Agenda Item 7.1 — Relations with other Bodies

Document 7-01 rev.3

Reports of Representation of ASCOBANS at Meetings

Action Requested

- Take note of the reports
- Comment

Submitted by — Secretariat

NOTE:
IN THE INTERESTS OF ECONOMY, DELEGATES ARE KINDLY REMINDED TO BRING THEIR OWN COPIES OF DOCUMENTS TO THE MEETING

Secretariat's Note

This document contains reports on all meetings at which ASCOBANS was represented by members of the Advisory Committee, as far as they were submitted to the Secretariat by 20 August 2010, or the Secretariat. A list of meetings for which representation was requested by AC16 is contained in the Report of the 16th Meeting of the ASCOBANS Advisory Committee, Annex 14.

Reports of Representation of ASCOBANS at Meetings

12-15 May 2009

HELCOM 11th Meeting of the Nature Protection and Biodiversity Group (HABITAT), Kotka, Finland

Attendance on behalf of ASCOBANS: Penina Blankett

The following harbour porpoise-related issues were taken up under the item Nature conservation and biodiversity; endangered species and habitats:

Ms. Penina Blankett, Finland, reported on relevant issues under the Jastarnia Group meeting (5th meeting) and on their 18 draft recommendations which are waiting for approval by the Advisory Committee of ASCOBANS.

The Meeting stressed the importance for the Secretariat to continue efforts to develop a joint HELCOM and ASCOBANS database on harbour porpoise sightings, by-catch and strandings to include the data currently hosted by a database in Forschungs- und Technologiezentrum Westküste, Germany.

The Meeting was also informed about an application for a "SAMBAH" (Static acoustic monitoring of the Baltic Sea harbour porpoise) EU LIFE+ project to ascertain harbour porpoise abundance in the Baltic.

The Meeting appreciated the information that Mr. Stefan Bräger, German Oceanographic Museum, has taken the lead in developing a HELCOM Indicator Fact Sheet on the harbour porpoise with the aim to produce a draft of the sheet for review by the HELCOM HABITAT group via correspondence, prior to presenting the draft for approval by HELCOM MONAS 12/2009.

The Meeting was informed about the Twelfth Compilation of Annual National Reports by ASCOBANS (HELCOM HABITAT document 4.4/2/INF) and also about the "ASCOBANS Annual National Report" (HELCOM HABITAT document 5/1), and considered the information a part of Latvia's reporting under HELCOM Recommendation 17/2.

The Meeting expressed its disappointment that EC Regulation 812/2004 is not highly effective in preventing the by-catch of harbour porpoises because it does not apply to smaller boats, which probably take a substantial proportion of the total by-catch.

Countries who reported on harbour porpoise by-catches and other harbour porpoise-related activities:

Denmark stated that for 2007 there was no information on by-catches.

Estonia stated that there is no information on by-catches, but Estonia informed the Meeting that they have making efforts to become an ASCOBANS member state.

Finland stated that there have been no measures taken concerning by-catch, except for a recommendation given to fishermen that they should avoid fishing in areas with sightings. Last year there were two sightings with a total of six animals.

Germany stated that small-scale fishery in coastal areas is not obliged to use pingers and that large ships mostly do trawling. There are approximately 5–6 by-catches annually, but there are no national regulations or legal requirements on reporting. An NGO project is raising awareness among the fishermen on the use of pingers on a voluntary basis in small ships.

Lithuania stated that there is no monitoring of by-catch in Lithuania, but there is an ongoing project to address this matter. The use of pingers is not obligatory.

Poland stated that last year 500 pingers were given to fishermen. In the ICES subdivision 24 (the Western Baltic cod stock) it is obligatory to use pingers. There is also an observer programme since 2006 to monitor the by-catch of harbour porpoises and stranded animals. Under this programme the by-catch of waterbirds and fish are also monitored. In 2007, there was one observed seal by-catch, and two stranded harbour porpoises were observed on the Polish coast in 2009.

Sweden informed the meeting about the implementation of pinger use on fishing gear in the Southern Baltic and about promising trials with cod traps to avoid harbour porpoise by-catch. Sweden also informed the meeting about a pilot study using a video camera to monitor the by-catch of birds and marine mammals. The results of the study are promising and could be a realistic way to monitor by-catch in smaller vessels. The National Board of Fisheries, in cooperation with the SEPA, is currently carrying out a survey of the by-catch of birds and marine mammals by Swedish part-time and recreational fisheries.

14-15 May 2009

European Commission Marine Strategy Coordination Group, Brussels, Belgium

Attendance on behalf of ASCOBANS: Veronica Frank

A. Working Group on Good Environmental Status (GES), 1st Meeting, Brussels, Belgium, 14 May 2009

Participants: representatives from European Commission (DG ENV and DG MARE), EEA, ICES and JRC; several Member States, Regional Seas Convention (HELCOM) and NGOs (IFAW, Greenpeace, Oceana, WWF, Birdlife and Seas at Risk) and the industry (e.g., OGP (oil & gas), ISU (International Salvage Union), ESPO). There was no representation from fisheries organizations.

1. The European Commission briefly introduced the “Common Implementation Strategy”, which was established at the ad hoc marine experts in February 2009, and its working structure. The structure consists of:

- **Marine Directors** will provide the overall guidance for the work. They will meet twice per year normally back-to-back with the Water Directors (under the Water Framework Directive);
- **Marine Strategy Coordination Group (MSCG)** will prepare the work of Marine Directors, ensure the execution of a MSFD work plan at EU level, co-ordinate the different working groups and activities under the common strategy. This group is open to Member States and a range of stakeholders (meeting certain requirements discussed later). The MSCG steers preparations for, and prepares the ground for agreement on, the technical contents of the decisions to be adopted by the Marine Strategy Committee;
- **Marine Strategy Committee** is the Committee established under MSFD Article 25 to assist the Commission in the further regulatory developments of the directive.
- **Working Groups** –there are two working groups reporting to the MSCG: the 'Working Group on Good Environmental Status' and the 'Working Group on Data, Information and Knowledge Exchange'. The groups are open to Member States and stakeholders and their composition is similar to the one of the MSCG. They work on the basis of specific Terms of Reference.
    - The Working Group on Good Environmental Status is tasked with the urgent development of the **'criteria and methodological standards' for good environmental status.** To support this work the JRC/ICES have been

commissioned to prepare the scientific and technical basis for these methodologies.

- The 'Working Group on Data, Information and Knowledge Exchange' aims at ensuring that policy issues are informed by adequate science-policy interface, and that items which require new or intensified research are identified and investigated.

2. The role of the **Working Group on GES** has been explained in further details and specific Terms of Reference have been adopted.

The MSFD establishes a framework within which Member States shall take the necessary measures to achieve or maintain good environmental status in the marine environment by the year 2020 at the latest. 'Good environmental status' is defined in Art. 3 and further qualitative descriptors are listed in Annex I (e.g., Descriptor 11: "*the introduction of energy, including underwater noise, is at levels that not adversely affect the marine environment*"). These will be taken as a basis by Member States for determining **by 15 July 2012** the specific **characteristics of GES** in their waters. In order to have a consistent and comparable approach to determining GES, **criteria and methodological standards** for each of the descriptors in Annex I need to be developed by the Commission with scrutiny by the European Parliament **by 15 July 2010** (MSFD Art. 9(3)).

The set of criteria and methodological standards for the determination of good environmental status are thus a critical component for the MSFD implementation and their achievement is the main priority in the early phase of MSFD implementation at EU level. This work will build on existing methodological tools available under other Directives and the work under the European regional sea conventions. It is thus important that representatives of Member States, Regional Sea Conventions and other interested parties participate in the WG.

Main tasks of the WG on GES will be:

- **Assist the development of 'criteria and methodological standards' (2009-2010)** e.g.: discussing the progress and draft materials reported by the Commission including the outcome of the work of JRC/ICES; ensuring full consultation with the regional sea conventions and all interested stakeholders;
- **Assist the Commission in developing a formal proposal** on GES descriptor criteria and methodological standards **(2010);**
- **Addressing application issues (2011-2012)** taking into account of MS activities in the regional sea conventions, seeking synergies and the avoidance of duplication of efforts;
- **Reviewing GES criteria (2013-2017)** on a regular basis taking into account scientific developments and the need for adaptive management as required by the Directive.

The Commission (DG ENV) will chair the working group which is composed of representatives of the European Commission and European Environment Agency; Member States; Representatives of regional sea conventions, other marine protection conventions; European stakeholder organisations (including IFAW) and international marine scientific organisations.

All relevant documents will be regularly posted on CIRCA at least 2 weeks before the meeting. **It will be possible to submit written contributions and comments.**

The Working group will meet again in October 2009 (tbc); January/February (tbc); March/April 2010 (tbc)

3. **JRC/ICES contribution to the development of the criteria/methodological standards**

JRC and ICES have been commissioned to facilitate the preparation of the scientific basis for the development of criteria and methodological standards in relation to eight of the eleven

GES descriptors in the MSFD during the course of 2009. To this end, they were requested to establish **Task Groups** for each of these eight descriptors. The aim of the task groups is "*to put forward a comparable and consistent interpretation of the concept of Good Environmental Status. The task is to get from very general definitions of the descriptors (Annex I of the Directive) to a common understanding of what GES is, and how status of ecosystems relative to it should be quantified".*

Each TG is formed of 12 members appointed in their personal capacity and will meet twice during 2009. All groups have now been established and dates for meetings have been already set. For the role, composition and chairmanship of the TSg see progress report attached. Stakeholders have no access to the Task Groups. However, representatives of the Regional Seas Conventions (HELCOM, OSPAR, Barcelona, and Bucharest Conv.) have been invited to appoint one observer to each task group to follow their work.

The work of the descriptor's task groups on development of criteria and methodological standards will be reported to the Working Group on GES where all relevant actors can provide feedbacks. This is the main forum where the outcomes of the task groups' work are addressed for further approval. However, the Commission tends to follow the advice from JRC and ICES and it may be quite difficult to deviate from what has been decided by the Task Group in a second stage.

This is particularly worrying in regard to the TG11 on Energy and Noise chaired by Mark Tasker (for the composition of the group see Annex B to the attached document). At the meeting a representative from ICES has already anticipated that the work of this TG will be particularly difficult due to the lack of data and it may prove to be impossible to come up with criteria and methodological standards on this descriptor. We need to be very careful that political decisions do not interfere in this process as it often happens at the EU level. The next meeting of the TG 11 will be in Copenhagen on 9-10 June.

