Cetacean abundance in the North Sea and adjacent waters: a pre-proposal for a survey to update and extend knowledge"	Secretariat
Doc. 17	5.3	Draft Outline and Terms of Reference for a Workshop Aimed at Drafting a Recovery Plan for Harbour Porpoises in the Baltic Sea	Secretariat

Number	Agenda Item	Document Title	Submitted by
Doc. 18	5.1	Letter from the Danish Minister to EU Commissioner Fischler	Denmark
Doc. 19	5.6	Fisheries statistics: Data submitted by Parties	Secretariat
Doc. 20	6.5	Disturbance by seismic surveys: Data submitted by Parties	Secretariat
Doc. 21	6.7	Report by the United Kingdom to ASCOBANS on Military Activities in the Agreement Area during 2000	United Kingdom
Doc. 22	9.3	Dates of interest to ASCOBANS in 2001/2002	Secretariat
Doc. 23	9.1	Provisional audit report on the ASCOBANS budget 2000	Secretariat
Doc. 24	9.1	Party contributions for 2001 - 2003	Secretariat
Doc. 25	5.2	Per Berggren, "Proposal for Baltic Sea Harbour Porpoise Abundance Survey"	Secretariat
Doc. 26	6.4	M. Sequeira, "Portuguese Waters in ASCOBANS: A Preliminary Report"	Portugal
Doc. 27	-	Peter GH Evans, "Suggestions for the Establishment of an ASCOBANS Advisory Committee Working Group on Monitoring"	Secretariat
Doc. 28	-	Statement by the International Baltic Sea Fisheries Commission	IBSFC
Doc. 29	5.2	Report of the Nordic sub-Group on Research Priorities for ASCOBANS, Charlottenlund, 14 th February 2001	Secretariat
Doc. 30	5.5	References concerning marine pollution relevant to ASCOBANS	Secretariat/ Pollution Working Group
Doc. 31	-	Statement by Lithuania	Lithuania
Doc. 32	10	Advisory Committee Triennial Workplan 2001 - 2003	Secretariat
Doc. 33	-	Statement by the International Whaling Commission	IWC

Agenda

1. Introduction
2. Adoption of Rules of procedure
3. Election of Chairperson and Vice-Chairperson of the Advisory Committee for the Triennium 2001 – 2003
4. Adoption of the Agenda
5. Matters related to research
 - 5.1. By-catch issues
 - Report by A. Read, “A Review of Bycatch Mitigation Measures with Special Reference to the ASCOBANS Area”
 - Implementation of Resolution 3, MOP3
 - Bycatch monitoring in the ASCOBANS Area
 - Other research related to bycatch
 - Bycatch issues in relation CFP
 - 5.2. Further survey and research needs
 - Final Report of the ASCOBANS Baltic Discussion Group
 - Preparations for SCANS II and other surveys
 - 5.3. Preparations for the workshop aimed at drafting a recovery plan for harbour porpoises in the Baltic Sea
 - 5.4. Post-mortem research & stranding schemes
 - Data provided by Parties
 - 5.5. Pollutants issues
 - Report by Pollutants WG on relevant publications
 - 5.6. Fisheries statistics (data submitted by parties)
6. Matters related to Parties and Range States
 - 6.1. National legislation
 - Update on relevant new legislation of Parties
 - 6.2. Protected areas
 - 6.3. Progress in the accession of Range States
 - 6.4. Southward extension of the Agreement area
 - 6.5. Disturbance by seismic surveys
 - Location and extent of seismic activities in the ASCOBANS and neighbouring areas during 1999 and 2000 and mitigation measures
 - 6.6. Disturbance by high-speed ferries
 - 6.7. Disturbance by military activities
 - 6.8. Educational programmes ‘Blue School’ and ‘Alliance with Nature’ in Poland

7. Cooperation with international organisations
 - Report on meeting between ASCOBANS and EU Commission, in February 2001
 - ASCOBANS-AC involvement in developmental process of OSPAR-HELCOM Pollution Strategy
 - Update by ACCOBAMS Interim Executive Secretary
8. PR issues
 - 8.1 New ASCOBANS brochure
 - 8.2 New ASCOBANS website
 - 8.3 Showing of ASCOBANS exhibition “Harbour Porpoise in Distress” in 2000/2001
 - 8.4 Polish version of ASCOBANS exhibition “Harbour Porpoise in Distress”
 - 8.5 Finnish version of ASCOBANS poster
 - 8.6 10th anniversary of ASCOBANS
 - 8.7 Any other issues
9. Business session
 - 9.1 Budgetary issues
 - Outline of budget for 2000
 - Establishment of AC Budget WG
 - 9.2 Administrative issues
 - Report of the Secretariat on integration of the Secretariat into the CMS Agreements Unit
 - Meetings to be attended during 2001
10. Establishment of a comprehensive 2001-2003 Triennial Workplan: goals and timepath
11. Agreement on the draft report
12. Date and venue of next meeting
13. Any other business
14. Close of meeting

RULES OF PROCEDURE FOR THE ASCOBANS ADVISORY COMMITTEE

*As amended at the 8th ASCOBANS Advisory Committee meeting 2 - 5 April 2001
Nymindegab, Denmark*

PART I

DELEGATES, OBSERVERS, SECRETARIAT

Rule 1: Delegates

- (1) A Party to the Agreement (hereafter referred to as a 'Party')⁴ shall be entitled to appoint one member of the Advisory Committee (thereafter referred to as a Committee Member) and such advisers as the Party may deem necessary.
- (2) The voting rights of the Parties shall be exercised by the Committee Member. In the absence of the Committee Member, an adviser may be appointed by the Committee Member to act as a substitute over the full range of the Committee Member's functions.

Rule 2: Observers

- (3) All non-Party Range States and Regional Economic Integration Organisations bordering on the waters concerned may send observers to the meeting, who shall have the right to participate but not to vote.⁵
- (4) Any body or individual qualified in cetacean conservation and management may request admittance to plenary sessions of the Advisory Committee. Appropriate written applications for attendance should be received by the Secretariat at least 60 days before any Committee meeting, and circulated to Parties by the Secretariat forthwith. Parties shall inform the Secretariat of their acceptance or rejection of all applications no less than 30 days before that meeting. An applicant shall be permitted to attend as non-voting observer, if two-thirds of the Parties accept their application. Decisions on whether such bodies or individuals may attend Committee meetings should take into account possible seating limitations. Information on limitations of the venue shall be provided to the Secretariat by the host in time for circulation with any applications received
- (5) The Advisory Committee may, as appropriate, invite any other body or individual qualified in cetacean conservation and management to participate in a meeting. Such persons shall not have the right to vote.
- (6) Seating limitations may require that no more than two observers from any non-Party State or body be present at sessions of the Advisory Committee.

Rule 3: Credentials

- (7) Each contracting Party shall appoint a Committee Member and alternate, when appropriate, to the Advisory Committee, who shall represent the Party. Contracting Parties shall submit the names of these delegates to the Secretariat through their coordinating authorities by the start of the Meeting.
- (8) The appointed Committee Member or alternate shall be available for consultation inter-sessionally.

⁴ See Agreement, paragraph 1.2, sub-paragraph (e), and paragraphs 8.4 and 8.5. A Party is a Range State or a Regional Economic Integration Organisation which has deposited with the United Nations Headquarters by 27 August 1994 its consent to be bound by the agreement.

