

# **REPORT OF THE 9<sup>TH</sup> MEETING OF THE PARTIES TO ASCOBANS**

**Virtual / Online**

**7- 11 September 2020**



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

All information relating to the 9<sup>th</sup> Meeting of the Parties to ASCOBANS is available at [www.ascobans.org/en/meeting/mop9](http://www.ascobans.org/en/meeting/mop9)

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## REPORT OF THE 9<sup>th</sup> MEETING OF THE PARTIES TO ASCOBANS

### 1. Opening of the Meeting

1. The Ninth Meeting of the Parties (MOP9) was opened by Penina Blankett (Finland), the Vice-Chair of the Advisory Committee (AC). She noted that all nine of the ten Parties that had registered were present for the first virtual Meeting of the Parties in the Agreement's history. She thanked the Host Government, Belgium, and the Secretariat for preparing the meeting and making the technical arrangements to allow it to be conducted online using MS Teams.
2. Melanie Virtue (Secretariat) noted that a [protocol](#) for how to work during online meetings had been distributed. Delegates were asked to mute themselves when not speaking and to request the floor using the 'chat' feature.

### 1.1. Welcoming Addresses

3. Jens Warrie (Belgium) said that Philippe de Backer, the Federal Minister in charge of the North Sea, was unable to attend the meeting in person but had pre-recorded [a message](#), which was played to the delegates.
4. The Minister regretted the fact that the COVID restrictions had prevented the meeting from taking place in Brussels as originally planned, but the important work of the Agreement regarding the conservation of Harbour Porpoises and dolphins had to carry on, and through use of IT, the meeting would proceed virtually. He stressed the importance of international cooperation in conducting research and in conservation policies.
5. Ms Blankett (Finland) introduced Amy Fraenkel, the Executive Secretary of CMS, the ex officio Executive Secretary of ASCOBANS. Ms Fraenkel thanked Belgium for its cooperation and perseverance during the planning stages of the meeting and for agreeing to take the lead of the Agreement's first virtual Meeting of the Parties. She welcomed the participation of the European Commission (EC) and two non-Party Range States, the Russian Federation and Spain.
6. Ms Fraenkel had joined the Secretariat in May 2019, succeeding the late Bradnee Chambers, whose vision of enhancing the synergies among multilateral environment agreements she shared. She also had a great personal interest in the species covered by ASCOBANS and knew that, with Ms Virtue and Ms Renell in the Secretariat, the Agreement was in safe hands.
7. The MOP was taking place at a key time for biodiversity. The IPBES global assessment had presented alarming news and many species covered by ASCOBANS were in decline, in particular the Baltic Harbour Porpoise. ASCOBANS was well placed to benefit from synergies with UNEP, ACCOBAMS and CMS. The CMS Conference of the Parties, which had taken place in February 2020 before the COVID shutdown, had discussed several issues of direct interest to ASCOBANS, such as the Concerted Action for the Baltic Harbour Porpoise, marine wildlife watching, and animal culture and social complexity. CMS Parties had also adopted the 'Gandhinagar Declaration' emphasizing the importance of ecological connectivity in the post-2020 Global Biodiversity Framework.

## 1.2. Rules of Procedure

8. Ms Blankett (Finland) introduced the rules of procedure (ROP) that had applied during the previous MOP. They would continue to apply unless changes were requested<sup>1</sup>.
9. Ms Virtue (Secretariat) explained that the ROP had been written with physical meetings in mind but they did not preclude virtual meetings. While the provisions seemed compatible with the different format of virtual meetings, UNEP headquarters had suggested that some complementary rules should be added. These additional rules were contained in an annex, and covered issues such as the size of delegations, defining 'presence' to include online participation, guidance on dealing with voting, flexibility in accepting the details on letters of credentials where meeting dates and venues had changed (as was the case with MOP9 which had originally been meant to be held in Brussels over three days) and potential arrangements for interpretation.
10. Mr Schall (Germany) suggested replacing the word 'persons' with 'connections', as several delegates sharing an office could use the same line.
11. The meeting agreed to operate under the Rules of Procedure as amended.

## 1.3. Elections of Officers

12. Ms Blankett (Finland) sought nominations for the post of Chair. The Netherlands nominated Belgium and was seconded by the United Kingdom. Mr Warrie (Belgium) assumed the role of Chair of the Meeting.
13. The Chair sought nominations for the post of Vice-Chair. Denmark nominated Finland and was seconded by the United Kingdom. Ms Blankett assumed the role of Vice-Chair of the meeting.

## 1.4. Adoption of the Agenda and Meeting Schedules

14. The Secretariat introduced the provisional agenda and schedule ([ASCOBANS/MOP9/Doc1.4a/Rev.1](#) and [Doc1.4a/Rev.2](#)), and sought comments.
15. Sarah Dolman (WDC) asked for the inclusion of a discussion on beaked whales under Any Other Business (agenda item 9) because of the strandings that had occurred in the United Kingdom, Ireland and the Faroes. There were no objections to this proposal.
16. Oliver Schall (Germany) asked to give a summary of the German Marine Mammal Red List which was foreseen to be published later in the year. It was agreed that this item could also be added to Any Other Business.
17. The Chair reported that the Heads of Delegation meeting earlier on the day had agreed to add a presentation on SCANS<sup>2</sup> IV project under agenda item 5.2 (Work Programme for the Advisory Committee and Secretariat).
18. The Agenda and Schedule were adopted as amended.

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<sup>1</sup> Note: Inadvertently the ROP posted on the meeting page was the one used during MOP8, when it should have been the one adopted at MOP8 "for use at" MOP9 (Annex 7 of the [MOP8 report](#)). However, the changes between those ROP, limited to wording in Rules 1 and 2, made no material difference to the issues being discussed at MOP9. The ROP in Annex 1 of the current report is the one adopted at MOP8 "for use at" MOP9, including amendments made at MOP9.