B. Marine Strategy Coordination Group, Leuven, Belgium, 15 May 2009

The Common Implementation Strategy and its working structure was described in further details, including the role, composition and working arrangement of the Marine Strategy Coordination Group and the EU-level work plan for 2009-2010 (e.g., Actions of the MSCG: strategic discussions on matters covered by the Working groups; identification/prioritization of monitoring needs which may require work at EU-level; initial assessment "social and economic analysis, cost of degradation; pilot project; facilitating cooperation between the EU and Regions, and across Regions, for matter of common interest; the need to ensure that the latest scientific information is effectively used in the elaboration of Marine strategies; ensuring synergies & linkages with activities under the Water framework Directive; Biodiversity legislation, Integrated Maritime Policy in addition to procedures for addressing other competent authorities).

Among other things the Commission explained the **rules and criteria for stakeholder participation in the MSCG** (e.g., the applying organisation should be a **European umbrella organisation** of national or regional organisations; it should have a **specific profile with regard to community marine policy** and should have demonstrated in the past its **policy profile and relevance**). Organisations will be grouped where possible in thematic clusters of similar interests (e.g., environment). Organisations that meet these requirements have the right to attend the MSCG meetings, subject to the internal arrangements of their thematic cluster to share the assigned number of seats (i.e., 6 seats for the environmental cluster, which at the moment includes Seas At Risk, BirdLife International, Greenpeace, **IFAW**, MIO-ECSDE, WWF, OCEANA; while 2 seats are reserved for "Other marine cooperation fora" e.g., ASCOBANS). Organisations that do not fully meet all criteria can still have full access to the documents in CIRCA but no right to participate in the MSCG meetings. However, they can provide written contributions through their thematic cluster or through the Commission.

Representatives from Member States and Regional Seas Conventions (OSPAR and HELCOM) informed the group on preparatory work for the implementation of the MSFD. Most of the Member States that took the floor are in the process of transposing the MSFD via Marine Bills. A statement on ASCOBANS interest and engagement in the Common Implementation Strategy has been distributed at the meeting.

26-28 May 2009

Bonn Agreement Technical Working Group (OTSOPA), Rotterdam, Netherlands

Attendance on behalf of ASCOBANS: Heidrun Frisch

The meeting was attended for one day. A presentation on a possible cooperation between the Bonn Agreement and ASCOBANS was delivered. The Parties to the Bonn Agreement conduct regular surveillance flights over the North Sea to look for any oil discharges. Belgium had suggested that these flights could also be made use of to collect sightings data of cetaceans and transmit this data to ASCOBANS. In the presentation it was explained why such data is valuable for the work of ASCOBANS and what kind of data would be needed in order to be useful.

The meeting concluded that at least for some countries and some parts of the flights (i.e. with favourable conditions and e.g. during transit from one platform to another), there would be options to gather such data. In the discussions with participants following the meeting, it became clear that while they were somewhat unsure about the feasibility, they were generally positive. A suitable ID guide and reporting form should be made available and country representatives should contact relevant institutions to ask them to participate in recording cetacean observations.

It was agreed with the Bonn Agreement Secretariat that it would be worth gently pushing the idea further and making some investigations:

- ASCOBANS would collect ID guides and reporting forms, see what can be proposed to the countries
- ASCOBANS would try to find out for all countries who (if anyone) collects opportunistic sightings information, what happens with it – e.g. France claimed to have a wealth of such data, but they were not sure if and where it is published

Other issues discussed with the OSPAR / Bonn Agreement Secretariat include noise stemming from windfarm operations, a field in which OSPAR is interested in exchanging information with ASCOBANS.

16-26 June 2009

IWC 61st Annual and Associated Meetings, Madeira, Portugal

Attendance on behalf of ASCOBANS: Meike Scheidat

ASCOBANS observer report of the Scientific Committee meeting of the International Whaling Commission, Funchal, Portugal 29 May to 12 June 2009, as submitted by Dr. Meike Scheidat (meike.scheidat@wur.nl):

Within the IWC Scientific Committee (SC) a number of sub-committees and working groups are established, most of them focusing on large whales. The work of the Sub-Committee on Small Cetaceans is of most interest to ASCOBANS. This report will provide a summary of their results, as well as an overview of some of the other main topics addressed at the SC.

Small Cetacean Sub-Committee

The priority topic for the Sub-Committee on Small Cetaceans was the review of the taxonomy, population structure and status of common dolphins. Currently, the genus *Delphinus* comprises two species and four subspecies: the shortbeaked common dolphin *Delphinus delphis delphis*, the Black Sea short-beaked common dolphin, *D. delphis ponticus*, Gray's common dolphin (long-beaked form), *D. capensis capensis*, and the Indian long-beaked common dolphin, *D. capensis tropicalis*. The current knowledge on common dolphin taxonomy indicated that common dolphins might represent a single, widely distributed 'super-species', with numerous partially isolated populations, some of which exhibit a high degree of local adaptation and may be in the process of speciation.

The stock structure of common dolphins was considered very complex. There is evidence of population separation over relatively small areas in the NE Pacific and elsewhere, possibly requiring a reassessment of stocks. In contrast, in the North Atlantic, apart from differences detected between the Black Sea and Mediterranean, within the Mediterranean, and between the western North Atlantic and eastern North Atlantic, little or no genetic differentiation has been detected over large geographical areas on either side of the North Atlantic. The Committee encouraged additional sampling in areas that have not previously been sampled. The Sub-Committee also provided an overview of information available on abundance and distribution of common dolphins as well as seasonal and inter-annual movements. In general, large parts of the range of common dolphins have not been covered by surveys and thus abundance estimates are limited. The Committee recommended that further studies be conducted at regional and local scales to better quantify abundance and distribution. In the context of collecting information on life history of small cetaceans, and common dolphins in particular, the committee encouraged the continuation of strandings and bycatch monitoring programmes. Bycatch in fishery is of concern for common dolphins. For the Northeastern Altantic, considering all available information, the Committee agreed that a minimum of 1000 common dolphins are taken in fisheries annually. The committee recommended a regional effort to compile data of all nations and to include the set net fisheries in the monitoring programme.

Another subject of the Small Cetacean Sub-Committee was to review the progress on previous recommendations relating to endangered stocks of small cetaceans. These included the Vaquita, harbour porpoises, narwhals and white whales. The most critically endangered species is the Vaquita and new information on the latest recovery actions was presented. Even thought the Committee welcomed the actions, it reiterated its extreme concern about the conservation status of the Vaquita. It strongly recommended that, if extinction is to be avoided, all gill nets should be removed from the upper Gulf of California. The international community, including member countries and NGOs, were encouraged to assist the Government of Mexico in this task.

Several case studies describing unsustainable takes of small cetaceans were presented. This included the live capture of Indo-Pacific bottlenose dolphins on the Solomon Islands, illegal subsistence hunt for small cetaceans (mainly humpback, spinner and bottlenose dolphins) along the coast of Madagascar, directed catches for small cetaceans in Japan (mainly Pacific white-sided dolphins, short-finned pilot whales) and Korea (finless porpoises).

Finally, following a recommendation from an IWC workshop on climate change, the Sub-committee agreed to establish an intersessional working group to consider the importance of global climate change on small cetaceans. This working group will 1) collate and review existing research, 2) identify key studies, species and areas, and opportunities for further research and 3) develop recommendations for future research.

Other topics at the SC

The SC had been asked to provide management advice for humpback whales off West Greenland in 2007. Based on a corrected abundance estimate for 2007 of 3039 (CV 0.45)

animals and a rate of increase of 0.0917yr-1 (SE 0.0124), the SC had provided interim management advice in 2008 for up to two five-year blocks. This advice (which did not change in 2009) was that an annual strike limit of 10 humpback whales will not harm the stock. In 2008 the commission did ask the SC to clarify the conversion factors, which directly relate to the need statement of Greenland. In 2009 the subcommittee agreed that there was not sufficient information presented by Greenland to answer the question from the Commission. To address the question the SC would need, reliable, representative data from the Greenlandic hunt. This would involve data on the measured weight of obtained edible products (meat, ventral grooves, skin) from an adequate sample of animals of each species and associated information on the individuals (sex, length, date of capture, position of capture). The SC requested that Greenland collect such information and provide it, along with sampling and validation protocols as well as factors that may affect yield, to the SC for its considerations.

The O and J stocks are considered two populations of common minke whales in the North Pacific. Between 2001 and 2006, about 400 animals of these stocks have been taken each year by Japan in what is called “small-type coastal whaling”. These takes are bypassing the moratorium and are not being subject to scientific evaluation. In 1983 the IWC concluded that the J stock (East Sea / Sea of Japan) is depleted and needs to be classified as a protection stock. In 2001 Japan changed their domestic regulations regarding bycatch to reduce bycatch of J stock. However, the analyses of the samples showed that the bycatch of J stock is higher than expected. This is a potential issue as information on distribution and stock size of J stock is not sufficient to manage this stock (and to determine how many could be hunted). This high bycatch of J stock animals has important implications for the proposed small type coastal whaling.

A new research initiative from Australia was presented: SORP (Southern Ocean Research Partnership). SORP is an integrated, collaborative, non-lethal whale research consortium initiated by Australia. SORP will include participation and collaborations with are global and will be open to all nations and research organizations who wish to contribute to the SORP objectives. Two overarching research themes were identified: 1. Post-exploitation whale population structure, health and status and 2. Changing atmosphere and oceans: Southern ocean whales and their ecosystems. A SORP Year of the Whale is planned for 2013/14.

Four papers were presented at the SC that investigated cetacean versus fishery interactions in the Caribbean and Northwest African ecosystems. The papers showed that 1) cetaceans consume less than fisheries take and are feeding on different prey species; 2) the overlap between cetaceans and fisheries is lower than in other areas; 3) the overall trophic impact of cetaceans is minimal compared to that of fisheries and 4) the simulated eradication of baleen whales in both ecosystems did not lead to any appreciable increase of commercial fish biomass.

Scientific and commercial whaling is continued by three countries, Japan (special permit), Norway (commercial) and Iceland (special permit 2003-2007 plus commercial 2006-2008). The total number reported taken (including struck and lost) in 2008 is 1578. Aboriginal whaling has been reported by Denmark, the USA, the Russian Federation and St. Vincent. The number of large whales taken is 347 animals. Additional mortality of large whales through ship strikes and entanglements has been reported to be 297 to 299 animals. The total mortality of large whales reported in 2008 was thus 2222 to 2224 animals.

When whales are struck and lost during the whaling operations it is not known if these animals survive. The struck and lost rate during whaling operations was particularly high in the commercial Icelandic Minke Whale hunt (2 of 38; 5%), the aboriginal Greenland whaling of Fin Whales (3 of 14; 27%) and the US aboriginal hunt of Bowheads (12 of 50; 24%).

Information was presented that showed that illegal whaling by the USSR continued after 1972, when the International Observer Scheme was introduced. Biological data were falsified

and number of catches misreported. This has significant consequences for the current assessments of whale populations.