⁵ See Agreement, paragraph 6.2.1.

Rule 4: Secretariat

Unless otherwise instructed by the Parties, the Secretariat shall service and act as secretariat for the Advisory Committee at its meetings.

PART II

OFFICERS

Rule 5: Chairpersons

- (1) The Advisory Committee shall, at its first session, elect a Chairperson from among the Committee Members, and a Vice-chairperson from the Committee Members or their advisers.
- (2) The Chairperson and Vice-chairperson of the Advisory Committee shall hold office until the first meeting of the Advisory Committee following each Meeting of Parties. The Chairperson may be nominated for re- election at the end of a term of office.

Rule 6: Presiding Officer

- (1) The Chairperson shall preside at all meetings of the Advisory Committee.
- (2) If the Chairperson is absent or is unable to discharge the duties of Presiding Officer, the Vice-Chairperson shall deputize.
- (3) In the event that both the Chairperson and the Vice-Chairperson are absent or unable to discharge the duties of Presiding Officer, the appointed Committee Member of the Party hosting the Meeting shall assume these duties.
- (4) The Presiding Officer may vote.

PART III

RULES OF ORDER AND DEBATE

Rule 7: Powers of Presiding Officer

- (1) In addition to exercising powers conferred elsewhere in these Rules, the Presiding Officer shall at Advisory Committee meetings:
 - (a) open and close the sessions;
 - (b) direct the discussions;
 - (c) ensure the observance of these Rules;
 - (d) accord the right to speak;
 - (e) put questions to the vote and announce decisions;
 - (f) rule on points of order; and
 - (g) subject to these Rules, have complete control of the proceedings of the Meeting and the maintenance of order.

- (2) The Presiding Officer may, in the course of discussion at a meeting, propose:
 - (a) time limits for speakers;
 - (b) limitation of the number of times the members of a delegation or observers from a State which is not a Party or a Regional Economic Integration Organisation, or from any other body, may speak on any question;
 - (c) the closure of the list of speakers;
 - (d) the adjournment or the closure of the debate on the particular subject or question under discussion;
 - (e) the suspension or adjournment of any session; and
 - (f) the establishment of drafting groups on specific issues.

Rule 8: Right to Speak

- (1) The Presiding Officer shall call upon speakers in the order in which they signify their desire to speak, with precedence given to the Committee Members.
- (2) A Committee Member, adviser or observer may speak only if called upon by the Presiding Officer, who may call a speaker to order if the remarks are not relevant to the subject under discussion.
- (3) A speaker shall not be interrupted, except on a point of order. The speaker may, however, with the permission of the Presiding Officer, give way during his speech to allow any participant or observer to request elucidation on a particular point in that speech.

Rule 9: Procedural Motions

- (1) During the discussion of any matter, a Committee Member may rise to a point of order, and the point of order shall be immediately, where possible, decided by the Presiding Officer in accordance with these Rules. A delegate may appeal against any ruling of the Presiding Officer. The appeal shall immediately be put to the vote, and the Presiding Officer's ruling, shall stand unless a majority of the Parties present and voting decide otherwise. A delegate rising to a point of order may not speak on the substance of the matter under discussion, but only on the point of order.
- (2) The following motions shall have precedence in the following order over all other proposals or motions before the Meeting:
 - (a) to suspend the session;
 - (b) to adjourn the session;
 - (c) to adjourn the debate on the particular subject or question under discussion;
 - (d) to close the debate on the particular subject or question under discussion.

Rule 10: Arrangements for Debate

- (1) The Meeting may, on a proposal by the Presiding Officer or by a Committee Member, limit the time to be allowed to each speaker and the number of times anyone may speak on any question. When the debate is subject to such limits, and a speaker has spoken for the allotted time, the Presiding Officer shall call the speaker to order without delay.
- (2) During the course of a debate the Presiding Officer may announce the list of speakers, and, with the consent of the Committee, declare the list closed. The Presiding Officer may, however, accord the right of reply to any individual if a speech delivered after the list has been declared closed makes this desirable.
- (3) During the discussion of any matter, a Committee Member may move the adjournment of the debate on the particular subject or question under discussion. In addition to the proposer of the motion, a Committee Member may speak in favour of, and a Committee Member of each of two Parties may

speaking against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.

- (4) A Committee Member may at any time move the closure of the debate on the particular subject or question under discussion, whether or not any other individual has signified the wish to speak. Permission to speak on the motion for closure of the debate shall be accorded only to a Committee Member from each of two Parties wishing to speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.
- (5) During the discussion of any matter a Committee Member may move the suspension or the adjournment of the session. Such motions shall not be debated but shall immediately be put to the vote. The Presiding Officer may limit the time allowed to the speaker moving the suspension or adjournment of the session.

PART IV

VOTING

Rule 11: Methods of Voting

- (1) Without prejudice to the provisions of Rule 1, Paragraph 2, each Committee Member duly accredited according to Rule 3 shall have one vote.
- (2) The Committee shall normally vote by show of hands at a meeting, but any Committee Member may request a roll-call vote. In the event of a vote during an inter-sessional period, there will be a postal ballot.
- (3) At the election of officers, any Committee Member may request a secret ballot. If seconded, the question of whether a secret ballot should be held shall immediately be voted upon. The motion for a secret ballot may not be conducted by secret ballot.
- (4) Voting by roll-call or by secret ballot shall be expressed by "Yes", "No" or "Abstain". Only affirmative and negative votes shall be counted in calculating, the number of votes cast by Committee Members present and voting.
- (5) If votes are equal, the motion or amendment shall not be carried.
- (6) The Presiding Officer shall be responsible for the counting, of the votes and shall announce the result. The Presiding Officer may be assisted by the Secretariat. Inter-sessional voting by postal ballot will be co-ordinated by the Secretariat.
- (7) After the Presiding Officer has announced the beginning of the vote, it shall not be interrupted except by a Committee Member on point of order in connection with the actual conduct of the voting. The Presiding Officer may permit Committee Members to explain their votes either before or after the voting, and may limit the time to be allowed for such explanations.

Rule 12: Majority and voting procedures on motions and amendments

- (1) All votes on procedural matters relating to the forwarding of the business of the meeting shall be decided by a simple majority of Parties.
- (2) Financial decisions within the limit of the power available to the Advisory Committee shall be decided by three-quarter majority among those Parties present and voting.
- (3) Amendments to the Rules of Procedure require a three-quarter majority among those present and voting.
- (4) All other decisions shall be taken by simple majority among Parties present and voting.
- (5) When an amendment is moved to a proposal, the amendment shall be voted on first. If the amendment is adopted, the amended proposal shall then be voted upon.

PART V

LANGUAGES AND RECORDS

Rule 13: Working Language

English shall normally be the working language of any Advisory Committee meeting and working groups.

Rule 14: Other Languages

- (1) An individual. may speak in a language other than English at meetings, provided he/she furnishes interpretation into English.
- (2) Any document submitted to a meeting shall be in English.

Rule 15: Summary Records

Summary records of Committee meetings shall be kept by the Secretariat and shall be circulated to all Parties in English.

PART VI

OPENNESS OF DEBATES

Rule 16: Committee meetings

All sessions of meetings shall be closed to the public.