<sup>2</sup> Small Cetaceans in European Atlantic Waters and the North Sea.

## 1.5. Credentials Committee

19. The Secretariat invited at least three Parties to serve on the Credential Committee, which would be supported by a representative of the Secretariat. Germany, the Netherlands, Poland and the United Kingdom volunteered, with the Netherlands agreeing to chair. The Secretariat undertook to email the electronic credentials to the Committee.
20. At the start of the second day, Anne-Marie Svoboda (Netherlands), Chair of the Credentials Committee, said that the credentials of all nine Parties present had been found to be in order. However, some questions had been raised about the lack of clarity of the ROP regarding Rule 3 on credentials. The ROP of the Sharks MOU seemed clearer in this regard and it would be a relatively simple task to adapt those for use by ASCOBANS. The Credentials Committee took it upon itself to provide amended wording.
21. On the fourth day, a revised text of Rule 3 was presented, with five paragraphs dealing with those empowered to sign, the rights bestowed, a requirement to provide a courtesy translation if the credentials were not in English, and the provisional right of Parties to participate in meetings while their credentials were being approved. The Legal Officer at CMS had reviewed and approved the text, which would be submitted for adoption under agenda item 8.

## 2. Opening Statements

22. The Chair opened the floor for statements, encouraging written submissions rather than oral interventions, which were to be limited to three minutes.
23. Mark Simmonds (Humane Society International - HSI) speaking also on behalf of Coalition Clean Baltic (CCB), the Nature and Biodiversity Conservation Union (NABU), Whale and Dolphin Conservation (WDC) and the World Wide Fund for Nature (WWF), thanked Belgium and the ASCOBANS Secretariat for organizing the meeting, and welcomed the participation of the Russian Federation and Spain and closer cooperation with them under the ASCOBANS framework. He commented that the Scientific Committee of the International Whaling Commission (IWC) had identified the Baltic Sea and Iberian Peninsula populations of the Harbour Porpoise as being in need of urgent action. The special advice from the International Council for the Exploration of the Sea (ICES) on emergency measures was timely and strongly supported by the NGOs. A [statement](#) signed by more than 300 experts from 40 countries on the conservation status of cetaceans, calling for action and the strengthening of international instruments, had been published the previous week.
24. Maylis Salivas (Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area - ACCOBAMS) noted that there were many areas of common interest between ASCOBANS and ACCOBAMS. She was confident that the existing good spirit of cooperation would continue in the future.
25. Geneviève Desportes (North Atlantic Marine Mammal Commission - NAMMCO) highlighted the key points contained in the written report, including a joint NAMMCO/Institute of Marine Research workshop on the status of the Harbour Porpoise (report in [ASCOBANS/MOP9/Inf.6.1.3b](#)), work on bycatch of Harbour Porpoises and other species, a review of the Orca in the North Atlantic and an account of 30 years of sighting surveys, which appeared in Volume XI of NAMMCO's scientific publication. The results of a management review of NAMMCO were now also available online.
26. The opening statements from HELCOM, NAMMCO and the group of NGOs listed above can be found on the meeting webpage [here](#).

### 3. ASCOBANS Outreach and Education Award 2020

27. Before she announced the winner, Jenny Renell (Secretariat) explained the background to the award established in 2005, which recognized those that had contributed to promoting and supporting educational activities and to increasing public awareness of the need to conserve small cetaceans. On this occasion, the 6<sup>th</sup> ASCOBANS Outreach and Education Award was presented to the *Marine Mammals Science Education* project. The project coordinators, Katrin Knickmeier and Dennis Brennecke, from the lead partners, the Kiel Science Factory, accepted the award and a short video was shown explaining the project's aims. Their [presentation](#) is available on the MOP9 webpage.
28. The Chair congratulated the winners for their inspiring project and noted the positive comments being posted by meeting participants in the 'chat'.

## 4. Reports

### 4.1. Report of the Chair and the Vice-Chair of the Advisory Committee

29. The Chair invited Ms Blankett (Vice-Chair of the AC) to present the [report](#). She said that there had been a great deal of progress since MOP8. ASCOBANS continued to cooperate closely with CMS, ACCOBAMS and other organizations. It was especially gratifying that the EC Directorate-General for Environment (DG ENV) and Directorate-General for Maritime Affairs and Fisheries (DG MARE) were engaging with the Agreement more.
30. Ms Blankett thanked all the members of the AC, the NGOs, the working group coordinators and chairs and the Secretariat for their support. There was great need for international cooperation and the Agreement should take account of other stakeholders, such as those working at sea.
31. She and the Chair of the AC, Sami Hassani (France), had been involved in ASCOBANS for many years and had seen many positive developments. The meeting noted the report.

### 4.2. Report of the Secretariat

32. Ms Renell (Secretariat) said that the report focused on activities, as financial and administrative aspects were dealt with in other documents. She noted that an information document on [outcomes from CMS COP13](#) had been omitted from the list of documents but was available online.
33. Since the last MOP, the Secretariat had organized, serviced or participated in 17 meetings and workshops, and many more events had been postponed because of the novel coronavirus pandemic. By collaborating with CMS, ASCOBANS had been represented at meetings of several forums and sharing costs had reduced pressure on the Agreement's budget.
34. Regarding outreach since MOP8, the 25<sup>th</sup> anniversary of ASCOBANS being open for signature had been an opportunity to post web articles on milestones, achievements and people behind ASCOBANS. Peter Evans had compiled a special book on *European Whales, Dolphins and Porpoises* to mark the Agreement's anniversary. The 15<sup>th</sup> International Day of the Baltic Harbour Porpoise (IDBHP) had been held in 2017 and a special video had been produced, which proved to be popular on Facebook. In the run-up to MOP9, a series of web articles had been produced and posted on the [ASCOBANS website](#). The ASCOBANS website continued to be the most important outreach tool at the disposal of the Secretariat. The website had been viewed 135,000 times during the period from January 2017 to June 2020.
35. There had been no further accessions to the Agreement and the amendment (extension to the Agreement area) had still not been formally accepted by Belgium and Lithuania.