Within the Sub-Committee Environmental Concerns several factors were (again) identified as posing threats to cetaceans worldwide: fishing (overfishing and entanglement/bycatch), pollution, anthropogenic noise. A new development is research concerning stress in cetaceans by investigating physiological reactions of animals to anthropogenic activities. One potential cause of stress can also be whale watching activities. Little is known on the potential impact of Marine Renewable Energy Developments (MREDs), e.g. wave and tidal generators, on wildlife. Problems could include underwater and surface noise, contamination of the local environment, entrapment, entanglement or collision, as well as electrical and electromagnetic disturbance to marine life. MREDs and their interactions with cetaceans were suggested as a topic for a future meeting of the subcommittee in the near future.

Several large whale populations remain critically endangered: Western Pacific Gray whale, North Pacific right whales and North Atlantic right whales. Blue whale numbers in the Antarctic remain low despite an observed population increase.

Attendance on behalf of CMS & ASCOBANS: Heidrun Frisch (costs covered fully by CMS)

The Secretariat attended the meetings of the IWC Conservation Committee (16 June), the Discussion on the Future of the IWC (18 June) and the first two days of the Commissioners' Meeting (22-23 June).

A. Conservation Committee

Alexandre de Lichtervelde (Belgium and Chair of IWC CC Ship Strikes Working Group) reported on progress made in the **Ship Strikes Working Group**. The ASCOBANS Coordinator participates in it on behalf of CMS and ASCOBANS and also provided input to the written report (IWC61/CC11) before the meeting. The paper proposes that CMS be acknowledged as full member of the group. While this point was not raised in the discussion following the report, it was agreed with the Chair of the Working Group and the Secretary of the IWC that this silence can be taken as consent. CMS and ASCOBANS will therefore appear as full members rather than observers on future lists on the composition of the IWC Ship Strikes Working Group.

The working group, together with the IWC Secretariat, has set up a global database on ship strikes. It may be useful for CMS and ASCOBANS to consider linking to it from the respective websites and encouraging Parties to report all collision incidents though this online tool. The data thus gathered will prove crucial for adopting effective mitigation measures and understanding the problem better.

Australia introduced a discussion on **Conservation Management Plans** (CMPs) to be developed under IWC (IWC61/CC23). Australia had pledged 1.5 million Australian Dollars for this work. In order to determine for which species such CMPs should be developed, a Steering Group should make recommendations on priorities. Informal enquiries were made to determine how CMS and possibly ASCOBANS could tie into this. The objective should be to avoid duplication and aim to have as many resources as possible channelled to conservation efforts for species listed on CMS Appendix I and/or covered by ASCOBANS. Specifically, CMS/ASCOBANS could benefit from the scientific expertise of the IWC Science Committee, whose advice would be the basis for the CMPs, and in return assist in getting these plans into the hands of environment ministries in addition to fisheries ministries (the main IWC contacts). After discussing the issue with a number of country representatives, NGO representatives and senior members of the IWC Secretariat, it was agreed that efforts would be made to ensure CMS/ASCOBANS can participate in the Steering Group that will set the priorities. Upon recommendation of the IWC Secretary, the point was not raised

officially in the Commissioners' Meeting, since the proposal to develop the plans was already a matter of substantial disagreement and its adoption could be further complicated or even prevented by asking for CMS to be a member of the Steering Group. The various resolutions on cooperation with other relevant bodies gave the Secretariat enough mandate to invite CMS to participate, should the process to develop CMPs be initiated.

B. Discussions on the Future of the IWC

When reporting on the intersessional Discussions on the Future of the IWC, the Chair introduced a draft consensus resolution to fix the status reached so far and agree to continue the process for another year. This draft consensus resolution, contained the following wording for a "shared view" of governments named in the text: "the recognition of the IWC as **a** primary international body with responsibility for the global conservation and management of whales". The Czech Republic, speaking for the European Union, asked for this to be changed to: "recognition of the IWC as **the** primary international body with responsibility for the global conservation and management of whales". Such a changed wording would have been unacceptable, especially considering that the majority of EU members are Parties to CMS, ACCOBAMS and ASCOBANS and thus recognise the global role in cetacean conservation played by CMS. Countries speak with very different voices in different fora. Fortunately, several non-EU countries opposed the proposed change and the part on "shared views" eventually deleted.

Austria announced they would host an IWC Workshop on Small Cetaceans and Climate Change, as recommended by the Scientific Committee.

13 October 2009

3rd HELCOM Fisheries/Environment Forum, Copenhagen, Denmark

Attendance on behalf of ASCOBANS: Penina Blankett & Heidrun Frisch

The Fisheries/Environment Forum has been created in order to facilitate the successful implementation of the fisheries-related actions in the Baltic Sea Action Plan (BSAP). One of the objectives of the BSAP is also the recovery of harbour porpoise populations, for which ASCOBANS is seen as the key partner. The Forum is a small meeting of about 20 participants from both the fisheries and environmental sector. The Agenda contained several topics of interest:

Agenda Item 2: Information by the Secretariat, Contracting Parties and Observer Organisations

Finland (on behalf of Sweden) informed the meeting about the EU Baltic Sea Strategy, details on which can be found in a Council communication after discussion in June 2009. The Strategy is designed to ensure an integrated approach for the region and is scheduled to be adopted at GAERC on 26 October. Environment and fisheries aspects are just two of many issues in the document. The Baltic Sea Strategy contains 15 priority areas. Number 9 deals with sustainable … fisheries and the lead country for this aspect is Sweden. There is also a priority area on biodiversity. The Strategy requires implementation of the BSAP. More information can be found on the website of the Ministry of Agriculture and Forestry of Finland (**http://www.mmm.fi/balticsea**).

Agenda Item 3: Implementation of fish- and fisheries-related measures of the HELCOM Baltic Sea Action Plan

During a tour de table, the Secretariat informed the meeting about the Jastarnia Group under ASCOBANS as an expert body also composed of representatives of both the fisheries and environment sectors. ASCOBANS was concerned with only one niche of HELCOM's work.

Bycatch was a very important issue with respect to harbour porpoise conservation, therefore collaboration with fisheries took priority for ASCOBANS.

Agenda Item 3.1: An ecosystem-based approach to fisheries management in the Baltic

The meeting was given an update on the process of identifying descriptors of good environmental status (GES) for the European Marine Strategy Framework Directive. Task group meetings were still going on. These task groups describe possible indicators and how to assess them. In a next step, member states would have to decide the quality levels based on the scientific advice. One problem in the process was data availability – the best data exists for fish species with catch quotas, for others the biodiversity and food web task groups would have to come up with some way of quantifying.

Agenda Item 3.2: Measures to fulfil conservation targets in the Natura 2000 and other Marine Protected Areas (MPAs)

Germany presented interesting data on the development of Baltic Sea Protected Areas (BSAPs) and their overlap with Natura 2000 sites. Not all BSAPs have management plans to date. Sweden would completely close four MPAs for fisheries and this has already been implemented in one MPA north of Gotland.

Agenda Item 3.3: Management to attain viable populations – By-catch of mammals and birds

A. Council Regulation 812/2004

A report on the implementation of Council Regulation 812/2004 had been presented to Council and was publicly available. ICES was not able to produce scientific advice on harbour porpoise bycatch in the Baltic Sea due to lack of data, therefore no revision of Regulation 812/2004 had been proposed. In order to address this problem, a call for scientific study was published by DG MARE. However, no proposals had been received. The tender was now closed and in line with EC policy would not be reissued.

ASCOBANS had not been made aware of the call. There was no indication that this had been known by any of the key figures in the Advisory Committee. Taking the floor, the Secretariat stressed the need for better coordination of such issues. It seemed incredible that a body with virtually all scientists dealing with this issue in this region at their disposal had not been made aware of this directly relevant tender. Investigating this crucial issue more thoroughly would require significant funds and the EC could have provided these. Currently, no such research on a suitably large scale was funded to the best of knowledge.

The representative of ICES explained that the Study Group on Bycatch (SGBYC) specifies each year which kind of data is needed for a proper assessment. Member states should refer to this to improve their national data collection and reporting. Sweden and Denmark informed the meeting that they were planning a joint study on porpoise bycatch in Kattegat in 2010.

B. HELCOM/ASCOBANS database on harbour porpoise sightings, bycatches and strandings

Finland was taking the lead on this issue. A summary of the activities agreed by ASCOBANS and HELCOM had been presented in Doc.3.3/4. There was a question from the floor whether the Baltic countries were collecting data also from opportunistic sources. Finland informed the meeting that they used to have a joint project with ferry providers. The problem was that due to the extremely low densities of porpoises in most of the Baltic Sea, there are hardly ever any sightings, so it is difficult to motivate partners. The Secretariat informed the meeting about the GSM sightings project, which obtains very good results for the western Baltic with support from the German Federal Agency for Nature Protection.

The contracting parties were encouraged to investigate whether it was feasible to set up cooperation with commercial companies in their countries.

C. Static Acoustic Monitoring of Baltic Harbour Porpoise project (SAMBAH)

After the BONUS project proposal had been unsuccessful, an application has been submitted to LIFE+. This had been received positively and it was hoped that a final and positive decision would be reached shortly. A detailed presentation on the project would be given at the next meeting. Germany informed the meeting that it doesn't intend to participate directly, but will input data gathered through own POD system. Germany and Russia are the only countries not taking part.

Agenda Item 3.4: Joint input by the HELCOM Contracting Parties that are also EU member states to the 2012 revision of the EU Common Fisheries Policy

The HELCOM Secretariat had prepared a draft joint statement on the EU Green Paper on Common Fisheries Policy Reform and asked for comments and input. After examining the Green Paper, the Secretariat voiced concerns that it did not touch on bycatch of marine mammals and birds at all, which seemed to be a major omission. The HELCOM Secretariat called for written comments by 30 October and would thereafter prepare a revised statement for discussion with the HELCOM Heads of Delegation, which would meet in December.

Following the meeting, the joint CMS/ASCOBANS Secretariat sent a letter with comments on the Green Paper to the commission. The Secretariat also sent comments on the draft joint submission to the HELCOM Secretariat. ASCOBANS Parties and NGO partners were alerted to the possibility to comment on the Green Paper and on the crucial omission in it. They were encouraged to support the attempt to have bycatch of marine mammals and birds expressly integrated in the revised Common Fisheries Policy of the European Union.

2-6 November 2009

Progress in Marine Conservation in Europe, Stralsund, Germany

Attendance on behalf of ASCOBANS: Stefan Bräger

The Second International Conference on Progress in Marine Conservation was organized by the Federal Agency for Nature Conservation (BfN) and hosted by the German Oceanographic Museum (DMM) in the facilities of the new OZEANEUM in Stralsund. Over 190 participants from a long list of European and non-European countries (including New Zealand, Australia and USA) had come to the second conference; the first one took place also in Stralsund in May 2006.

The evenings of 2nd and 3rd November were reserved for the Get-together Party and the conference dinner, respectively, and on the afternoon of 4th two guided excursions were offered to Jasmund National Park (chalk cliffs on the island of Rügen) and to the old hanseatic centre of Stralsund (UNESCO world heritage site). Both took place in the first snow of the approaching winter.