Rule 17: Sessions of the Working Groups

As a general rule, sessions of working groups shall be limited to the Committee Members, their advisers and to observers invited by the Chairs of working groups.

PART VII

WORKING GROUPS

Rule 18: Establishment of Working Groups

The Advisory Committee may establish working groups as may be necessary to enable it to carry out its functions. It shall define the terms of reference and composition of each working group, the size of which may be limited according to the number of places available in assembly rooms.

Rule 19: Procedure

Insofar as they are applicable, these Rules shall apply *mutatis mutandis* to the proceedings of working groups.

Record of Discussion of the Working Group on Bycatch Mitigation

INTRODUCTION

John Clorley was appointed chair, with Sarah Jones as rapporteur.

The working group was set three tasks:

- Identify fisheries that were of most concern with respect to their bycatch of small cetaceans
- Review bycatch mitigation measures for each of these fisheries
- Make recommendations for bycatch mitigation.

Related ASCOBANS 8th Advisory Committee Documents were 5, 10, 18, and 11.

GENERAL INFORMATION TO SUPPORT DISCUSSION

Peter Reijnders outlined the outcome of the Commission/ASCOBANS meeting (February 2001) to provide background to the group's discussion. The Commission recognised ASCOBANS as a discussion partner in the development and execution of Community policy but indicated that ICES was the official body to provide scientific advice including advice on marine mammals.

During the discussion on the problem of bycatch of marine mammals in fisheries and how this could be addressed in the Common Fisheries Policy, the Commission indicated that they requested ICES Marine Mammals WG to report on bycatch of marine mammals for June 2001. The Commission's Scientific, Technical and Economic Committee for Fisheries (STECF) would review the ICES report in a meeting at the end of 2001. Two ASCOBANS representatives are invited to participate at the meeting.

The ASCOBANS reference point of 1.7% for unacceptable level of bycatch of marine mammals was discussed. The Commission indicated they would seek advice on a reference point for unacceptable bycatch from ICES and await the ICES report. ICES were also making reference to OSPAR's work, for example on Ecological Quality and Ecological Quality Objectives (Eco-QOs). It was important that there was recognition of the 1.7% figure in the process.

There is an ongoing data collection and transfer in relation to fisheries to implement the European Community's Data Collection Regulation*. The current Data Collection Regulation requires data reporting on main target fish species and fleets. However, this Regulation will be reviewed at the end of 2003 for possible extension to other species. The Commission indicated that this could also include data collection on bycatch of marine mammals.

Member States could bid for EU funding to cover data collection, for example on the links between fishing and cetacean bycatch under the Regulation. This could include the establishment of observer schemes. The Commission also confirmed the availability of funding instruments for bycatch mitigation measures.

* Council Regulation (EC) No. 1543/2000 of 29 June 2000 establishing a Community framework for the collection and management of the data needed to conduct the Common Fisheries Policy, OJ L 176, 15 July 2000, page 1

There were several strands of EU action that were relevant to integrating bycatch mitigation measures into fisheries policy and management. Both the Fisheries Biodiversity Action Plan, and the plans for integration agreed at the Cardiff and Helsinki Councils required sectoral plans. To this end, the Swedish Presidency had prepared draft Council Conclusions and the Commission had produced an Environmental Integration Strategy. However, in effect the latter had been put on hold pending wider discussions in the context of the reform of the CFP.

The EC Green Paper on CFP reform was distributed in March 2001. The paper recognised the flaws in the CFP and the need to rectify them, including the need to address bycatch. There would be a Brussels meeting to discuss the Green Paper from 5 - 7 June and comments to the Commission should be given by 30 September 2001. It was essential that ASCOBANS responded to the CFP reform process.

CRITICAL FISHERIES

The working group identified five key fisheries where bycatch either had been shown to be a problem, or there were perceptions that a problem might be occurring. The key fisheries were:

-
- Celtic Sea bottom set nets;
- Central and Southern North Sea bottom set nets;
- Bass trawling in the South Western Approaches to the Channel;
- Certain other pelagic trawl fisheries;
- Fisheries in the Swedish Skagerrak/Kattegat and the Belt Seas.

Each of the fisheries was assessed against the potential mitigation measures identified in Andy Read's report i.e., acoustic alarms, time and area closures, modification of fishing gear, reducing fishing effort and acoustic reflector nets.

In addition to proposals for certain fisheries, a number of common proposals were also identified.

Celtic Sea Bottom Set Nets

The last peer-reviewed data demonstrated a bycatch of 6.2% or 2,237 harbour porpoises (923 to 3525 at the 95% confidence level) of the area abundance of 36,000 (SCANS 1 Area A, 1994). The main fleets involved were from Ireland, the UK and France.

The use of pingers to mitigate bycatch had been trialed in the UK as part of an SMRU project. This showed that pingers had a significant impact in reducing bycatch. Bycatch was reduced by >90%. These findings tied in with those illustrated in Andy Read's report. Modelling revealed that time area closures are unlikely to be successful in this fishery. Trials with the use of acoustically reflective ropes did not show a reduction in bycatch.

Proposals:

Fishing activities using bottom set gill nets and tangle nets in this area should use pingers to mitigate bycatch. Funding for this operation should utilise national and Community resources (e.g. relevant EU structural funds).

Request the percentage effort in soak time and net length for each nation employing bottom set nets.

The use of pingers in this fishery should not result in the discontinuation of research into other technical mitigation measures.

A link with the northern hake recovery plan measures should be made, e.g. to assess and evaluate if the reduction on hake fishing due to a decline in the stock has reduced bycatch and if the hake closures have had any effect on the reduction of cetacean bycatch. Should further effort reduction be required in the future e.g. in the form of decommissioning, it will require an injection of funds from Parties, Member States and the Commission. If the TAC is lowered this should not be accomplished by lowering landings but by lowering effort.

Central and Southern North Sea Bottom Set Nets

Vinther (1999) reported that about 7000 harbour porpoises were bycaught annually in the Danish gillnet fishery in the North Sea. The abundance estimate for the North Sea was estimated to be about 270,000 harbour porpoises (Hammond et al. 1995). Gillnet fishery in the North Sea is also carried out by other nations (Belgium, the Netherlands, Germany and the UK) but bycatch figures are not available yet.

Research by Larsen (1997) demonstrated the success of pingers. As a result pingers had been implemented by law and would be used seasonally from 1 August to 31 October in the wreck fishery for cod. Denmark had begun to look at habituation issues with respect to the use of pingers. Reduction in cod fishing had occurred due to depletion of the cod stocks. The reduction in fishing effort as net soak time had not yet been quantified.

The cod recovery plans were discussed in relation to bycatch mitigation. There were seasonal closures for cod but these areas did not necessarily coincide with harbour porpoise areas. Technical measures are also being agreed but they would not be directed at mitigating cetacean bycatch.

Proposals:

Assess whether the fishery could be continued in a different way e.g. longlining. If applicable make financial incentives available to move into this new fishing method. An environmental impact assessment of any change in fishing practice should be made.

Support for development and testing of further technical measures such as stiffnets/echo-reflecting nets should continue.

Bass Trawling in South Western Approaches

There had been increasing concern about the interaction between bass trawling in the South West Approaches and cetaceans, in particular common dolphins. This involved boats from France, the UK and Spain.