36. Mr Simmonds (HSI) congratulated Peter Evans on the book and asked how it was being promoted. He also congratulated the Secretariat on its work, adding that outreach was an area where ASCOBANS could have significant impact. He asked whether there were any metrics by which the impact of outreach efforts could be assessed. Ms Renell said that the book could be ordered online through the publisher, Elsevier. The Secretariat had received a small number of hard copies over the summer, which would be sent to National Coordinators (Focal Points), and intended to promote the book on the website and through social media. She undertook to ask the Joint AEWA/CMS Information Management, Communication and Public Awareness (IMCA) team for information on metrics for outreach.

#### 4.3. National Reports of ASCOBANS Parties

37. Ms Renell (Secretariat) said that the Secretariat had prepared a comprehensive national reporting form covering all sections of the report, as per Resolution 8.1. For MOP9, the Secretariat had prepared a [composite report](#) by cutting and pasting, and summarizing where possible, text from the national reports submitted. The document included information from seven national reports (an eighth had been received too late to be included).
38. The Chair invited representatives of Parties to speak for a maximum of five minutes with any complementary information.
39. **Patricia Brtnik (Germany)** said that the SAMBAH II project was now being led by the German Federal Agency for Nature Conservation (BfN) with the support of the Stockholm Natural History Museum and the German Oceanographic Museum, Stralsund. The concept note had been submitted in July 2020 to the EC and the response was expected in October. If the concept note was accepted, a full proposal would be submitted in February 2021. About 2,000 Porpoise Alerting Devices (PALs) were being developed as an alternative to 'pingers'. An application for funding in order to conduct a monitor of possible effects of this large-scale deployment on e.g. effectiveness or behavior of Harbour Porpoises had been successful. The project should start in early 2021.
40. **Olli Loisa (Finland)** said that acoustic monitoring was being conducted in the Finnish offshore areas south of Åland and the Archipelago Sea. Harbour Porpoises were regular visitors but never in great numbers. One incident of bycatch had been reported in 2018 involving a sub-adult animal, which had been released alive. Reporting of bycatch of seals and Harbour Porpoises had been mandatory since 2016 in accordance with fisheries legislation. Three Bottlenose Dolphins had been seen off the south coast in June 2020, which resulted in a call from both Ministries to avoid net fishing in areas where these were observed. Finland would also be involved in the SAMBAH II project.
41. **Jan Haelters (Belgium)** said that the greatest problem had been the duplication resulting from the overlap between the work of ASCOBANS and other forums such as the EC, the IWC, and OSPAR. ASCOBANS needed to identify its niche. Data on international strandings had been published, coordinated by the Netherlands. The Belgian national strandings report had also been published with a cover photograph taken by a leading Belgian photographer.
42. **Florian Expert (France)** said that his department had worked with counterparts in the navy, the PELAGIS observatory and the marine oceanographic services in preparing the national report. The national biodiversity plan included protecting cetaceans. Data on bycatch and strandings had been updated, and bycatch remained the most significant threat and addressing this was a top priority. It was necessary to improve knowledge of cetacean populations and distribution, and SCANS IV would contribute to this. Addressing the effects of climate change was also important.
43. **Catherine Bell (UK)** said that the UK had a dedicated bycatch programme involving fishermen, NGOs and scientists. The strandings network was gathering evidence with some indications of starvation, entanglement and ingestion. One of the world's largest databases to record

pollutants in cetaceans had been established. Voluntary codes were in place to reduce disturbance from wildlife tourism. The UK would participate in the SCANS IV project. The main challenge remained the lack of financial and other resources.

44. **Anne-Marie Svoboda (Netherlands)** said that there were several actions being undertaken at the national level and some in the context of international efforts through ASCOBANS. In the context of SCANS surveys, the aim was to ensure that national and international datasets were compatible. Bycatch in Dutch fisheries had been assessed, as well the impacts of offshore ecological wind energy generation. The Dutch Conservation Plan for Harbour Porpoises would be ready later in 2020 (also see agenda item 6.1.3). The period for comments had been extended but was now closed.
45. **Susanne Viker (Sweden)** described the Harbour Porpoise monitoring network for which the lack of data remained a hurdle. Bycatch was still the main threat. Additionally, large marine protected areas (MPAs) had been designated and their management plans were being prepared.
46. **Sara Königson (Sweden)** said that several projects had been carried out on bycatch. A three-year pilot project for onboard observers had ended June 2019 in Baltic and South. A two-year monitoring project with small cameras voluntarily attached to boats had just started. Since 2015, 15 gill-net fishermen had been using 'pingers' voluntarily on the south coast and in the Baltic. Over the past 15 years, gill-net fishery effort had been reduced and it had declined further with the banning of cod fisheries in ICES Areas 24, 25 and 26. This ban had also led to the suspension of trials of alternative gear such as cod pots. Research was also being conducted into seal-safe 'pingers'.
47. **Aline Kühl-Stenzel (Naturschutzbund Deutschland - NABU)** explained the structure and focus of NABU regarding marine conservation and announced its intention to engage with ASCOBANS more. She welcomed the fact that PAL monitoring was under way in Germany and asked for updates. She noted that with the development of wind farms on Germany's North Sea coast, a noise concept for that area had been drawn up and she asked when the same was envisaged for the Baltic coast. She also requested a report on the detonation of ordnance near a Natura 2000 site in the Baltic which had preceded a series of Harbour Porpoise strandings.
48. **Oliver Schall (Germany)** said that it had been decided not to proceed with a specific noise concept for the Baltic. However, the Navigation and Hydrographic Agency (Bundesamt für Seeschifffahrt und Hydrographie) would continue to use the noise limits as adapted in the North Sea concept. The report on the explosives incident off Fehmarn had been passed to the Ministry of Defence in August and would be published later in 2020. The results of the necropsies had been received. In March 2019 a meeting between the Ministries of the Environment, Transport and Defence had been held, where a working group led by the BfN had been established to deal with the issue of ammunition disposal and the effects on Harbour Porpoises. The working group would meet as soon as COVID restrictions allowed.
49. **Fabian Ritter (WDC)** noted inconsistencies in the reports provided, with some Parties giving extensive information, others being more concise and some not reporting at all. At meetings some Parties gave illustrated presentations, while others gave brief oral reports. He suggested that the data on fisheries efforts could be used by ASCOBANS to raise its profile beyond its immediate constituency.
50. **Stina Nyström (WWF Sweden)** said that national reports were important and asked why Sweden had not submitted one. She asked about management measures especially fisheries regulations in protected areas such as Natura 2000 sites designated for Harbour Porpoises, and how the BALTFISH discussions on implementing the ICES emergency measures were progressing.