The remaining two full and two half days were filled with about 35 highly interesting and informative presentations under four general headings: "Status of European and other MPA Networks" (3 Nov), "Management of Human Impacts on the Marine Environment" (4 Nov), "New Marine Management Measures and Tools" (5 Nov), and "First Steps towards Meeting the Biodiversity targets of the European Marine Strategy Framework Directive (MSFD)" (6 Nov).

Several presentations also contained important aspects for cetacean conservation which shall be highlighted in the following in chronological order:

1. Douglas EVANS (European Topic Centre on Biological Diversity, Paris) reported on the "Current status of the habitats Directive marine Special Areas of Conservation". There are already 618 marine sites registered within the Atlantic region (including 24

"offshore" sites in Exclusive Economic Zones [EEZs] equaling 5% of the whole offshore area) and 906 marine sites in the Baltic region (including 16 "offshore" sites in EEZs equaling 3% of the whole Baltic offshore area). The Baltic site selection will also be dealt with at the Baltic Seminar in Sopot, Poland, in November 2009.

2. Guiseppe NOTARBARTOLO DI SCIARA (Tethys Research Institute, Milano) reported on "The Pelagos Sanctuary for the conservation of Mediterranean marine mammals: an iconic High Seas MPA in dire straits". Although the Sanctuary resulted in the world's first High Seas MPA in 1999, actual management and conservation actions within the Sanctuary waters are severely limited, because the Agreement's Contracting Parties have not yet mandated such actions under an adequately empowered body endowed with sufficient powers as well as means and human resources to prevent or control activities that contrast with the aims of the protected area.
3. Christian PUSCH (BfN Vilm) reported on "Environmentally sound fisheries management in marine protected areas". The results of the EMPAS project (2006-2008) highlighted potential areas of conflict between fisheries and conservation in the German waters. The discussion, however, showed that using VMS data for this analysis was inefficient since the vast majority of set-netters (at least in the Baltic Sea) have a hull length of under 15m (and are thus not represented) which resulted in no apparent conflict in coastal waters. Furthermore, the quantification of actual bycatch still poses a major problem depending on which data are used (originating from fishermen or from stranding, and if the latter then on how animals in advanced stages of composition are treated in the analysis).
4. Tanja GRIEßMANN (Leibniz University of Hanover) reported on "Methods to reduce noise from pile-driving during offshore installations". Experimental results from two recent pile-driving activities in the German Bight indicated the potential of large bubble curtains (with a radius of 70m from a monopole) to reduce sound pressure levels considerably so that the government threshold level of 160dB can be reached in about 1200m distance. Results with sleeve bubble curtains on tripods were far less successful.
5. Edvin VAN DE BURG (Ballast Nedam Offshore, NL) reported on "Noise reduction through drilling concrete monopiles". His experienced Dutch offshore company runs a heavy lifting vessel (HLV Swanen) that allows the use of heavy concrete monopiles that can be drilled into the sea bottom thus producing much less noise pollution. At 6.9m diameter (for 5MW turbines) the monopile's weight would be about 2150 t, but a total weight of up to 4500t (approx. 9-10m diameter) could also still be handled by the lifter. The production of ten of the smaller piles would cost about 1.5 Mio Euros per MW. So far, no sound measurements are available, and regulations to avoid the discharge of lubricants and spoils would need to be in place.
6. Sven KOSCHINSKI (Nabu, GRD & GSM, Germany) reported on "New methods for military munitions clearance in the marine environment". During the past 3-4 years, the Schleswig-Holstein government has attempted to clear WWII ammunition within a declared SAC (for the conservation of harbour porpoises) in Kiel Bight, German part of the Baltic Sea. After several explosions of torpedos and mines (with about 350 kg TNT each), three NGOs demanded the investigation of alternative measures to avoid the harmful (lethal within 4km radius) explosions. Several robotic techniques of retrieval and handling of this instable ammunition (after more than 60 years) were introduced. Furthermore, an impressive video was shown on the effects of the explosions as well as possible mitigation by using (concentric) bubble curtains when experimental blasting took place by navy divers.

Several other presentations were of interest to cetacean conservation in European waters, e.g. by EC directives or by the implementation of marine protected areas. Please see the

official programme for further information (http://www.bfn.de/habitatmare/de/aktuelles-progress-in-marine-conservation-in-europe-2009.php).

16 November 2009

Working Group on Good Environmental Status of the Marine Strategy Framework Directive Common Implementation Strategy, 2nd Meeting, Brussels, Belgium

Attendance on behalf of ASCOBANS: Stefan Bräger

The following statement was submitted on 20 November on behalf of the ASCOBANS Advisory Committee to the Working Group on Good Environmental Status in the Marine Strategy Framework Directive regarding Descriptors no. 4, 10, and 11, in particular:

Dear members of the Working Group on Good Environmental Status,

During the second meeting of WG GES on 16th November 2009, the participants were encouraged to submit their comments also in writing. On behalf of the Advisory Committee of the ***Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas*** *(ASCOBANS) under UNEP/CMS, I like to congratulate the Working Group and the Task Groups to the valuable progress they have made in their difficult endeavour. In support of the ongoing efforts, I like to provide the following input particularly to the discussion of Descriptors 4, 10, and 11.*

Descriptor 4 *"All elements of the marine food webs, to the extent that they are known, occur at normal abundance and diversity and levels capable of ensuring the long-term abundance of the species and the retention of their full reproductive capacity."*

According to the summary of the Task Group (Doc. Draft TG Recommendations) this also means:

> *"Food webs are networks of feeding interactions between predators and their prey. …*
>
> *Status assessment of food webs will need to include … (iv) charismatic or sensitive groups often found at the top of the food web. …*
>
> *The effects of fishing are the most important pressures which directly affect target species, and indirectly affect other non-target components of food webs. …*
>
> *Predator performance reflects long-term viability of components. Some species, or groups of species, may act as guides to change in the ecosystem. The performance of these species, as measured by their productivity, effectively summarises the main predator-prey processes in the neighbourhood of the food web that they inhabit. … we propose indicators based on the nutritional status of marine mammals or seabirds. …*
>
> *Size structure of food webs is an important attribute and integral to the maintenance of predator prey relationships. Most life history traits are correlated with size, which constrains metabolic rate and controls growth, reproduction and survival, so body size is also a proxy for trophic level. … The abundance (and distribution) of carefully selected indicator populations (e.g. jellyfish, plankton, etc) can describe food web status and/or levels of human perturbation. …*
>
> *Changes in the mean size of fish and the proportion of large species in the community can be detected by indicators of the mean size and size distribution."*

In support of the statements above, I like to reiterate my concern about the impact of ***bycatch of whales and dolphins*** *as slowly reproducing top predators in fishing gear. The ten Contracting Parties to ASCOBANS (all EU member states) declared in their Resolution No. 5 of the Fifth Meeting of Parties ("Incidental Take of Small Cetaceans"):*

> *"Recalling the Annex to the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas, according to which "… management measures shall be applied …" to develop, in the light of available data indicating unacceptable interaction, modifications of fishing gear and fishing practices in order to reduce by-catches; …*
>
> *Recalling relevant resolutions and recommendations adopted by the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) including most recently Resolution 8.14 at its Eighth Meeting on bycatch; …*
>
> *The Meeting of the Parties to ASCOBANS reiterates the recommendations of Resolution 3 of MOP 3 particularly that total anthropogenic removal is reduced by the Parties to below the threshold of "unacceptable interactions" with the precautionary objective to reduce bycatch to less than 1% of the best available abundance estimate and the general aim to minimise bycatch (i.e. to ultimately reduce to zero). …*

For the endangered population of the harbour porpoise in the Baltic Sea, ASCOBANS Recovery Plan (aka "Jastanria Plan", 2002) states:

> *"Both the ASCOBANS Baltic Discussion Group and the Jastarnia workshop concluded that bycatch reduction was the highest priority for Baltic harbour porpoise recovery, and that measures to achieve such reduction should begin immediately."*

*This has been reiterated numerous times in ASCOBANS meetings since then. Furthermore, the **depletion of prey** for cetaceans through extensive fishing is viewed as another potential threat to the sustained existence of whales and dolphins in European waters albeit more difficult to quantify.*

These concerns should be reflected in Descriptor 4.

***Descriptor 10** "Properties and quantities of marine litter do not cause harm to the coastal and marine environment."*

*I like to support the concerns raised by the representative of the Black Sea Commission during the meeting, when he pointed out the threat of derelict fishing gear that may continue to cause **entanglements** long after it has been disposed of. These entanglements are known to include marine mammals. Therefore, ASCOBANS Parties stated in the ASCOBANS Recovery Plan for the Baltic Sea Harbour Porpoise (Jastarnia Plan, 2002):*

> *"Derelict ("ghost") gear forms a component of effective fishing effort in the Baltic. Therefore clearance of "ghost nets" would represent a reduction in fishing effort (and hence potential harbour porpoise bycatch) without affecting fishing yield, and should be seriously considered."*

This concern should be reflected in Descriptor 10.

***Descriptor 11** "Introduction of energy, including underwater noise, is at levels that do not adversely affect the marine environment."*

*The impact of **underwater noise** on whales and dolphins is of major concern to the ten ASCOBANS Parties as well as to the 112 Contracting Parties to its mother convention, the Convention on the Conservation of Migratory Species of Wild Animals (CMS). The latter stated their concern in their UNEP/CMS/Resolution 9.19 ("Adverse Anthropogenic Marine/Ocean Noise Impacts on Cetaceans"):*

> *"The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals*
>
> *1. Urges Parties and invites non-Parties which exercise jurisdiction over any part of the range of marine species listed on the appendices of CMS, or over flag vessels which are engaged within or beyond national jurisdictional limits, to take special care and, where appropriate and practical, to endeavour to control the impact of emission of man-made noise pollution in habitat of vulnerable species and in areas where marine*

mammals or other endangered species may be concentrated, and where appropriate, to undertake relevant environmental assessments on the introduction of systems which may lead to noise associated risks for marine mammals.

2. Calls on Parties and invites non-Parties whenever possible to adopt mitigation measures on the use of high intensity active naval sonars until a transparent assessment of their environmental impact on marine mammals, fish and other marine life has been completed and as far as possible aim to prevent impacts from the use of such sonars, especially in areas known or suspected to be important habitat to species particularly sensitive to active sonars (e.g. beaked whales) and in particular where risks to marine mammals cannot be excluded, taking account of existing national measures and related research in this field. …

4. Stresses the need of Parties to consult with any stakeholder conducting activities known to produce underwater noise pollution with the potential to cause adverse effects on marine mammals and other biota, such as the oil and gas industry, shoreline developers, offshore extractors, marine renewable energy companies, other industrial activities and oceanographic and geophysical researchers recommending, how best practice of avoidance, diminution or mitigation of risk should be implemented. This also applies to military authorities to the extent that this is possible without endangering national security interests. In any case of doubt the precautionary approach should be applied."