The current UK effort consisted of two pairs. Both these pairs were being monitored by SMRU to assess bycatch until the fishery ended, most likely by mid-April. No results of this monitoring were available. The French boats operated both in pairs and as single vessels. The French Agricultural Ministry had asked IFREMER to make proposals for increased selectivity of gear in this fishery, as there were no observers on the French boats.

The ICES bass study group would make an assessment on bass biology, populations and fishing effort and propose appropriate management measures for the fishery. The group would publish a report.

Proposals:

Request nations with bass fisheries in this area to provide information on fishing practice, net size, deployment time and bycatch estimates.

Certain other Pelagic Trawls

Morizur et al. (1999) identified a number of pelagic trawl fisheries in which bycatch of cetaceans could occur. These included horse-mackerel, hake, tuna, sea bass and herring. Anecdotal evidence identified common and striped dolphin bycatch in the pair trawls and other related pelagic trawls. The main fisheries involved vessels from the UK, France, Ireland, Spain and the Netherlands. The UK was undertaking work to assess bycatch on its pelagic trawlers.

The Working Group agreed that there was a lack of knowledge on the extent of these fisheries, and their levels of bycatch. This needed to be addressed.

Proposals:

Data were required on the levels of fishing activity (area, net sizes, soak times etc) in relation to the type of pelagic trawl, and the cetacean population sizes for all the areas where they operated.

Relevant nations should report on any work to assess bycatch in pelagic trawls to ASCOBANS.

Include the need for the collection of data on bycatch from pelagic trawls in the development of the new EU data regulation for 2003-2004.

Continue research into the effects of pingers on pelagic trawls.

Fisheries in the Skagerrak/Kattegat Area

The BYCARE research (1994) identified a bycatch of 150 animals in the Swedish Skagerrak/Kattegat caught in bottom set net fishery, primarily for cod. This was extrapolated to a 3% take by this fishery of the local harbour porpoise population. However, since 1998 the cod fishery had all but disappeared due to a vast decline in stock levels. Most of the set net fishermen had moved into other fisheries, particularly nephrops trawls. The level of porpoise bycatch was considered to be less than 1% now. The Swedish data illustrating the decline in fishing effort and therefore bycatch included the reduction in soak time since 1996 was presented.

There was now concern about the drift net fishery for mackerel. Effort in this fishery had not been reduced since the BYCARE project. The use of pingers in this fishery was under discussion.

Proposals:

An assessment of the current levels of bycatch for the fisheries identified by BYCARE should be carried out.

If the scale of the bottom set net fishery should increase again, appropriate mitigation should be put in place.

Use of mitigation measures such as pingers should be investigated for the drift net mackerel fishery

Common Proposals:

Further information was required on the fishing effort, expressed in soak/deployment time and net size, for all set net and pelagic fisheries. The Swedish work assessing the decline in soak time of the Skagerrak bottom set net fishery provided a good example.

When pingers are used in any fishery, the amount of harbour porpoise habitat from which the species would potentially be excluded should be assessed.

Pingers should be low maintenance

Assessment and evaluation of the effectiveness of pingers should be ongoing. Observers would be required for this work.

Build in protocol that recorded fishing gear type for the proposed SCANS 2 cetacean abundance survey (NB there might be a problem detecting the difference between nets, e.g. set gill nets, lobster pots and fyke nets).

The presence of a black box on the larger fishing vessels might provide an opportunity to gather more detailed information on effort and distribution of certain fisheries throughout the year.

The Commission should seek information from Member States relevant to assessing problem fisheries and evaluating mitigation measures.

For the new EU data collection and transfer policy, include specific information on marine mammals and the fishing data required for assessment and evaluation of bycatch. Observers would be required to collect and verify information as appropriate.

A report was required to categorise fisheries in the Agreement area and adjacent waters by type of fishery. The work ICES were carrying out to categorise fisheries for boats over 10m would aid this assessment, but fisheries using boats under 10m needed to be similarly categorised. A vulnerability index for the fisheries categorised should be part of the report.

Stakeholder Involvement:

A reply from ASCOBANS to the Commission's Green Paper should identify regional/zonal management as essential to the achievement of sustainable fisheries. This regional management must address the impact of fishery activities on cetaceans.

It was through stakeholder involvement in the management of the fisheries that bycatch problems could best be addressed. As a first step advisors from environmental ministries should attend the current regional fisheries meetings.

Record of Discussion of the Population Census/Monitoring/Bycatch Working Group

By-catch monitoring in the ASCOBANS area

The working group noted that to date, monitoring effort had mainly focused on harbour porpoise by-catch in bottom-set gill nets. Little was known about by-catches of small cetaceans in many other types of fisheries e.g. bottom trawl and pelagic trawl. Furthermore, other species were almost certainly taken.

It had been universally recognised that the best method for monitoring was by independent observer – normally placed on board a vessel (see AC8/Doc.5). This method of monitoring was essential for estimating by-catch rate. In reality, this method was not always feasible for reasons of economy of resources, and practicality where fishing vessels were small or one-person operations.

The present problem appeared to be that there were many fisheries where by-catch information was lacking, and that in the first instance there was a need to establish whether or not there was a by-catch issue or even the probability of one before monitoring resources could be deployed in a suitable way.

The group heard that the ICES Working Group on Marine Mammal Population Dynamics and Habitats that would meet in May, would start the process of collating information on fisheries, emphasising the North Sea, where small cetacean by-catches may be occurring. The group welcomed this as an important first step in establishing a monitoring process, and encouraged the ICES Working Group to accomplish this task.

In the USA, different types of fisheries had a vulnerability rating or risk/threat stratification in relation to cetacean by-catch, which identified monitoring priority in fisheries. This type of system could also be helpful in Europe where monitoring resources may be limited, and some guidance may be needed as to where resources should best be deployed.

The group accepted the inadequacy of indirect methods of monitoring by-catches, e.g. voluntary reporting, personal interviews with fishermen, etc. and noted that anecdotal-type information could never be used for estimating by-catch rates. However, the group noted that such methods may yet be useful for identifying where a potential problem may exist, and where further more stringent monitoring methods could subsequently be applied. The same opportunity was provided in countries where there was an active strandings monitoring programme operating, as potential by-catch problems may be identified from carcass autopsy to determine the cause of death since many are the result of discarded by-catch.

The group noted that in Norway a proposal for methods to be implemented for monitoring by-catches of marine mammals in Norwegian fisheries had been developed involving a mandatory reporting scheme. The proposal would be subject to a decision by the Ministry of Fisheries following a hearing involving fishermen's organisations and other relevant authorities and organisations (AC8/Doc.19). The USA also had a mandatory reporting scheme. However, concerns were expressed about the limitations of reporting schemes that require fishermen themselves to report – whether voluntary or mandatory.

It was noted that there was a current EU Data Collection Regulation no 1543 that required data reporting on main target fish species and fleets, and that this regulation may be extended in species range after December 2003. This might be an opening for cetacean by-catch reporting.

In the future, underwater use of video or cameras on nets may also be a way forward but were as yet untested methods. Surface video filming of fishing vessel activities, taken at a distance, may also be helpful as a form of ancillary monitoring (policing) where there were reporting

schemes in operation. The future use of electronic “observers” or “black boxes” on board may also be considered. Presently, such devices may record irregularities such as mismatch between load and off-load weights of the vessel after a fishing trip, but could become more sophisticated in recording abilities in future years.