51. **Ms Viker (Sweden)** said that the Swedish report had just been submitted late owing to capacity issues. Harbour Porpoise conservation was a hot topic in Sweden and the Action Plan, which had been ready in draft form since 2017, now had to be revised to take account of developments. The draft was out for consultation with a view to it being adopted in 2021. County boards were responsible for developing management plans. BALTFISH was meeting the following day, but Ms Viker was not the representative from Sweden to attend.

#### 4.4. Reports from Non-Party Range States

52. The Chair invited representatives of non-Party Range States to make reports. None took up the offer and there were no questions from the floor.

#### 4.5. Reports from Observer Organizations

53. **Sarah Smith (IWC)** had submitted a [report](#) in writing. The IWC identified priority species, worked on bycatch through its mitigation strategy, on marine debris and on noise, often in collaboration with CMS, ASCOBANS and ACCOBAMS. A virtual meeting of the IWC Conservation Committee was taking place from 28 September to 2 October 2020.
54. **Rami Abdel Malik (UNEP)** explained that UNEP administered ASCOBANS, providing support and opportunities for synergies and cooperation. The United Nations Environment Assembly had adopted various resolutions relevant to ASCOBANS. The report from UNEP is available [here](#).
55. **Ms Salivas (ACCOBAMS)** said that the ACCOBAMS Secretariat was working to implement the mandates from the Parties. Surveys had been conducted in Mediterranean and Black Seas in 2018 and 2019, providing baseline data for cetacean populations in Agreement Area. The achievements report can be found [here](#).
56. Reporting on **HELCOM**, **Ms Blankett (Finland)** referred to their [document](#) on the meeting page. The Harbour Porpoise was a top predator in the Baltic and HELCOM had revised its recommendation 17/2 on the Harbour Porpoise in the Baltic, which included recognizing two separate populations, one in the west encompassing the Kattegat, the Belt Sea, the Sound and the German Baltic, and one in the Baltic proper. Other work included monitoring bycatch, the use of 'pingers' and developing indicators for the distribution and health of Harbour Porpoises. Expert groups on marine mammals (EG MAMA) and HELCOM EN CLIME (Joint HELCOM/Baltic Earth Expert Network on Climate Change) included a session on marine mammals, incl. the Harbour Porpoise. The Expert Network handled the operational production and delivery of the scientific products of the dedicated work on climate change, e.g. fact sheets and supporting material. These factsheets would also cover marine mammals. There was also an expert group on (underwater) noise examining critical habitat for noise-sensitive species and noise thresholds.
57. **Mr Ritter (WDC)** said that his organization was the largest NGO dedicated exclusively to cetacean conservation. WDC had an office in Germany, which had organized the 'Last 300' exhibition as well as lectures and outdoor events. It had a website aimed at children and was active on social media. WDC lobbied decision-makers and attended various international fora (e.g. IWC, CMS and the EC) and served on numerous expert groups. WDC had sent a complaint to the EC expressing concern about many Parties' non-implementation of ASCOBANS. Several reports and publications had been published on whales and climate change, ecosystem functioning and guidance on responsible whale watching, available on the WDC website.
58. **Ms Nyström (WWF - Sweden)** and **Heike Zidowitz (WWF - Germany)** said that WWF had 50 years' experience protecting with cetaceans, and was working under a fairly new umbrella of 'Protecting Whale and Dolphins' programme. WWF had a three-fold approach, working both supporting science and on conservation solutions as well as through communication,

campaigns and policy, developing materials that support decision-makers. WWF had produced a report, together with CMS, entitled *Guidelines for the safe and humane handling and release of bycaught small cetaceans from fishing gear*<sup>3</sup>. The report was intended to provide fisheries managers and people working with fisheries to improve their sustainability with best practice methodology. A case study on Danish inshore gill-net fisheries was being conducted. WWF had supported the call for emergency measures for the Baltic Harbour Porpoise.

59. **Mr Simmonds (HSI)** said that HSI had offices across Europe and the conservation of cetaceans was a priority. The organization had a particular interest in marine debris and climate change and had been instrumental in having the Concerted Action for the Baltic and Iberian Peninsula Harbour Porpoise adopted at CMS COP13.
60. **Ms Kühli-Stenzel (NABU)** said that NABU had not been deeply involved with ASCOBANS recently but took an interest in many issues of concern to the Agreement and wanted to engage more. NABU had a large marine programme covering various issues and the NABU office in Schleswig-Holstein focused on whale watching and Harbour Porpoises, being active on IDBHP in collaboration with the University of Flensburg.