The Contracting Parties to ASCOBANS declared in their Resolution No. 4 of the Fifth Meeting of Parties ("Adverse Effects of Sound, Vessels and Other Forms of Disturbance on Small Cetaceans"):

"The Meeting of the Parties to ASCOBANS

Requests Parties and Range States that have not yet done so to introduce guidelines on measures and procedures for seismic surveys in order to minimise risks to small cetaceans following current best practice;

Reiterates and extends its invitation to Parties and Range States to

(1) develop, with military and other relevant authorities, effective mitigation measures including environmental impact assessments and relevant standing orders to reduce disturbance of, and potential physical damage to, small cetaceans;

(2) conduct further research into the effects on small cetaceans of:

(a) vessels, particularly high speed ferries;

(b) acoustic devices used by the fishing and fish-farming industries including deterrent (scarers) and warning (pingers) devices and fish-finding sonar;

(c) extractive and other industrial activities, including windfarms;

(d) other acoustic disturbances.

This should include research on physical and behavioural effects, and be at the individual and population level;

(3) conduct research and develop appropriate management measures, guidelines and technological adaptations to minimise any adverse effects on small cetaceans of the above sound sources;

(4) develop and implement procedures to assess the effectiveness of any guidelines or management measures introduced;

(5) report on high energy seismic surveys per one degree by one degree rectangle using shot point density."

During its most recent Meeting of Parties (MOP 6, September 2009), the ASCOBANS Parties adopted another relevant resolution ("Resolution on Adverse Effects of Underwater Noise on Marine Mammals during Offshore Construction Activities for Renewable Energy Production"). Although the final wording of the resolution is not yet available on the ASCOBANS web page, it was adopted with only minor changes to the wording from the Belgian draft from which I cite in the following:

> *"The Meeting of the Parties to ASCOBANS:*
>
> *1. Recommends that governments consider a strategic approach to siting of marine renewable developments; to include Strategic Environmental Assessments and Environmental Impact Assessments carried out prior to the construction of marine renewable energy developments and taking into account the construction phase and cumulative impacts;*
>
> *2. Requests Parties and Range States that have not yet done so to introduce precautionary guidance on measures and procedures for all activities surrounding the development of renewable energy production in order to minimise risks to populations, and mitigate possible effects to small cetaceans following current best practice;*
>
> *3. Recommends that these guidelines should include where possible and relevant:*
>
> > *(a) Appropriate siting of devices to minimise impacts to small cetaceans;*
> >
> > *(b) Measures for avoiding construction activities with high underwater noise source levels, such as pile driving, during the periods of the year with the highest densities of small cetaceans, and as such limiting the number ofanimals exposed;*
> >
> > *(c) Measures for avoiding construction activities with high underwater noise source levels, such as pile driving, when small cetaceans are present in the vicinity of the construction site;*
> >
> > *(d) Measures for diverting marine mammals away from construction sites; and*
> >
> > *(e) Technical measures for reducing the sound emission during construction works;*
>
> *4. Recommends further that Parties and Range States:*
>
> > *(a) Continue to develop effective mitigation measures, guidelines and technological adaptations to minimise any adverse effects on small cetaceans due to offshore construction in the framework of marine renewable energy production, including disturbance effects and physical damage;*
> >
> > *(b) Develop and implement procedures to assess the effectiveness of any guidelines or management measures introduced;*
> >
> > *(c) Continue to conduct research into the effects on small cetaceans of marine renewable energy production, including on physical and behavioural effects, and at the individual and population level; and actively exchange information on methods and results;*
> >
> > *(d) Continue to conduct research into the development of acoustic warning devices for small cetaceans;*
> >
> > *(e) Set in place adaptive management systems so that guidance can be regularly reviewed and updated in this little known but rapidly developing marine industry."*

Even when considering that the wording of the last quotation is not identical to that of the adopted resolution, this draft and the two previously quoted resolutions show clearly the severe concerns of the governments involved regarding the threat of underwater noise to the wellbeing of cetaceans and other marine biota.

These concerns should be reflected more clearly in Descriptor 11.

Thank you for your attention.

23 November 2009

Marine Strategy Coordination Group (MSCG), Marine Strategy Framework Directive Common Implementation Strategy, Brussels, Belgium

Attendance on behalf of ASCOBANS: Stefan Bräger

The MS Coordination Group consists mostly of delegations of Member States as well as observers (such as ASCOBANS). The main aim of the meeting appears to inform the Member States of progress.

After adoption of the agenda (attached) and of the minutes of the first MSCG meeting on 15th May 2009, the chair summarized the work and outcomes of previous meetings related to the implementation of the MSFD:

- The Marine Directors met on 29th May and adopted the working arrangements for the MSCG.
- The Working Group on Data, Information and Knowledge Exchange (DIKE) functions as knowledge exchange platform for MSFD and met on 17th June.
- The Working Group on Economic and Social Assessment (ESA; co-lead: Sweden & UK) met for the first time on 30th October. The MSCG is invited to review the draft ToR for ESA to be submitted to the Marine Directors. Its next meeting is scheduled to take place in London on 8th and 9th March 2010.

The next agenda item provided the report on the meeting of the Working Group on Good Environmental Status just a week before (16th November 2009; see the previous report on WG GES for details). The topic was introduced with a progress report by the Joint Research Council (JRC) & international Council for the Exploration of the Sea (ICES) with the following key points:

- The timetable for 2009/10 is tight, because the methodological standards need to be adopted by 15 July. The working Group on GES attempts to finish work on the criteria for the Descriptors in time but requires solid scientific results to do so.
- The eleven Descriptors are addressed by JRC, ICES, DG SANCO and France (Descriptor 10 on litter).
- All eleven Task Groups are working now and participating in the Management Group, but they work mostly on a voluntary basis making it more difficult to push them to work harder, because of upcoming deadlines.
- By the end of January the Task Groups are expected to provide their extensive reports (50-60 pages per Descriptor; 7-800 pages in total) for distribution on CIRCA, and by 11/12th January there should be an updated summary report for GES from each Task Group.
- The final product of the Working Group on GES will be the criteria (key attributes) to be met for the eleven Descriptors.
- Any comments for the Marine Directors on the GES will have to be submitted by 25th November.
- The report of the Management Group (including all TG leaders) needs to be available by March.

- Descriptor 7 (on hydrographic conditions) appears to be the most problematic one as it is supposed to include the seabed and natural resources therein.

The meeting was invited to discuss the scope for further possible activities on GES beyond the ongoing work on criteria including the need to develop coherent methodologies to facilitate the assessment of Good Environmental Status in a marine region addresses, especially 1) how to weigh or integrate the different criteria within each descriptor and 2) how to aggregate the findings on all Descriptors to obtain an overall assessment of status.

Delegations of some Member States appeared to be mostly concerned with the funds required to assess the (Good) Environmental Status in the future and thus suggested a weighing (prioritizing) of Descriptors to be able to concentrate on the more important ones. Furthermore, the "one out – all out" principle (as used in the Water Framework Directive) is not favoured for the MSFD by some (all?) Member States.

Scope for further work includes linkages with other relevant Directives, such as the Water Framework Directive and Habitat Directive. The meeting is invited to consider possible recommendations to Marine Directors on whether there is a need for additional working groups on these issues. If so, Member States are invited to consider the possibility of co-leading a specific sub-activity.

Before lunch, Mr Waddah Saab of DG RTD informed on research activities, in particular the developments concerning the Marine and Maritime Research Strategy relevant to the implementation of the Marine Strategy Framework Directive:

- DG Research favours a regional approach for Baltic Sea, North Sea, NE Atlantic, Black Sea, Western Med, and other parts of the Mediterranean Sea.
- The objectives are capacity building (funded by The European Science Forum for Research and Infrastructure [ESFRI]) and knowledge integration, e.g. via efficient use of the European Marine Observation Data Network [EMODNET] and other data bases as well as via cooperation between maritime industries and marine sciences and other maritime sectors.
- We are facing a European Strategy for Marine and Maritime Research (EMAR²ES) entitled "The Ocean of Tomorrow" endowed with € 34 Million.
- A third objective is to promote synergies, e.g. with ERA-Net, BONUS (art. 169 initiative in the Baltic Sea), EATIP (European Aquaculture Technology and Innovation Platform) that links with WATERBORNE (European Technology Platform which is a forum where all stakeholders from the waterborne [sea & inland] sector and share a common medium and define a long-term vision as well as other technology forums. There appears to be a need for a regular dialogue between marine science, policy makers and maritime industry.
- We are facing new governance (UNEP Gov. Council) and an international dimension (UNESCO International Oceanographic Commission [IOC]). The two bodies report to the UN General Assembly.

In 2010, DG RTD intends to focus on the Black Sea and the Mediterranean Sea.

After lunch, marine regions and subregions were discussed:

The marine regions identified in the MSFD Article 4 are (a) the Baltic Sea, (b) the North-east Atlantic Ocean, (c) the Mediterranean Sea and (d) the Black Sea. The Member States may subdivide these regions provided that they are compatible with the subdivisions mentioned in the Directive. The Member States have to decide on possible subdivisions by 15 July 2010 and inform the Commission. They may revise subdivisions upon completion of the initial assessment by 15 July 2012.

The Member States were asked about their intentions to subdivide their maritime areas:

Member State	**Transposition**	**Subdivisions**
Belgium		none
Denmark	Jan/ Feb 2010 new law report to parliament	Kattegat with Sweden (NS) Germany questioned to consider the Waddensea (NS)
Germany	Currently Germany reviews its Water legislation for the implementation of the MSFD. Nature protection law will be as well changed possibly.	Talks with Denmark to subdivide Wadden Sea; Baltic; North Sea
Estonia	In national water law	none
Ireland	In July 2010	none
Latvia	In progress	none
Cyprus	Following schedule	none
Italy	Implementation hopefully July; decisions on subregional scale	3 different subregions and subdivisions in the western Mediterranean Sea
France	Great progress (MSFD as pillar of IMP)	Potential; not planning any yet (possibly geophysical subdivisions in July)
Spain		1. North West coast spain; 2. Southern part Spanish coast (gulf of Cadiz); 3. Canaries; 4. Med Alboran street; 5. Rest of Med.
Greece		New marine direcor (after recent election) drafted a map with subdivisions
Lithuania		none
Hungary	Completed, relevant articles in law	Land-locked
Malta	In progress	none
Netherlands	Refer to document on CIRCA uploaded June 2009	none
Austria	Implemented article 6 & 7 in water directive	Land-locked
Poland		none (based on HELCOM areas = Baltic proper area)
Portugal		Iberian coast; Bay of Biscay; Madeira; Azores (possibly the latter two as subdivsions or one strategy with different scales)
Romania		none
Slovenia		none
Finland		To be decided
Sweden		Baltic; Kattegat (with DK)
UK	The new Marine Act delivers the tools: Marine Policy Statement and Marine Spatial Planning (total of 8 plans)	None, but possibly 2 or more strategies

The implementation of the Directive requires regional cooperation for a range of activities, including the initial assessments, the determination of good environmental status, the establishment of environmental targets, the establishment of monitoring programs and programme of measures (see Article 5.2). The importance of regional cooperation is further emphasised in Article 6 on regional cooperation.