Predictions of likely by-catches could also be made using models where known distribution and abundance of cetaceans in an area were considered together with fisheries activities. This could have potential for by-catch risk assessment where a follow-up with monitoring could be assessed as worthwhile or not.

Finally, the group recognised that dissemination of information to both fisheries inspectors and the fishermen about cetacean by-catch and subsequent management implications for the fisheries was important, and that developing a dialogue between these persons and the fishery regulators was essential in obtaining co-operation and collaboration on monitoring.

Preparations for SCANS II and other surveys

The working group noted that the Resolution 5 from MOP3

“Requests that the Advisory Committee ensures planning for an abundance survey of the Agreement areas is completed by the Fourth Meeting of Parties (2003); and Recommends that relevant Parties and Range States plan and conduct an abundance survey in waters to the west of the ASCOBANS area before the Fourth Meeting of Parties.”

The group had available documents AC8/Doc.4, /Doc.16, /Doc.25, and /Doc.27.

The group welcomed document AC8/Doc. 27 and considered it a useful background and review paper. The group made no recommendation on the need or otherwise for the formation of a working (standing) group on monitoring.

Document AC8/Doc. 25 presented the proposal for a Baltic survey, which at present had received commitment on funding for almost half the costs from WWF Sweden. The group welcomed this news and also that Germany would be providing an additional 10,000 Euros in support of this proposal. The group noted the comments from the ABDG (AC8/Doc.4) in Table 1, point 4, and agreed on the desirability of such a survey and that an expansion of the area to include areas not previously surveyed, e.g. Polish coast where “hot spots” of by-catch and hence abundance was unknown, were currently of most importance. Allocating the highest effort into these areas was recommended. The group noted that a recommendation concerning such a point was made by the joint ICES working groups on marine mammals in Helsinki, 28 February-3 March 2000 (ICES CM 2000/E: 02/G:05).

Given the requests of Resolution 5, the group was happy to support AC8/Doc. 16. The group noted that a major survey similar to SCANS (1994) was important and needed because nearly seven years have elapsed since the first survey. Statistical power analysis in Hammond et al (1995) showed that in order to detect a trend in annual population decline of 6% or more, an interval of no more than 10 years was required between surveys. The need for a survey was very urgent now because Resolution 3 from MOP3 called for a by-catch level of <1.7% of any harbour porpoise population – an unrealistic demand without up-to-date total abundance estimates.

The priority recommendation from the group was that Phil Hammond should be requested to proceed with his proposed next steps, and that ASCOBANS and contracting Parties should be ready to provide “seed money” this year to enable Hammond to seek partners in the project, investigate EU support, and prepare a draft proposal in consultation with the Chairman and vice-Chairman of ASCOBANS for a preliminary evaluation by the EU. The group considered that it was imperative that ASCOBANS Parties supported this new survey both politically

and financially, and that EU-funding should be sought, together with matching national support from Parties and other states where relevant.

The group discussed the possible increased success of such an EU proposal in the light of recent feedback to Peter Reijnders on the future preference for large multi-faceted programmes. It was therefore considered desirable that SCANS II should be developed, if possible, alongside complementary projects that might be relevant such as population studies and stock structure, and that collaboration with partners in such projects that support the aims and requirements of ASCOBANS should be encouraged. The working group also took into account the report of the Nordic sub-group (AC8/Doc. 29). However, it was emphasised that such considerations should not hold back planning and implementation on SCANS II. It was nevertheless recognised that SCANS II might even now not be implemented until summer 2002 at the earliest, most likely 2003, and that assistance from the Chairman and vice-Chairman of the Advisory Committee should be available to help in the matter of collaboration with other projects and proposal submission to the EU.

The group agreed that the planning for SCANS II might encompass three parts: the Baltic where traditional SCANS survey methods may not be generally applicable and special survey methods might be required, the original SCANS (1994) areas, and new areas west of the British Isles, which might also include a southward extension of the Celtic Shelf towards Biscay. The working group recommended that the Chairman and vice-Chairman together with Hammond, should explore the possibility of extending surveys southwards to Portugal and Spain. It was considered highly desirable that these parts be executed within the same time frame. However, the feasibility of such an ambitious programme could only be evaluated after Hammond had been able to proceed with planning, and at which time, guidance on priorities might then be needed from ASCOBANS.

References

- Hammond, P.S., Benke, H., Berggren, Borchers, D.L., Buckland, S.T., Collet, A., Heide-Jørgensen, M.P., Heimlich-Boran, S., Hiby, A.R., Leopold, M.F. & Øien, N. 1995. Distribution and abundance of the harbour porpoise and other small cetaceans in the North Sea and adjacent waters. Final Report to the European Commission under contract LIFE 92-2/UK/027. 242 pp.

Record of Discussion of the Baltic Working Group

1. The WG agreed that a recovery plan for harbour porpoises in the Baltic Sea could not be limited to certain parts of the Baltic but rather would have to cover the entire Baltic⁶. The scope of the workshop aimed at drafting this recovery plan should therefore be defined accordingly. There was also general agreement that relevant regional IGOs such as, for example, HELCOM and the IBSFC could make valuable contributions to the process of elaborating the recovery plan and ASCOBANS should therefore seek to involve them in this process. HELCOM has indicated its interest in cooperating with ASCOBANS on this exercise.

Michael Andersen confirmed that funding for such an exercise could be provided by DANCEE. The money would be made available through the ASCOBANS Secretariat, to whom the funds would be transferred if the application for the workshop were approved by DANCEE. Funding was, however, contingent on holding the workshop in a country of Central or Eastern Europe.

The Polish delegation declared that Poland would be willing to host the workshop.

The WG drafted the outline and terms of reference for the workshop annexed at 7b.

2. The WG considered the Report of the ASCOBANS Baltic Discussion Group (AC8/Doc. 4(S)) and endorsed recommendations 1 and 3, and 5-12 contained therein.

With respect to Recommendation 4, concerning the aerial survey of Baltic harbour porpoises proposed by Per Berggren (AC8/Doc. 25(S)), support was expressed for the survey, however the WG voiced concern that the area covered by the survey might be too limited and emphasized that a survey of the areas not covered by Berggren's proposal was also needed.

⁶ Defined as the waters in ICES Division IIIId east of the Darss and Limhamn Ridges, taking into consideration the waters south of the line Skagen – Marstrand for comparison as appropriate

Outline and Terms of Reference for a Workshop Aimed at Drafting a Recovery Plan for Harbour Porpoises in the Baltic Sea

A. Background

The status of harbour porpoises in the Baltic Sea is a cause for serious concern. The most recent survey (1995) yielded an estimate of 599 animals for the Baltic Sea proper. In its report to the 8th Meeting of the Advisory Committee to ASCOBANS (Nymindegab, Denmark, April 2001), the ASCOBANS Baltic Discussion Group states: "The available evidence clearly points to a population that is in severe danger."

In its Resolution on Incidental Take of Small Cetaceans, ASCOBANS, MOP2 (Bonn, 1997) 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".

For a number of reasons it has thus far not been possible to develop this plan. Accordingly, ASCOBANS MOP3 (Bristol, 2000) reiterated its invitation to Parties and Range States to proceed with the elaboration of the plan (MOP3, Res. No. 3). The ASCOBANS Triennium Workplan for 2001-2003 includes the organisation of this workshop.