## 5. Strategic and Institutional Issues

### 5.1. National Reporting

61. Ms Renell (Secretariat) introduced the [proposed changes](#) to the existing Resolution 8.1 and on the outline for national reporting form. She presented the 2016-2019 [reporting form](#) including all sections as per Resolution 8.1. An intersessional working group had worked hard to develop the questions for sections timed for AC25. Questions for the current form had been compiled and amended, as needed, from forms used in 2017, 2018 and 2019. A draft form had been circulated to Parties, experts, and Non-Party Range States for comments, and finalized by a consultant in close cooperation with the Secretariat. Ms Renell also showed how the national reporting form would look [next year](#), and mentioned the information document on [Data Reporting Tool for MEAs](#) that UNEP had submitted the day before.
62. Ms Scheidat (Netherlands) said that some flexibility was needed to further improve the reporting form and some changes might be needed if an online reporting system were used or to take account of unforeseen events. There was agreement that ASCOBANS should move to an online system and away from filling in Word documents. She had some minor wording amendments to propose.
63. Ms Brtnik (Germany) had received comments from colleagues and suggested some changes to the sections on unexploded ordnance (UXO) and noise, such as deleting table 8.2 from the form while referring to and using existent databases on UXO such as under OSPAR.
64. Mr Haelters (Belgium) said that OSPAR had a committee dedicated to the effects of human activities on the marine environment, and UXO incidents, which Belgium led. However, obtaining data from Parties, such the type of weapon and TNT equivalence, was not always easy and delays occurred because of the military authorities' security requirements. He said that there was no need for ASCOBANS to set up its own database as it could draw from existing ones. The database he used had filters for incidents and quality of explosions and allowed fishermen catching UXO to mark the location where it was jettisoned so that the navy could retrieve it.

<sup>3</sup> <https://www.cms.int/en/publication/guidelines-safe-and-humane-handling-and-release-bycaught-small-cetaceans-fishing-gear>

65. Mr Evans (Sea Watch Foundation / European Cetacean Society - ECS) said that with the impulsive noise register it was not always clear why data entries were being held up, but OSPAR might have a better idea of what data were still in the pipeline.
66. Mr Expert (France) said that the high quality of the form had been useful. He liked the rotation of issues but meeting the deadline for submission was challenging given the need to gather and synthesize data. The Secretariat agreed that the deadline regarding the submission of reports needed to be flexible given that the timing of the MOP and AC meetings was variable.
67. Ms Scheidat (Netherlands) said that there was no funding for developing an online reporting form and the Secretariat was overstretched. The Secretariat said that a contractor could be hired to do the initial data entry and estimated that working full-time this would take one month. Ms Scheidat asked if the consultant would have to remain on call to assist with updates, but the Secretariat thought minor amendments could be handled in-house.
68. Ms Smith (IWC) said that at the IWC meeting in 2018 it had been agreed to change to voluntary conservation reports using an online database. Progress had stalled but it was now being revived and the topic was on the agenda of the Committee meeting at end of the month. With many countries being Parties of both the IWC and ASCOBANS, there was considerable potential for collaboration to harmonize.
69. Ms Scheidat called for more scaling in the form and links to other forums. She noted that there were many gaps and partial answers and these failings should be addressed. Ms Königson (Sweden) agreed that Parties should be required to explain why questions were left unanswered.
70. Mr Haelters requested the addition of a section "Burning Issues" in the form so that Parties could report on an emergency such as a mass stranding, even if strandings would not be under reporting obligations for a particular year. This was agreed.

## **5.2. Work Plan for the Advisory Committee and the Secretariat**

71. The Secretariat had reported on progress in implementing the Work Plan to intersessional meetings of the AC and all the reports were available online. The [draft resolution](#) would have the new Work Plan annexed to it. The new Work Plan was largely based on the existing one with ongoing activities kept, reflected the sections in the national reporting format, new activities had been added that refer to new resolutions, and all activities that had been completed had been removed. The number of activities remained the same at 75 with completed activities offset by new ones. The Secretariat had inserted square brackets around certain passages where guidance was needed from Parties.
72. Mr Simmonds (HSI) recognized that bycatch was the main threat, but there was no reference to the related IWC initiative. He suggested that the IWC coordinator be invited to speak to the AC.
73. In light of the proposed increase in the budget, the Chair speaking for Belgium sought guarantees that complementarity between ASCOBANS and OSPAR, HELCOM, the Habitats Directive and the Marine Strategy Framework Directive (MSFD) would be examined to identify where ASCOBANS could achieve the best returns for its efforts. Furthermore, there were some questions on specific targets regarding their intended output and their linkage to other stakeholders. These specific questions were answered by the Secretariat.
74. Ms Svoboda (Netherlands) said that where possible maps showing risks should be taken from other forums and synergies should be sought. Ms Blankett (Finland) said that the EC had maps of Harbour Porpoise SACs and HELCOM also produced maps. Regarding project funding, she asked where the money would come from. Ms Renell (Secretariat) explained that

in the past ASCOBANS had issued calls to fund projects when sufficient reserves had made this possible.