The Regional Sea Conventions were invited to present their work relevant to the coordination of activities related to the implementation of the MSFD, including on opportunities and challenges, for discussion at the meeting:

- The Black Sea Commission did not see a need for subdivisions as they consider the Black Sea to be one ecosystem.
- The Barcelona Convention identifies four subregions within the Mediterranean Sea. http://ec.europa.eu/maritimeaffairs/eu-marine-observation-data-network-mission_en.html
- HELCOM's initial holistic assessment produced the Baltic Sea Pressure Index. Determining the Good Environmental Status was one of the strategic goals of the Baltic Sea Action Plan (2007) which classifies the status of Baltic regions in five classes from poor to high. The Baltic Sea Action Plan quantifies especially nutrients, hazardous substances, and radioactivity.
- OSPAR's Quality Status Report 2010 (QSR 2010) summarizes ten years of thematic and sub-regional assessment providing a cumulative report on status, e.g. threats. OSPAR sees the need for an overarching ecosystem-strategy (such as the Mediterranean Action Plan -- MAP), following thematic strategies and looking at new indicators (thresholds).
    - Opportunities: 1) facilitating regional coordination; focus on other sub regions; 2) use support of EMODNET and WISE Marine to improve data gathering.
    - Challenges: 1) EcoQO vs. GES-criteria; 2) indicators and thresholds in new plans; 3) biological monitoring involving resources (biological monitoring focusing on MPAs, species & habitats. Quantify biodiversity in terms of species and habitats or in terms of reproduction and abundance?).

Three short reports follow by Norway, DG Mare and on Marine Spatial Planning. Norway's Integrated Management Plan (IMP)is ecosystem-based and equals MSFD for Norwegian waters, which.

Under the agenda item 'Any Other Business', potential overlap between WFD and MSFD in coastal/estuarine waters was discussed. The Marine Directors meet in Malmö/ Sweden on 30th Nov/ 1st Dec. And the next meeting of this working group is scheduled for 11th and 12th January 2010.

2-3 December 2009

CMS 36th Standing Committee Meeting, Bonn, Germany

Attendance on behalf of ASCOBANS: Martin Lok & Heidrun Frisch

The following is an excerpt of the official Draft Report of the Meeting:

Agenda Item 7: Future Shape of CMS Process

Agenda Item 7a.: First step in the Inter-sessional Process regarding the Future Shape of CMS (Res. 9.13 and addendum)

32. Mr Olivier Biber (Switzerland, Chair of the Inter-sessional Working Group on Future Shape) gave an account of the background to the Process, mentioning the membership of the Working Group (ISWGFS) and the actions undertaken to date. In February 2009, Mr Biber had come to Bonn to meet the support team and review the initial documentation. The UK and France had drafted a questionnaire, which was later sent to all Secretariats. Mr Biber stressed it was important that this questionnaire had emanated from the Parties. The

Environmental Regulation and Information Centre Ltd (ERIC) had been appointed in August funded by a voluntary contribution from France. The Secretariats had completed the questionnaires and the Working Group met in Bonn in October thanks to financial support from Germany. The current Standing Committee meeting, originally planned for October, had been postponed to allow more time to elaborate the first report, which was still considered a "work in progress". The Working Group considered how to proceed with the next two steps of the process, which had implications for other activities of the Convention, e.g. the Scientific Council's Flyways Working Group and the species reviews foreseen under Resolution 9.2.

33. The Working Group was now seeking feedback from the Standing Committee and through it the wider membership of the Convention. Mr Biber also called for financial support to enable consultants to be engaged to assist through Steps 2 and 3 and the Working Group to meet.

34. Ms Begonia Filgueira (ERIC) on behalf of the team of four consultants, who had worked on the contract, gave a presentation of the Step 1 Report, highlighting the progress of CMS over the past thirty years, the growth in membership and in the number of instruments, and its relationships with comparable MEAs. The structure of the Convention and the Agreements was described in some detail. In financial terms, the main difference between the Convention and the Agreements on one hand, and Memoranda of Understanding on the other was the stability provided by assessed contributions, which covered core administrative expenditure. MOUs and conservation projects mainly relied on voluntary contributions. The Report had been based on the questionnaires completed by the CMS Family Secretariats, meeting documents and reports. The tables would be completed and annexed to the Report in due course.

35. Synergies and integration were facilitated by the geographic location of CMS, AEWA and EUROBATS in Bonn. The ASCOBANS Secretariat had merged with that of CMS in 2007, while the Gorilla Agreement was administered directly by CMS staff. Administering the growing number of MOUs was a major task for CMS. In 2002, 13 permanent staff looked after 12 instruments, while in 2009, 18 permanent staff were responsible for 27 instruments, mostly MOUs with no budget of their own. Only part of the burden was met by entering agreements with NGOs. Five further CMS instruments were in the pipeline, and there was no indication of additional resources being made available.

36. Funding through voluntary contributions was less secure, but donor countries tended to have a greater sense of ownership of the projects they supported. The Gorilla Agreement did envisage assessed contributions from its Parties, but the funds generated would only cover a fraction of the Agreement's costs. Similarly only a quarter of the US$120,000 needed to fund the African Elephant MOU for the next triennium had been raised. The 13% overhead charge levied on all expenditure by UNEP was ploughed back into CMS in the form of the staff of the Administration and Fund Management Unit (AFMU).

37. Compliance with traditional reporting obligations was a problem experienced across all Conventions, partly because of duplication and the ensuing "reporting fatigue" when similar data were required in different formats. CMS was working with other MEAs on harmonisation and IOSEA's online reporting system was innovative and well regarded.

38. The main conclusion was that there were insufficient staff and other resources to implement the full range of activities, meaning some key tasks had to be put on ice. The Convention was facing a decision on how to manage future growth and whether it should seek to recruit more Parties or develop new instruments. It needed to elaborate a fresh approach to capacity building to enhance the institutional capabilities of Parties in some regions.

...

44. Mr Lok (Netherlands) felt that the report provided a sound basis for carrying on with the Future Shape process. He would provide some additional wording on the background to the ASCOBANS merger, but other countries in the European region had yet to submit their comments. Although the description of current structures was comprehensive, he felt that the authors of the report could deepen the analysis if they would identify more explicitly advantages and disadvantages of three different modes of organisation, such as by species or group of species, by region or by location. A strategy was needed to address the problem of a growing workload and finite resources, as Parties were unlikely to increase the budget substantially. He pointed out that, in setting any deadline for final comments, account should be taken of the forthcoming holiday period.

...

46. After some discussion, it was agreed that the deadline for comments to be submitted to the consultants and the Secretariat would be 20th January 2010. This should allow sufficient time for further regional discussions. With regard to the future timetable of the Future Shape Process, the possibility of the next COP taking place in October rather than December had to be taken into account. Mr Biber outlined the provisional timetable leading up to COP10 at the end of 2011: Step 2 of the Future Shape process would begin in December 2009. The Working Group would meet in June 2010 and the Step 2 report would be ready in September 2010 in time for the next Standing Committee. Step 3 would begin immediately after the next Standing Committee in November 2010. The Working Group would reconvene in February-March 2011 to discuss the first draft of the final report and the three options required by Resolution 9.13 would have to be ready by April 2011 in order to meet the deadlines of the COP. Mr Biber concluded by thanking Germany and France for the funding, which ensured that the Working Group meetings could take place and consultants could be engaged.

...

48. The Committee endorsed the report as it stood, recognising that there were further changes to be made and the annexes had still to be completed.

Agenda Item 7b.: Review of existing CMS Agreements and related projects on taxonomic groups (Resolution 9.2)

49. Mr Biber (Chair, ISWGFS) introduced CMS/StC36/14. He said that Resolution 9.2 was silent on the issue of who should conduct the reviews and how. Neither Resolution 9.13 nor the addendum assigned the task to the ISWGFS. At their meeting in October, ISWGFS members identified two options: first, that in keeping with the spirit of Resolution 9.2, these reviews be carried out to provide the Future Shape process with a more in-depth analysis of all CMS instruments and funds be found to let a contract on the basis of the terms of reference drawn up by the CMS Secretariat in consultation with the Working Group; and second, that mandate of Resolution 9.2 had already been met by the Future Shape Working Group in Step 1 and would be further considered in Steps 2 and 3 without the need of carrying out the reviews in a fully comprehensive manner. His preferred option was the first one.

50. Mr Mshelbwala (Chair, Scientific Council) also preferred the first option and urged that the resources be found to finance the reviews. The Secretariat estimated that each of the three reviews would cost approximately €30,000.

51. Mr Kante (UNEP), in the light of the commitment shown by Mr Biber and others involved in the Future Shape process, offered to make US$40,000 available, provided that matching funds were forthcoming from the Parties.

52. Thanking UNEP for the conditional offer of funding, the Chair sought and obtained a mandate to issue a letter seeking matching contributions when the draft minutes were

circulated. He sought the support of regional members of the Committee. The Secretariat would also continue to seek additional funds. In order to meet the deadlines, work needed to start as soon as possible. He later announced that in the margins of the meeting a number of tentative promises for funding had been received.

Agenda Item 8a. Reports from Standing Committee members and observers

60. The Chair invited the CMS Family Secretariats, regional members of the Committee and representatives of partner organisations to give brief oral reports on their activities.

CMS Agreement Secretariats

ASCOBANS

68. Ms Heidrun Frisch (Coordinator, ASCOBANS) presented Information Document 6, the report of the CMS/ASCOBANS Secretariat. The main event had been MOP6 in Bonn, which had considered the Secretariat merger (covered in more detail under agenda point 9b). Two Action Plans had been adopted for the Harbour Porpoise in the North Sea and the Baltic. A Resolution calling for precautionary guidelines to minimise the disturbance caused to cetaceans by underwater noise especially during the construction of offshore wind farms had been adopted. The Agreement's new Work Plan (2010-12) identified two priorities: bycatch and noise. A revised national reporting format had been agreed.

69. The written report further contained information on other meetings held in the reporting period, namely the 16th Meeting of the Advisory Committee and the 5th Meeting of the Baltic Sea Working Group, an overview of the thematic and regional working groups formed under the Advisory Committee, information on projects supported with ASCOBANS funds as well as recent outreach material and activities.