B. Aims

To elaborate a recovery plan for harbour porpoises in the Baltic Sea⁷, based on the outline and terms of reference drafted by the AC8 Baltic Working Group.

The short-term objective is to elaborate a prioritized recovery plan with a view to achieving the long-term objective of restoring and or maintaining a viable population⁸ of harbour porpoises in the Baltic. In addition to these objectives, indicators should be included in order to measure the progress of the plan (changes in population size and various threats identified, in particular level of by-catch).

The recovery plan should encompass the following eight elements:

1 Background

- Past status (historic reviews, and studies of museum collections should be undertaken)

⁷ The Baltic Sea is defined as the waters in ICES Division IIIId east of the Darss and Limhamn Ridges; for comparison, the waters south of the line Skagen – Marstrand should also be taken into consideration where appropriate

⁸ ASCOBANS MoP 2 agreed that a suitable short-term sub-objective was to restore and/or maintain stocks/populations to 80% or more of carrying capacity, cf. ASCOBANS MOP 2/Doc. 4

- Possible causes for the decline of harbour porpoises should be examined.

2 Threats

The workshop should identify possible threats and prioritize necessary action to address e.g.:

- Incidental capture/bycatches; possible mitigation methods for specific fisheries should be considered
- Disturbance
- Pollution
- Indirect effects of fisheries through reduction of food supply and competition for prey
- Diseases/epizootics
- Habitat degradation

3 Present population status and trends, population structure and population parameters

- The workshop should consider the results of various pertinent surveys.
- The workshop should review information regarding the status of possible separate populations in the Baltic.
- The workshop should review information on spatial and temporal distribution.

4 Review of research needed in light of the results of the ASCOBANS Baltic Discussion Group⁹

The workshop should identify and specify prioritised research in line with Recommendations 1 and 5–12 contained in the report of the ASCOBANS Baltic Discussion Group (AC8/Doc.4 (S)).

5 Development of specific action plans within the overall recovery plan

- 5.1 The workshop should identify means of estimating and mitigating bycatch, including observer programmes wherever feasible.
- 5.2 The workshop should also identify means of estimating and mitigating other known threats (cf. 2 above).
- 5.3 The workshop should recommend immediate steps towards reducing mortality in identified 'hot spots' of porpoise bycatch and population 'hot spots' to be identified.

6 Monitoring and surveillance

- 6.1 The workshop should recommend methods of monitoring aimed at establishing long term trends in the harbour porpoise population(s) in the Baltic.
- 6.2 The workshop should recommend methods of monitoring the development of bycatch and other threats to harbour porpoises in the Baltic.

7 Public awareness (at regional, national and local level)

The workshop should develop schemes to involve the local public (including fishermen and other interested stakeholders) in the implementation of specific parts of the overall recovery plan and in monitoring the results of the plan. These schemes should ensure that data collected within the framework of the action plan is disseminated to the general public.

⁹ cf. AC 8/Doc. 4, Report of the ASCOBANS Baltic Discussion group

The output of the workshop will be circulated to Parties and Range States for further discussion and presented to the 9th Meeting of the Advisory committee for approval.

8 Implementation

The workshop should formulate clear time-bound objectives with a view to implementing its recommendations. It should devise processes for monitoring the implementation of its recommendations at the international, regional, national and local levels.

9 Steering Group

A Steering Group, composed of the ASCOBANS Secretariat, representatives of Denmark and Poland and the facilitator will be established. Baltic Parties and Range States should designate national contact points for the preparation of the workshop. A formal peripheral advisory group composed of a representative of the fisheries industry, an NGO representative and scientific advisors should support the Steering Group. The Steering Group will have to meet several times prior to the workshop. It will establish study groups as needed.

The Steering Group will seek an independent professional facilitator for the workshop.

C. Structure, duration and venue of the workshop

A three-day workshop held in Poland in January 2002. The exact venue is yet to be determined. Participation should be by invitation. The attendance of a wide range of experts and stakeholders from all interested Parties and Range States, including representatives of relevant IGOs, industries and NGOs should be ensured. A participation of approx. 100 persons is envisioned. The Steering Group will submit a list of potential participants from the NGO sector and relevant industries to Parties and Range States for their comments.

D. Funding

Funding for the workshop will be provided by DANCEE.

SOME RECENT REFERENCES CONCERNING MARINE POLLUTION RELEVANT TO ASCOBANS

CHEMICAL POLLUTANTS

Das, K., Lepoint, G., Loizeau, V., Debacker, V., Dauby, P., Bouqueneau, J.M. 2000. Tuna and dolphin associations in the North-east Atlantic: evidence of different ecological niches from stable isotope and heavy metal measurements. *Marine Pollution Bulletin* 40 (2) pp 102-109

An investigation into trophic relations using bycaught dolphins and contaminants.

Das, K., Debacker, V., Bouqueneau, J.-M. 2000 Metallothianins in Marine Mammals. Cellular and molecular biology 46 pp 283-294.

Focardi, S., Corsolini, S., Aurigi, S., Pecetti, G., Sanchez-Hernandez, J.C. 2000. Accumulation of butyltin compounds in dolphins stranded along the Mediterranean coasts. *Appl. Organometal. Chem.* 14 pp 48-56

One of a number of papers published on organotin accumulation in cetaceans since the last advisory committee meeting. A fetal common dolphin in this study showed the highest concentrations.

Karlson, K., Ishaq, R., Becker, G., Berrgren, P., Broman, D., Colmsjö, A. 2000. PCBs, DDTs and methyl sulphone metabolites in various tissues of harbour porpoises from Swedish waters. *Environmental Pollution* 110 pp 29-46

A study using bycaught porpoises that compared two analytical methods, finding both yielded similar results. Levels of Total PCBs and Total DDTs, on a lipid weight basis were found in approximately similar concentrations in the various tissues analysed with the exception of the brain where the levels were lower.

Nielsen, J.B., Nielsen, F., Jørgensen, P., Grandjean, P. 2000. Toxic metals and selenium in blood from pilot whales (*Globicephala melas*) and sperm whales (*Physeter catodon*). *Marine Pollution Bulletin* 40 (2) pp 348-351

Cadmium concentrations averaged 500-1000 times higher in the stranded sperm whales than in the pilot whales. Both mercury and cadmium levels exceeded those associated with severe toxicity in several other mammal species.

Mato, Y., Isobe, T., Takada, H., Kanehiro, H., Ohtake, C., Kaminuma, T. 2001. Plastic resin pellets as a transport medium for toxic chemicals in the marine environment. *Environ. Sci. Technol.* 35 pp 318-324

The pellets (0.1-0.5 cm) are widely distributed in oceans all over the world and provide a vehicle for enhanced exposure of wildlife to organic pollutants.

Danish report on TBT

<http://www.dmu.dk/1%5Fviden/2%5Fpublikationer/3%5Farbrapporter/rapporter/arbejdsrapport%5F135.pdf>

NOISE POLLUTION AND DISTURBANCE

1. Whale watching/boat interference

Au, W.W. and M. Green. (2000) Acoustic interaction of humpback whales and whale watching boats. *Marine Environmental Research* 49: 469-481.