75. Ms Virtue (Secretariat) agreed with the idea of emphasizing alignment and collaboration and asked how this could best be done, suggesting a brainstorm to develop some TOR.
76. Ms Bell (UK) said that in view of the Agreement's limited budget and ambitious Work Plan with 75 activities, prioritizing was important and might help make the case for additional funding. The Chair said that this could be combined with consideration of complementarities. He asked how these issues could best be taken forward as the way ahead needed to be clear in the next month.
77. Célia Le Ravallec (ACCOBAMS) said that the meeting of the Joint ACCOBAMS/ASCOBANS Bycatch Working Group initially scheduled for 2020 should be carried over into the new Work Plan for 2021-2024. This was agreed.
78. Ms Macleod (UK) said that she had volunteered to take forward the task of mapping MPAs. She had started to compile a list of links provided in national reports, but many linked to metadata rather than the spatial data. She was also unable to download maps from the EC website. Mr Evans said that suitable map files could be requested from the European Topic Centre on Nature Protection and Biodiversity.
79. Mr Schall (Germany) identified one priority as being continuing to build the relationships with DG ENV and DG MARE in the EC. Mr Evans (Sea Watch Foundation / ECS) pointed out that representatives of the EC would be attending the following day's sessions to discuss the emergency measures. He also felt that the Work Plan was a tool for maintaining an oversight of activities rather than levering funding, and it was difficult to compare the various activities to establish priorities.
80. Ms Lesz (Poland) said that the AC had spent some time prioritizing activities and suggested adding a column Work Plan where 'high', 'medium' or 'low' could be entered. She also agreed that ASCOBANS had a unique role, complementing the work of the IWC, HELCOM and OSPAR, and this role should be identified.
81. Mr Simmonds thought that the AC was the more appropriate forum for discussing prioritization and some of the issues being raised seemed to relate to the fundamental purpose of the Agreement. He hoped that this would lead to Parties reaffirming their commitment to the Agreement rather than questioning the needs for it.
82. A correspondence group was established with the members being: the Chair, the Vice-Chair, Ms Bell, Ms Brtnik, Mr Evans, Mr Expert, Ms Scheidat, Mr Simmonds and Ms Viker. An advance document was brought back to the meeting on the afternoon of Day 4, where it was finalized.

#### MMANA - Marine Mammal Assessment in the North-east Atlantic

83. Kelly Macleod (UK) described the project, Marine Mammal Assessment in the North-east Atlantic (MMANA), which was being developed in response to a call from the EC. The project included a SCANS survey but had a much broader scope to meet the needs of the next MSFD/OSPAR reporting cycle. The project would generate new abundance estimates and assess population trends to contribute to the delivery of assessments undertaken under Article 8 of the MSFD and the OSPAR M4 indicator on cetacean distribution and abundance.
84. The survey would follow best practice established under SCANS. Surveying would be conducted in the Greater North Sea, the Celtic Sea and the Iberian shelf and the Bay of Biscay. It had been five years since the last SCANS survey and given the relatively short lifespan of

Harbour Porpoises, the shorter interval between surveys was appropriate. It was intended to cover more species and extend assessments to other sub-regions (e.g. the Celtic Sea).

85. The consortium of beneficiaries included Aarhus University, the University of Veterinary Medicine (Hanover), the University of La Rochelle, Wageningen Marine Research and the Joint Nature Conservation Committee. There were other potential partners from the UK, Ireland, Spain, Portugal, Sweden, and Norway.
86. The estimated budget was approximately €1.2 million, most for aerial surveys, with a maximum grant of 80 per cent from the EC, so beneficiaries had to find matching funding of at least 20 per cent. The deadline for submission was the end of September and it was intended to start work in the summer of 2021. Parties were invited to support the project.

#### Questions on MMANA

87. Mr Simmonds (HSI) welcomed the prospect of the SCANS IV taking place as part of the MMANA project and congratulated Ms Macleod. Mr Schall (Germany) said that his colleagues in the marine department were interested in participating, subject to the financial contribution being confirmed. Ms Bell (UK) said that the UK supported the proposal and confirmed a pledge to contribute GB£100,000 for the survey effort.
88. Mr Ridoux (France) also welcomed the new SCANS survey but expressed the hope that it could be extended further offshore into the Atlantic to cover Common Dolphins which were suffering high bycatch incidence. Ms Macleod (UK) understood why Parties wanted the survey to extend further offshore, but this would have logistical and financial implications, such as chartering vessels. Some adjustments had already been made to accommodate requests from France. The survey had to take place by July 2021 if deadlines were to be met. The survey protocols would be finalized if the funding was confirmed but cautioned against spreading the effort too thinly, if counting other species such as birds or litter were included.
89. Mr Haelters (Belgium) could not make any commitment regarding the participation of the Federal Belgian Government given the current political situation in the country but was looking forward to the results.
90. Ms Svoboda (Netherlands) supported the proposal and welcomed Ms Macleod's leadership of it. The Netherlands was budgeting for 6-yearly surveys and was prepared to contribute to international efforts.
91. Mr Andersen (Denmark) said that he was trying to work out the implications of SCANS for Denmark. He was already having difficulties raising funds for SAMBAH II, so was not able to commit to MMANA at this stage.
92. Ms Viker (Sweden) had only heard about the project the previous day from other sources. She welcomed the proposal and asked how Sweden could become involved. Ms Macleod said that she had been in touch with potential Swedish partners. The consortium was trying to raise the 20 per cent matching funding needed and undertook to circulate the concept note to participants via the ASCOBANS Secretariat.
93. Mr Evans (Sea Watch Foundation / ECS) said that MMANA was an important project, but he also had doubts about stopping at the continental shelf, which might complicate the coverage of some species, especially in Celtic Sea and Bay of Biscay. Ms Scheidat (Netherlands) explained that survey efforts in offshore areas would need a longer preparation time than aerial surveys. She pointed out that conducting aerial surveys for the shelf areas in 2021 did not exclude the possibility of conducting offshore surveys a year later.

94. Ms Macleod (UK) said that the deadline for applications was very tight and delaying the project increased the likelihood that Parties would have to find the major part of the funds without the support of the EC.

### 5.3. Communication, Education and Public Awareness (CEPA) Plan

95. Ms Renell (Secretariat) explained that in accordance with the Work Programme 2017-2020 the CEPA Plan adopted by the AC in 2010 AC had been revised. The original document had been 15 pages long and included an extensive list of possible products and actions. Many of these were excellent ideas but were too ambitious for the Secretariat given its limited resources. The revised version was more concise, but even so all actions were subject to the availability of resources. The [CEPA Plan](#) was endorsed in the absence of comments.
96. Mr Schall (Germany) congratulated Mr Evans on the book that had been published to mark the Agreement's 25<sup>th</sup> anniversary. He requested that copies be sent to the scientific focal points. Ms Renell suggested that the chairs of the working groups should also each receive a copy.