Agenda Item 9: Resources

Agenda Item 9b.: Merger of CMS Secretariat and ASCOBANS: outcome of MOP6

92. Mr Lok (Netherlands) reminded the meeting that the evaluation of the ASCOBANS Secretariat arrangements had been on the agenda of COP9, but CMS Parties had felt it more appropriate to allow the ASCOBANS Parties to express their views first. There had been extensive discussions on the evaluation at the Advisory Committee in April and the Committee requested that the Secretariat draw up three budget proposals. At the MOP in October, it had been agreed to continue with the interim arrangements for a further three years. The Advisory Committee was asked to review the arrangements again in 2011 and report back to the next MOP in 2012. The willingness of the CMS Parties to continue to support a merged Secretariat arrangement was noted with gratitude.

93. The meeting noted Document CMS/StC36/12 rev 1 and confirmed that the merged Secretariat arrangements should continue [for a further three years].

11-13 January 2010

6th Meeting of the Scientific Committee of ACCOBAMS

Attendance on behalf of ASCOBANS: Stefan Bräger

The meeting took place by invitation of the Executive Secretary of ACCOBAMS and had about 35 attendees mostly from ACCOBAMS range states. Stefan Bräger took part representing ASCOBANS-AC co-funded by the German environmental ministry in Bonn and the ASCOBANS Secretariat.

The comprehensive agenda contained a considerable number of items, especially concerning the implementation of the work programme. The work programme was dealt with under the agenda items:

1. Population and distribution studies
2. Species conservation actions
3. Marine protected areas
4. Anthropogenic noise
5. Stranding
6. Emergency task forces
7. Tissue banks
8. Bycatch and depredation
9. Ship strikes
10. Climate change
11. IUCN Red List
12. Whale watching
13. Impact of pollution

ASCOBANS' interest in closer collaboration between the two sister agreements was met with enthusiasm. Two areas of potential cooperation were identified: bycatch mitigation and noise mitigation. The pending ASCOBANS/ECS workshop in Stralsund on 20th March 2010 was identified as the next opportunity to intensify collaboration. As co-organiser of the bycatch workshop, the ASCOBANS representative took the liberty of inviting the members of the SC to attend the workshop. Furthermore, it was suggested that the members of the two working groups of ASCOBANS and ACCOBAMS on noise disturbance should attempt to meet inofficially in the margins of the ECS conference as well (to be organized by Mark Simmonds) to discuss possibilities to work together closely.

Furthermore, genetic studies were another area of high interest to ACCOBAMS and were highlighted to be "amenable to be shared with other organisations having similar goals, such as ASCOBANS" possibly also allowing the sister agreements to shoulder considerable research budgets together.

The ACCOBAMS Survey Initiative has been at the planning stage for several years and is now nearing finalization. It is considered to be of utmost importance for the conservation of cetaceans in the Mediterranean and Black Seas. Funding it, however, still appears to be difficult. In this context, the ASCOBANS representative also informed the meeting of the recent survey initiative using passive acoustic monitoring in the Baltic Sea called SAMBAH that is supported by ASCOBANS.

Although not discussed explicitly at SC-6, it might be a way forward to instigate common workshops to continue to strengthen this collaboration. The Scientific Committee of ACCOBAMS houses considerable scientific expertise that might be also beneficial to ASCOBANS.

The final report of SC-6 can be viewed at http://www.accobams.org/index.php?option=com_docman&task=doc_download&gid=100&Itemid=50 Filename:SC6_REPORT.pdf.

1-2 February 2010

Working Group on Good Environmental Status of the Marine Strategy Framework Directive Common Implementation Strategy, 3rd Meeting, Brussels, Belgium

Attendance on behalf of ASCOBANS: Stefan Bräger

The following comments were submitted on 12 February on behalf of the ASCOBANS Advisory Committee to the Working Group on Good Environmental Status in the Marine Strategy Framework Directive regarding Descriptors no. 1, 4, 10, and 11:

The Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS) congratulates the working group on Good Environmental Status (GES) and its task groups on the eleven Descriptors of the EU Marine Strategy Framework Directive (MSFD) for their excellent work achieved so far.

The indicators for four descriptors, however, should be amended to achieve GES for small cetaceans and their environments, as was mentioned by the ASCOBANS representative during the meeting of the working group. In summary, the concerns raised were the following:

***Descriptor 1**: "Biological diversity is maintained. The quality and occurrence of habitats and the distribution and abundance of species are in line with prevailing physiographic, geographic and climatic conditions"*

*The report of the task group stresses the importance of abundant top predators for healthy ecosystems as a whole and their value for monitoring GES for biological diversity. It fails, however, to point out the unwanted destruction of **non-target species bycatch in fisheries** that strongly affects a number of taxa including cetaceans. Therefore, a number of Directives and Regulations as well as inter-governmental Conventions and Agreements are concerned with the mitigation of bycatch already. There appears to be no need for MSFD to fall behind already agreed reference values.*

***Descriptor 4**: "All elements of the marine food webs, to the extent that they are known, occur at normal abundance and diversity and levels capable of ensuring the long-term abundance of the species and the retention of their full reproductive capacity"*

*As outlined in previous ASCOBANS comments (Nov. 2009), this descriptor emphasizes the importance of predator performance for functioning food webs. The report of the task group clearly states that predator performance reflects long-term viability of all food web components. Furthermore, the report is concerned with the potential disruptive nature of fisheries. It fails to mention, however, the **impact of fishing on prey populations** of top predators. For example, prey depletion has been suspected to have caused a large-scale shift in porpoise distribution that appears to have place in the North Sea in the past 15 years. Therefore, the indirect impacts of fishing need to be taken more into account to ensure the long-term abundance of top predators.*

***Descriptor 10**: "Properties and quantities of marine litter do not cause harm to the coastal and marine environment"*

*The report of the task group mentions that "discarded or lost fishing nets have an immediate effect through entanglement mortality of marine mammals, turtles, birds and fishes". These so-called "ghost" nets can continue to catch small cetaceans, for example, for years without at an unknown scale. The report, however, fails to indicate the need for monitoring the harm caused by discarded nets or at least the amount of discarded nets that potentially threatens GES. Therefore, this descriptor should include measures to monitor the prevalence of discarded fishing gear and the population-wide impact due to **bycatch in discarded fishing gear**.*

***Descriptor 11**: "Introduction of energy, including underwater noise, is at levels that do not adversely affect the marine environment"*

*The report of the task group recognizes the importance of **repeated exposure to an impulsive sound source** versus the impact of a single exposure. The three indicators developed by the task group, however, fail to take the effect of multiple exposures into account. Published research by Lucke et al. (2009) showed an impact on harbour porpoise hearing at lower exposure levels, i.e. a temporary threshold shift, than assumed by the first indicator for 'loud, low- and mid-frequency impulsive sounds' as well as a reduced recovery after multiple exposures and thus a summation of effects. These scientific results derived from a life animal need to be taken into account when providing threshold values for the indicators.*

*Furthermore, all three indicators are 'pressure' indicators that do not consider any cumulative effects in local situations. Therefore, a fourth 'impact' indicator appears to be needed that monitors the behavior of the animals exposed to a sound source. **Monitoring for adverse response behavior** appears to be a more realistic indicator to avoid adverse effects and to achieve GES.*

17-19 February 2010

HELCOM 12th Meeting of the Nature Protection and Biodiversity Group (HABITAT), Tallinn, Estonia

Attendance on behalf of ASCOBANS: Penina Blankett

The following harbour porpoise-related issues were taken up under the item Nature conservation and biodiversity; endangered species and habitats:

The Meeting took note of the reports from the Jastarnia meeting and ASCOBANS Advisory Committee (AC) meeting (HELCOM HABITAT document 5/8).

The Meeting reviewed the progress in establishing a co-ordinated reporting system and the HELCOM/ASCOBANS database on Baltic harbour porpoise sightings, by-catches and strandings (HELCOM HABITAT document 5/4), noted that the Secretariat will carry out the updating of the database, and thanked the Secretariat for its work. It was also emphasized that with the transfer of the harbour porpoise database to the HELCOM Secretariat, the HELCOM HABITAT group has accomplished the action contained in the BSAP on the coordinated database on harbour porpoise data and information.

22-24 March 2010

24th Annual Conference of the European Cetacean Society

Attendance on behalf of ASCOBANS: Stefan Bräger

Attendance on behalf of CMS & ASCOBANS: Heidrun Frisch

ASCOBANS/ECS Workshop: Cetacean Bycatch Mitigation (Saturday, 20 March 2010)

This workshop was organized by Peter Evans, Marije Siemensma and Stefan Bräger (as convener of the steering group) in follow-up of ASCOBANS Triennium Work Plan (2010-2012) Activity 16, which reads:

"In conjunction with the European Cetacean Society and North Sea Foundation, organize one or more meetings to develop a constructive dialogue with the fisheries sector in the ASCOBANS area, in order to aid the Parties to progress bycatch mitigation measures in an effective manner. The first meeting is proposed to take place at the Annual Conference of

the ECS in Stralsund in March 2010. To initiate the process, an intersessional Steering Group under the Advisory Committee Chair shall be established between MOP6 and AC17".

The Coordinator not only represented the ASCOBANS Secretariat at this workshop, but also acted as rapporteur during the discussions. The report of the workshop, including the recommendations to ASCOBANS Parties, will be made available to the Advisory Committee as AC17/Doc.4-07 as soon as comments from participants have been received.

The workshop was very well attended and a number of highly interesting presentations were made, on the following topics:

Peter Evans: Welcome & Introduction to the Problem

Mike Simpkins: U.S. Approach to Managing Marine Mammal By-catch

Krzysztof Skóra: Bycatch as a Potential Threat to Harbour Porpoises in EEZ Poland - Investigation, Actions and Results

Sven Koschinski: Alternative Fishing Methods to Reduce By-catch of Harbour Porpoises & Seabirds in the Baltic Sea

Arne Bjørge: Using Fishery dependent data for Monitoring Marine Mammal By-catch

Karl-Hermann Kock: Progress in Germany towards Implementing EU Regulation 812/2004

Marije Siemensma: Ingredients for Synergy - Porpoises and People: the Dutch case

Richard Caslake: Practical application of Acoustic Deterrents ('pingers') for the Prevention of Porpoise By-catch

Yvon Morizur: Collaboration with the Fishing Industry in By-catch and Mitigation Studies: the Case of France

Graham Pierce: By-catch Monitoring and Research in Spain, with Particular Reference to Galicia

Euan Dunn: Mitigating Seabird By-catch: Towards an EU Plan of Action

It was noteworthy that there was a significant number of people from outside of ASCOBANS' normal sphere present, even though regrettably some representatives of the fisheries sector had to cancel their participation at short notice.

Workshop: SAMBAH – Static Acoustic Monitoring of the Baltic Sea Harbour Porpoise (Sunday, 21 March 2010)

In the morning, the beneficiaries and collaborators of the project met in a closed session to discuss decisions to make (such as the type of click detector to use, deployment and mooring techniques for different conditions, etc.), progress in various issues (such as gathering of information on substrate and use of area in SAM positions, obtaining of permits, safety at sea courses, data needed for density estimates, etc.) and next steps.