The Whale Watching Subcommittee at the 2000 IWC Scientific Committee commented on the usefulness of simultaneously visually and acoustically monitoring whale and boat movements, reactions and noises, for example by using hydrophones and a theodolite. This paper reports just such a study. (A second paper that will provide a fuller report on the observations made of the whales is in prep.)

Four whale watching vessels and one twin-hulled passenger ferry are considered and it was found that the loudest boats produced the strongest reactions in what was, anyway, a very noisy inshore environment.

The paper also provides a useful review of how whale reactions have previously been measured – i.e. “respiration rates [presumably by observing blows], diving, swimming speed, social exchange and aerial behaviours...” and surfacing rates and reactions (including threatening behaviour) in response to the presence of the boats. Avoidance behaviour of two main types has been identified:

- “Vertical avoidance”, in which dive duration increases with a corresponding decrease in the blow interval and in swim speed and
- “horizontal avoidance”, in which there is a decrease in dive duration, longer blow intervals and an increase in swimming speed.

Erbe, C. (2000) Underwater noise of whale watching boats and its effects on marine mammals. Paper submitted to the Scientific Committee of the International Whaling Commission (SC52/WW11). Unpublished.

This paper describes the use of a predictive model to evaluate the potential effects of vessel noise on orcas. The model was calibrated with data on biological thresholds for noise detection based on experimental studies on bottlenose dolphins and field observations on orcas and other whales.

The model suggested the following:

1. communications between orcas would be impacted at a 12 km range by fast moving (and therefore noisier) vessels;
2. temporary hearing damage (with a recovery time of 24 hours) was predicted to occur within 50 m of slow moving vessels and 850 m of fast moving ones; and
3. Superimposed noise levels of a number of boats circulating around of following the whales were very close to the critical level assumed to cause a permanent hearing loss over a very prolonged exposure.

The IWC 2000 whale-watching workshop that received this paper expressed some concern about “how the models dealt with uncertainty associated with the input data but recognised the value of such modeling approaches for predicting possible effects of exposure to chronic noise.”

M.C. Diazgranados (1999) Changes in the vocal activity of the bottlenose dolphin (*Tursiops truncatus*) in relation to boat traffic in the Kessock Channel, Moray Firth. MSc Thesis: University of Aberdeen. 33 pages. (unpublished).

The author reported a small change in the acoustic behaviour of bottlenose dolphins in the Moray Firth in Scotland in response to the presence of vessels.

Dolphin call rate and surfacing behaviour (tail slaps and full forward slaps) increased dramatically when motoring yachts/sailing vessels were passing through the study area (the Kessock Channel). When the local commercial dolphin-watching vessel was interacting with the dolphin group both whistle call-rate and surface behaviour decreased.

2. Reactions to military or industrial noises.

Miller, P.J.O., N. Biassoni, A. Samuels and P.L.Tyack. 2000. Whale songs lengthen in response to sonar. *Nature* 405:903.

Humpback whale songs were found to be longer when the animals were exposed Low Frequency Active Sonar and this was proposed as a means of compensation for acoustic interference.

US Navy (2000) press/information release November 2000

“A surface duct was present in the New Providence Channel at the time of the stranding [of a number of beaked whales and other cetaceans on March 15th 2000]...”. The suggestion being that an unusual physical phenomenon in the local marine environment at this time could have contributed to the mass stranding of beaked whales there.

Balcomb, K.C. (2001) Cetaceans and sonar – Bahamas strandings. Letter to SURTASS LFA Sonar OEIS/EIS Program Manager. Published on “Marmam” website on 2nd March 2001.

Balcomb states “I have had the unique opportunity to witness and study a mass stranding of whales and a dolphin caused by a US Naval Sonar Exercise in the Bahamas (Pirie, ltr. June 15, 2000). That incident unequivocally demonstrated the lethality of high-powered sonars, and it provided the opportunity to understand how sonar has been inadvertently killing whales in vast expanses of ocean around the world. The killing is largely due to resonance phenomena in the whales’ cranial airspaces that are tearing apart delicate tissues around the brains and ears.”

3. Pingers and other fisheries deterrents.

Kastelein, R.A., W.W.L.Au and D. de Haan (2000) Detection distances of bottom-set gillnets by harbour porpoises (*Phocoena phocoena*) and bottlenose dolphins (*Tursiops truncatus*). *Marine Environmental Research* 49: 359-375.

Simulated harbour porpoise and bottlenose dolphin signals were used to test gill net detection probabilities by these two species. The estimated detection range for the harbour porpoise was only 2-6m from the net and, as porpoises can reach speeds of around 25km/h when foraging, they may detect gill nets too late to avoid collision.

Bottlenose dolphins would be able to detect the nets from significantly further away. The authors note that “if the target strength of gillnets cannot be increased sufficiently without decreasing fish catch, harbour porpoise catch can possibly be reduced in a more expensive way by deterring the porpoises from the nets with acoustic alarms.”

Stone, G.S., L. Cavagnaro, A. Hutt, S. Kraus, K. Baldwin and J. Brown (2000) Reactions of Hector's dolphins to acoustic gillnet pingers. Published Client Report on Contract 3071. Funded by the Conservation Services Levy. Published by Department of Conservation Wellington, New Zealand. 29 pages.

The authors reported on the response of Hector's dolphins to three models of gill net pinger, concluding that this species responded most strongly to the pinger using the highest frequency.

Madsen, P.T. and B. Mohl (2000) Sperm whales (*Physeter catodon* L. 1758) do not react to sounds from detonators. *J. Acoust. Soc. Am.* 668-671.

Sperm whale behaviour did not change when they were exposed to the discharge of 8 detonators (producing received sound levels of some 180 dB re 1 uPa pRMS). It is hypothesized that the explosions may have been interpreted by the whales as distant calls of conspecifics.

Schick, R.S. and D.L. Urban (2000) Spatial components of bowhead whale (*Balaena mysticetus*) distribution in the Alaskan Beaufort Sea. *Can. J. Fish. Aquat. Sci.* 57: 2193-2200.

The authors looked at data concerning bowhead whales in the Alaskan Sea that was collected in 1993. They found that -

1. "the whales were distributed further from drilling rigs than they would have been under a random scenario" and
2. because "the spatial pattern of bowhead distribution was highly correlated with distance from the drilling rig the presence of the drilling resulted in significant temporary loss in available habitat."

4. Legal Considerations.

Dotinga, H.M. and G.O. Elferink (2000). Acoustic pollution in the oceans: the search for legal standards. *Ocean Development and International Law* 31:151-182.

As a form of energy, sound falls within the definition of pollution of the marine environment contained in the Law of the Sea Convention. The LOS is thereby interpreted to make it a duty to "protect the marine environment from acoustic pollution; to prevent it from occurring; to act with precaution and to carry out assessment procedures before starting new [noisy] activities".

IMO is identified as the competent organisation to address vessel-sourced pollution at the international level and ASCOBANS is considered within the context of an international body already considering noise.