### 5.4. Options for Future Meetings of the Advisory Committee

97. Ms Virtue (Secretariat) presented [ASCOBANS/MOP9/Doc.5.4](#) and the options for the schedule for meetings of the AC between MOP9 and MOP10. She explained some of the background of the discussions that took place within the institutional sessions of the AC. A new factor was the COVID-19 pandemic making online meetings even more attractive. The options had pros and cons, with less frequent meetings of the reducing travel costs and the need to prepare documents, and annual meetings helping to maintain momentum and leaving open the possibility of the North Sea Group (NSG) linking to the AC. Virtual meetings meant that there would be no Host Government costs and no need to travel, but the opportunities for face-to-face discussions would be lost. Another recent change had been the move to 4-year cycle instead of a 3-year cycle.
98. Mr Expert (France) said that a distinction was being made between the scientific and institutional sessions of the AC, and had concerns about the consequences for the AC in the year after a MOP.
99. Ms Bell (UK) recalled that the schedule of the AC in the intersessional period had been considered at the AC in 2019. She expressed a preference for Option 4, which maintained momentum, addressed the Agreement's carbon footprint and was realistic in light of the pandemic. Ms Svoboda (Netherlands) and Ms Lesz (Poland) also supported Option 4.
100. Mr Schall (Germany) proposed a fifth option, to address the concerns raised at the Heads of Delegation meeting about reducing costs. His first impression was that the virtual meeting was working well. His proposal was that the AC should have virtual meetings in Years 1 and 3 of the quadrennium, with a physical meeting in Year 2. This would contribute to a reduction of carbon dioxide emissions as well, while allowing a face-to-face meeting every two years (including the MOP).
101. Mr Andersen (Denmark) expressed his preference for Option 4 but also thought that Germany's Option 5 had merits. Ms Viker (Sweden) expressed similar sentiments. Ms Bell also found the German proposal interesting, especially as it was not clear whether travel would be possible in 2021. Having an alternative plan would be sensible. Arno Verhasselt (Belgium) supported Germany. Ms Blankett (Finland) liked both Options 4 or 5 and wanted to examine the cost implications. Ms Renell (Secretariat) undertook to circulate the figures in writing. Ms Svoboda was also open to Option 5. Mr Expert liked Options 4 and 5.
102. Mr Simmonds (HSI) said that there were pros and cons regarding virtual and physical meetings. He reiterated the support of NGOs for ASCOBANS and welcomed the Secretariat's presentation. He said that he regretted the move from a 3-year to a 4-year cycle, as there

were many pressing issues that needed to be addressed such as bycatch and measures to protect critically endangered populations. He urged Parties not to further reduce the frequency of meetings, although he appreciated concerns about carbon footprint and cost issues. The departure of the UK from the EU also meant that ASCOBANS was more important as an international forum.

103. Mr Haelters (Belgium) said that there were huge advantages in virtual meetings, for example experts could attend only certain sessions. Mr Andersen agreed that in this respect virtual meetings were more inclusive, but experts could also participate remotely for a particular session in face-to-face meetings.

## 6. Further Implementation of the Agreement

### 6.1. Species Action Plans

#### 6.1.1 Recovery Plan for Baltic Harbour Porpoise (Jastarnia Plan)

104. The Chair of the Jastarnia Group, Ida Carlén (CCB) gave an [update](#) on the progress of implementing the Jastarnia Plan. She outlined the history of the plan, the initial idea for which came about in 1997, with a first draft appearing in 2002, before it was adopted in 2009 and revised 2016. The Plan contained 22 Actions under 6 themes: increasing involvement, awareness and cooperation; monitoring and estimating abundance and distribution; monitoring, estimating and reducing bycatch; monitoring and mitigating underwater noise; monitoring and assessing the population status; and protected areas. The Jastarnia Group had met annually since 2005.
105. The SAMBAH project, fieldwork for which had been conducted in the period 2011-2013, was the only reliable basis for estimating Harbour Porpoise abundance in the Baltic proper and maps had been produced with maps of summer and winter distribution. The concept note for SAMBAH II had been submitted in the summer of 2020 under the LIFE programme and an announcement of the successful applicants was expected sometime in the winter and work would start in 2022. The BfN was leading the project but support and matching funding were still required.
106. In Germany, work was progressing on an informative panel on single nucleotide polymorphism (SNP) which might help assign animals genetically to the Belt Sea and Baltic populations. National programmes were under way in Sweden based on SAMBAH data, in Denmark around Bornholm and Poland with C-PODs deployed along the coast. Germany's longstanding programme was continuing. As with all other estimates, the latest estimate of bycatch calculated at the NAMMCO/IMR workshop in 2019 was above the 0.7 animals per annum threshold.
107. There were figures available for fishing effort from vessels over 12m but requirements for bycatch to be reported varied, not being required in Denmark and the Russian Federation but obligatory in Finland, Estonia, Poland, Latvia and Lithuania. The situation was unclear in Sweden. It was recommended that all Parties make reporting bycatch obligatory.
108. The question of UXO had been raised at the last meeting of the Jastarnia Group in June 2020, when an offer was made to provide a bubble curtain to the Polish authorities, which were preparing to detonate an unexploded mine near Puck Bay. Planning had been too advanced, and the offer had been declined, but other mitigation measures had been taken. At Puck Bay, one of the underwater noise mitigation measures had involved producing more noise (scaring away Harbour Porpoises with speed boats).
109. The availability of the bubble curtain apparatus should be publicized for future occurrences. Ms Lesz (Poland) said that the guidelines would be updated in the light of Puck Bay incident.

She recalled that the Jastarnia Group had agreed that a letter should be sent to Parties and Ms Carlén said that this was among her outstanding tasks. Other sources of impulsive noise were pile driving, sonar and acoustic deterrent devices and airgun arrays. The laying of the Nordstream pipeline had created considerable noise. The busy shipping lanes crossing the Baltic caused continuous noise.