In the afternoon, workshop participants were informed of the project by means of the following presentations:

Introduction to SAMBAH – background, aims and overview (Julia Carlström, AquaBiota Water Research, SE)

SAM devices (porpoise echolocation detectors) – description, data, handling and deployment (Mats Amundin, Kolmården Wildlife Park, SE)

Estimating the harbour porpoise detection function for SAM devices (Jakob Tougaard, National Environmental Research Institute (NERI), DK)

Satellite and acoustic tagging of harbour porpoises (Jonas Teilmann, National Environmental Research Institute (NERI), DK)

Density and abundance estimation of harbour porpoises based on SAM data (Len Thomas, Centre for Research into Ecological and Environmental Modelling (CREEM), UK)

Habitat modelling of harbour porpoises (Julia Carlström)

While ASCOBANS has a strong interest in the outcomes of the project and also seeks to support it wherever possible, the more technical aspects of its implementation are not of direct relevance. Attending this workshop was nevertheless interesting and useful, as it enabled the Coordinator to get to know more of the people involved in the project, all of which work with Baltic harbour porpoises.

ECS Conference (22-24 March 2010)

The Conference was divided in several thematic sessions, such as Human Interactions, Abundance, Acoustics, Habitat Use, and Strandings. The presentations most relevant for CMS and ASCOBANS were attended and the poster displays examined. There was also opportunity to talk with a number of researchers and conservationists to network and ensure support for the work of the Convention and Agreement.

The Proceedings of the ASCOBANS/HELCOM Workshop on Small Cetacean Population Structure as well as the poster on the threat status of all toothed whales (co-produced by CMS, ASCOBANS and others) were distributed to the 450 conference participants through the conference bags.

29 March 2010

Working Group on Good Environmental Status of the Marine Strategy Framework Directive Common Implementation Strategy, 4th Meeting, Brussels, Belgium

Attendance on behalf of ASCOBANS: Stefan Bräger

The following statement was submitted on 6 April on behalf of the ASCOBANS Advisory Committee to the Working Group on Good Environmental Status in the Marine Strategy Framework Directive regarding Descriptors no. 1, 10, and 11, in particular:

Comments by ASCOBANS on the document entitled "Elements for the Commission decision on criteria on good environmental status under Article 9(3) MSFD":

The wellbeing of top-level predators such as marine mammals is of utmost importance to determine the good environmental status of any marine ecosystem. Therefore, a good environmental status appears to be unachievable for European waters without particular attention to threats impacting on cetacean populations. Among these threats, bycatch has been identified repeatedly as the most important threat to cetacean biodiversity in European waters. Recognizing the importance of key predators in this document appears to make the recognition of the large-scale impact of bycatch essential. Therefore, ASCOBANS strongly suggests naming this threat under Descriptor 1 (biological diversity) and possibly also under Descriptor 3 (commercially exploited fish) and Descriptor 4 (marine food webs).

Marine litter (Descriptor 10) includes discarded fishing gear that continues to catch marine mammals at water depths below 40 m as well as above. Therefore, this depth limit (indicator 10.2) appears to be of no meaning to the impact of such "ghost nets" on the good environmental status of European waters for cetaceans. Furthermore, the impact of litter such as plastic bags on cetaceans appears to be lethal once swallowed which appears to be frequent in certain species (indicator 10.4).

The mapping of underwater noise (Descriptor 11) as proportion of days when a certain threshold sound level is exceeded (indicator 11.1) would not allow monitoring cumulative effects of anthropogenic noise on marine mammals. The detrimental effect of repeated exposures for cetacean hearing, however, is well documented. In the absence of an impact indicator, ASCOBANS strongly suggest to modify indicator 11.1 so as to take into account the total noise to which cetaceans and other sensitive organisms are being exposed to."

15-18 June 2010

OSPAR 10th Meeting of the Biodiversity Committee, Bonn, Germany

Attendance on behalf of CMS & ASCOBANS: Heidrun Frisch

The following is an excerpt of the official Draft Report of the Meeting:

Underwater noise

2.17 Germany reported on progress in preparing OSPAR Guidance on Measures to Mitigate the Emission and Environmental Impact of Underwater Noise (BDC 10/2/2 Add.8). BDC noted that Germany had not been able to finalise the document in time for BDC 2010 given the complexity of the issue. However, an initial draft had been circulated between members of the drafting group for further discussion in the sidelines of BDC. Due to absence of the lead task manager, the planned discussion of this initial draft was not possible at BDC. BDC agreed that the drafting group should continue their work and present a draft to EIHA 2011 with a view to forwarding a final version of the document to OSPAR 2011 for adoption.

2.18 BDC noted UNEP/CMS Resolution 9.19 on Adverse Anthropogenic Marine/Ocean Noise Impacts on Cetaceans and Other Biota (BDC 10/2/Info.1) and welcomed an invitation from the Convention on Migratory Species (CMS) to cooperate on the development of voluntary guidelines for the effective management of anthropogenic underwater noise. BDC noted the relevance of various existing documentation and ongoing work that should be taken into account, including the OSPAR JAMP Assessment and Background Document on the impacts of underwater noise, the MSFD descriptor on underwater noise, and the development of OSPAR Guidance on Measures to Mitigate the Emission and Environmental Impact of Underwater Noise for this work. Taking this into account BDC agreed:

a. to invite Germany to contact the CMS/ASCOBANS Secretariat in order to share published OSPAR documentation on underwater noise and to explore options for contributing to the development of UNEP/CMS guidelines; and

b. to invite Germany to report back in writing to BDC HODs.

The Secretariat has since been in contact with Germany and will be notified once comments of the drafting group on the first draft of the OSPAR guidelines have been received to discuss next steps of cooperation.

28-30 June 2010

CMS 16th Meeting of the Scientific Council, UN Campus, Bonn, Germany

Attendance on behalf of CMS & ASCOBANS: Heidrun Frisch

Several relevant Agenda Items were discussed:

Bycatch

ScC16 Document 9 was introduced, reporting on actions undertaken since the last meeting of the Scientific Council for the implementation of CMS Resolution 9.18 on Bycatch. Information Document 11 contained responses to a call for information received from the

following organizations: the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the North-East Atlantic Fisheries Commission (NEAFC), the UNEP/CMS Office in Abu Dhabi, the Agreement on the Conservation of Albatrosses and Petrels (ACAP), Germany, ASCOBANS (available online at http://www.cms.int/bodies/ScC/16th_scientific_council/Eng/ScC16_Inf_11_6_Response_from_ascobans_Eonly.pdf), the Indian Ocean Tuna Commission (IOTC) and the Northwest Atlantic Fisheries Organization (NAFO).

The COP had asked for an assessment of bycatch in global fisheries. The Secretariat had issued a tender but no suitable offers had been received and the UK voluntary contribution was sufficient only to cover part of the costs. It was decided to simplify the terms of reference. An Australian voluntary contribution had been received for work on turtle bycatch, but it was subsequently discovered that another organisation had commissioned similar work. It was therefore suggested that the focus be changed to gill nets, as there was no point in duplicating work. The Secretariat had gathered some information from RFMOs, daughter agreements and Scientific Councillors (8 replies to date). The Secretariat was also following "Project GloBAL" (global bycatch assessment of long-lived species) and an online bibliography which had 150 references to journals and articles.

Mr Baker reported on his work as Appointed Councillor for Bycatch, especially with respect to Tuna RFMOs. As these FRMOS were responsible for virtually all tuna fisheries worldwide and accounted for 200,000 bird deaths per annum, it was vital to engage with them. Mr Baker said that he had undertaken a review and come to the conclusion that the three main means of combating bycatch were: temporal and spatial restrictions, as no fishing meant no bycatch; gear adaptation, whereby nets and lines were less likely to trap non-target species; and safe release techniques for animals accidentally caught. Avoiding interaction between fisheries and non-target species was the best solution.

Mr Baker provided updates on guidelines and mitigation measures for bycatch of birds, turtles and sharks.

With regard to marine mammal bycatch, Hamer's recent review on toothed whales submitted to the IWC meeting contained the following findings: baleen whales were prone to becoming entangled with 13 toothed whales notified as bycatch (mainly killer and false killer whales). It had previously been thought that longlines were not a problem for cetaceans, although fishers had complained of dolphins stealing catch. Hamer had examined "pingers" but his research was still at in early stage. Stopping fishing effort when cetaceans were present was effective. Hydrophones were however expensive which was a deterrent to their wider use. It was not clear how acoustic technology worked as a deterrent. Net sleeves were fitted to some gear. A streamer pod could be deployed when cetaceans were known to be present and dolphin gates were integrated into purse seine nets which allowed the animals to escape through a corked section. Fishers could refrain from setting nets when cetaceans were sighted, but their presence was often an indication that fish were in the vicinity.

The report of the Thematic Working Group on Bycatch will be attached to the full report of the 16th Meeting of the CMS Scientific Council, to be published online at http://www.cms.int/bodies/ScC/16th_ScC_documents_overview.htm.

Aquatic Mammals

Brief introductions to documents reporting on progress in the implementation of CMS Resolution 9.09 on Migratory Marine Species (CMS/ScC16/Doc.11) and Resolution 9.19 on Adverse Anthropogenic Marine/Ocean Noise Impacts on Cetaceans and other Biota (CMS/ScC16/Doc.12) were given in plenary. More detailed discussions on these subjects were deferred to the Taxonomic Working Group on Aquatic Mammals, which will be attached to the full report of the 16th Meeting of the CMS Scientific Council (to be published online at http://www.cms.int/bodies/ScC/16th_ScC_documents_overview.htm).

The report summarizing ASCOBANS activities with respect to marine noise was published as CMS/ScC16/Inf.12.3 and was introduced during the working group (http://www.cms.int/bodies/ScC/16th_scientific_council/Eng/ScC16_Inf_12_3_ASCOBANS_Ocean_Noise_Response_Eonly.pdf).

The Working Group also considered how to fulfil the COP mandate for the Council to develop voluntary guidelines on effective management of anthropogenic noise. The CMS Secretariat suggested forming a joint working group of CMS, ACCOBAMS, ASCOBANS and OSPAR for the development of common guidelines. The Working Group endorsed the concept of developing a uniform set of guidelines but agreed that this is a highly technical task that cannot be carried out with the expertise presently available in the Council. It therefore recommended that an acoustical consultant be contracted to guide the exercise, after preliminary collation by the Secretariat of guidelines used in various organizations and agencies.

Marine Debris

Australia introduced this item to the Council by informing about their Threat Abatement Plan. It was agreed that this issue deserved increased attention. Information about studies being conducted in other regions would be welcome. The CMS Secretariat would work with Australia on the development of a draft resolution for CMS COP10.