Dates of interest to ASCOBANS in 2001/2002

Date			Organiser	Title	Venue	Participation
2 - 5	May	2001	CMS	CMS Scientific Council	Edinburgh	AC Chair
6 - 10	May	2001	ECS	ECS, 15 th Annual Conference	Rome	Christina Lockyer
21 - 25	May	2001	HELCOM Habitats	2 nd Meeting of Nature Conservation & Management Group	Latvia	Penina Blankett/Palle Uhd Jepsen
5 - 7	June	2001	EU Commission	EU Public Consultation on Common Fisheries Policy	Brussels	AC Chair
4 - 16	July	2001	IWC	Annual Meeting, Scientific Committee	London	Peter Reijnders
23 - 27	July	2001	IWC	53 rd Annual Meeting	London	Peter Reijnders
26 - 29	September	2001	ICES	Annual Science Meeting	Oslo	AC Chair/Vice-Chair
	Oct./Nov.	2001	EU Commission	Scientific, Technical and Economic Committee for Fisheries	Brussels	AC Chair/Vice-Chair
	November	2001	OSPAR	Biodiversity Committee Meeting		John Clorley
26 - 30	November	2001	Council of Europe	21 st Meeting of Bern Convention Standing Committee	Strasbourg	Executive Secretary
13 - 14	December*	2001	CMS	CMS Standing Committee	Bonn	Executive Secretary
14 - 16	February	2002	Monaco	ACCOBAMS MOP 1	Monaco	Executive Secretary/AC Chair
	March	2002	EAAM	EAAM Annual Symposium	Aalborg	Kai Mattsson
8 - 26	April	2002	CBD	CBD COP 6	The Hague	Executive Secretary/AC Chair

* tentative date

Advisory Committee Triennial Work Plan 2001 - 2003 (by topic)

1 Incidental take

Consider information on bycatch	Annual
Review knowledge on bycatch and recommendations on monitoring	2002
Provide advice on bycatch mitigation	2001/2002
Report on progress on bycatch mitigation	(MOP) 2003
Terms of reference for report on bycatch	2001
Develop programme of publicity	On-going

2 Baltic

Review output of Baltic Discussion Group and make recommendations	2001
Review output of meeting on recovery plan and make recommendations	2002
Consider progress of implementation of recovery plan	Annual

3 Disturbance

Review seismic disturbance and make recommendations	2002
Review military disturbance and make recommendations	2003
Terms of reference for cetaceans/shipping report	2002
Review of cetaceans/shipping and make recommendations	2003
Consider new disturbance information including that on seismic activities and high-speed ferries	Annual

4 Pollution

Consider Pollution 2000+	On-going
Consider new pollution information	Annual
Provide recommendations based on results of Pollution 2000+	2003

5 Monitoring/survey/research

Complete planning for SCANS (West)	2002
Complete planning for SCANS II (North Sea/Baltic)	2003

Advisory Committee Triennial Work Plan 2001 - 2003 (by year)

2001

Terms of reference for report on bycatch
Review output of Baltic Discussion Group and make recommendations
Provide advice on bycatch mitigation

2002

Review knowledge on bycatch and recommendations on monitoring
Provide advice on bycatch mitigation
Review output of meeting on Baltic recovery plan
Review seismic disturbance and make recommendation
Decide terms of reference for cetaceans/shipping report
Complete planning for SCANS (West)

2003

Report on progress on bycatch mitigation (for MOP)
Review military disturbance and make recommendations
Review cetaceans/shipping report and make recommendations
Complete SCANS (West)
Complete planning for SCANS II (North Sea/Baltic)
Provide recommendations based on results of Pollution 2000+

On-going/Annual

Consider information on bycatch
Develop programme of publicity
Consider new disturbance information including that on seismic activities and high-speed ferries
Consider Pollution 2000+
Consider new pollution information
Consider progress of implementation of recovery plan

Annual Contributions of Parties 2001 - 2003

2001

	UN Scale 2001	Percentage	Contributions of Parties in 2001	Invoiced/Paid in 2001	Overpaid/Un- derpaid
Belgium	1.136	11.46%	19 625.42 - 2 406.60 ¹ = 17 218.82	15 806.00	Underpaid ² 1 412.82
Denmark	0.753	7.60%	13 015.11 - 1 596.00 = 11 419.11	9 917	Underpaid 1 502.11
Finland	0.525	5.30%	9 076.32 - 1 113.00 = 7 963.32	7 783	Underpaid 180.22
Germany	9.825	22.00%	37 675.33 - 4 620.00 = 33 055.33	37 563	Overpaid 4 507.67
Netherlands	1.748	17.65%	30 225.88 - 3 706.50 26 519.38	23 364	Underpaid 3 155
Poland	0.353	3.57%	6 113.67 - 749.70 = 5 363.97	3 662	Underpaid 1 701.97
Sweden	1.033	10.42%	17 844.40 - 2 188.20 = 15 656.20	15 446	Underpaid 210.20
United King- dom	5.568	22.00%	37 675.33 - 4 620.00 = 33 055.33	37 563	Overpaid 4 507.67
Total	20.941	100.00%			
Total contributions of Parties as per per- centage of ASCOBANS budget			171 251.46		
Total contributions of Parties after subtrac- tion of surplus			150 251.45		

All figures in US Dollars

¹ This figure is the percentage of surplus of budgets 1998 - 2000 to be refunded in each case. The surplus of budgets for 1998 - 2000 amounts to 56 122.97 US\$, of which 21 000 US\$ are to be deducted from Party contributions in 2001, and 35 122.97 US\$ in 2003)

² This amount will be deducted from/added to Party contributions for 2002

2002

	UN Scale 2002	Percentage	Contributions of Parties in 2002
Belgium	1.138	11.53%	18 116.68 + 1 412.82 ¹ = 19 529.50
Denmark	0.755	7.65%	12 020.17 + 1 502.11 = 13 522.28
Finland	0.526	5.33%	8 374.84 + 180.22 = 8 555.06
Germany	9.845	22.00%	34 567.83 - 4 507.67 = 30 060.16
Netherlands	1.751	17.75%	27 889.95 + 3 155.00 31 044.95
Poland	0.319	3.23%	5 075.18 + 1 701.97 = 6 777.15
Sweden	1.035	10.49%	16 482.56 + 210.20 = 16 692.76
United Kingdom	5.579	22.00%	34 567.83 - 4 507.67 = 30 060.16
Total	20.948	99.98%	
Total contributions of Parties as per percentage of ASCOBANS budget			157 095.04
Total contributions of Parties after subtraction/addition of amounts overpaid/underpaid in 2001			150 251.45

All figures in US Dollars

¹ This figure is the amount overpaid/underpaid in 2001

2003

	UN Scale 2003	Percentage	Contributions of Parties in 2003
Belgium	1.129	11.42%	21 847.48 - 4 011.04 ¹ = 17 836.44
Denmark	0.749	7.56%	14 462.96 - 2 655.29 = 11 807.67
Finland	0.522	5.27%	10 081.98 - 1 850.98 = 8 231.00
Germany	9.769	22.00%	42 087.98 - 7 727.05 = 34 360.93
Netherlands	1.738	17.56%	33 593.86 - 6 167.59 27 426.27
Poland	0.378	3.82%	7 308.00 - 1 341.69 = 5 966.31
Sweden	1.02675	10.37%	19 838.74 - 3 642.25 = 16 196.49
United Kingdom	5.536	22.00%	42 087.98 - 7 727.05 = 34 360.93
Total	20.84775	100.00%	
Total contributions of Parties as per percentage of ASCOBANS budget			191 308.98
Total contributions of Parties after subtraction of surplus			156 186.04

All figures in US Dollars

¹ This figure is the amount overpaid/underpaid in 2001