110. The Red List status of the Harbour Porpoise in the countries of the Baltic varied. In Denmark it was Least Concern, but the different populations were not treated separately; in Estonia it was Data Deficient; in Finland it was not included in the national Red List, but assessed as Not Applicable (considered as occasional visitor); in Poland Least Concern; in Sweden Critically Endangered; in Germany the overall population was assessed as Endangered (although the status of the Baltic population was mentioned as Critically Endangered); in Latvia it was considered possibly extinct and in Lithuania it was not listed. Conducting necropsies also varied, with a systematic approach in Germany and Poland and ad hoc responses elsewhere.
111. There were only two protected areas in the Baltic proper and few measures were in place in any protected areas in the wider region. Germany had started consultation on a management plan, but the current draft did not include fisheries regulations at this stage. Sweden was expected to start consultations on its fishing regulations in 2020.
112. Ms Carlén thought that it was highly likely that the data in the noise registers were incomplete and that not everything was being reported. Mr Entrup (OceanCare) asked that a map be included showing impulsive noise in relation to MPAs and asked how the noise register could best be used as a management tool in conjunction with the CMS EIA guidelines. Mr Ritter (WDC) was disappointed that despite population monitoring being conducted there was little progress on mitigation with no fisheries regulations or efforts to reduce noise.
113. Mr Simmonds (HSI) said that the Concerted Action adopted at CMS COP13 for the Baltic Harbour Porpoise was a good signal even though it was not binding. He would have preferred listing the population on Appendix I. He noted the various classifications for the Harbour Porpoise in national Red Lists but pointed out that the IUCN was quite flexible and recognized the Baltic population of the Harbour Porpoise as Critically Endangered. He reiterated that 300 international experts had called for urgent action for cetaceans.
114. The main recommendations from the Jastarnia Group were that the SAMBAH II project should be supported, more samples should be collected and analyzed from stranded specimens, and that the ICES advice be followed. The [progress report](#) was noted.

#### ICES Advice on Emergency Measures

115. A group of NGOs had contacted the EC drawing attention to the conservation status of the Baltic Harbour Porpoise. The EC had therefore initiated a procedure by seeking the advice of ICES on appropriate emergency measures, which could be introduced for six months and extended to twelve months if circumstances so justified. It was probable, however, that to be effective, measures should apply for longer than a year.
116. Some of the measures proposed were of seasonal application but the timing did not always match the movements of the animals. The Jastarnia Group had advised<sup>4</sup> in July 2020 to extend a closed season for fishing from November to April as there was no evidence to suggest that Harbour Porpoises were present only between November and January.
117. The EC expected Member States to propose measures at regional level through Joint Recommendation, and in the case of the Baltic Sea, the appropriate forum was BALTFISH.

<sup>4</sup> <https://www.ascobans.org/en/document/technical-and-scientific-comments-ices-special-request-advice-emergency-measures-prevent>

Where Member States failed to take action, infraction proceedings with the European Court of Justice could be initiated, as had happened with Sweden regarding bycatch mitigation.

118. Katarzyna Kamińska (Poland) said that she had attended the recent BALTFISH meeting and the Member States had not reached consensus. She was pleased to note, however, that the EC had presented emergency measures taking into account the advice from the Jastarnia Group mentioned earlier. Sweden was advocating stricter measures than Estonia as BALTFISH Chair was proposing. The question of closures of static net fisheries in German and Polish MPAs and requiring 'pingers' to be used in the entire rest of the distribution range were still to be resolved.
119. Ms Brtnik (Germany) acknowledged the action taken by the NGOs which had led to the advice of ICES being sought. She understood that the response of BALTFISH was expected in September and she asked whether there would be stakeholder consultations or whether the response would be sent straight to the EC.
120. Mr Ritter (WDC) was pleased that ICES had put forward proposals that were similar to those advocated by the NGOs and that in some cases they were even stronger. He stressed that time was short as the species were facing extinction, and possible emergency measures involved a good amount of logistical preparations. He hoped that the EC would adopt strict measures and that Member States implemented them swiftly.

#### Draft Resolution

121. At the last meeting of the AC, it had been agreed that a new resolution was needed, and accordingly the Jastarnia Group had drafted one. Ms Carlén (CCB) ran through the main contents of the [draft resolution](#).
122. Ms Blankett (Finland) said that Finland was committed to protecting the Baltic Harbour Porpoise but wanted to propose amendments regarding areas of regular occurrence. Ms Königson (Sweden) said that there was scientific evidence that the Baltic Harbour Porpoise should be managed as a separate management unit rather than being recognized as a separate population. This was consistent with the advice from ICES. Mr Schall (Germany) confirmed that the last CMS COP had agreed a Concerted Action for the Baltic 'sub-population', while the IUCN and HELCOM both referred to a 'separate population'.
123. Mr Ritter (WDC) suggested retaining the wording 'genetically distinct'. He also asked if the Draft Resolution could make reference to the Jastarnia Plan, especially as Resolution 8.3 had called for it to be implemented without delay. He suggested that similar wording be inserted. He also commented that there were concerns about the use of 'pingers' in MPAs and Natura 2000 sites and suggested adding a recommendation that these devices not be deployed in such areas in the Baltic Proper. Ms Kamińska (Poland) said that the design of 'pingers' might improve making their wider use more acceptable.
124. Sinéad Murphy (Galway-Mayo Institute of Technology - GMIT) said that there was no firm ICES advice regarding the use of the terms sub-population or population for the Baltic Harbour Porpoise and so the drafters had opted for management unit. Mr Evans (Sea Watch Foundation - ECS) urged caution over the use of sub-population and population because of the complexities of the issues of genetic distinctions. He also preferred the term management unit better.
125. Mr Schall (Germany) explained that due to still ongoing discussions within the German Government over the status of the Baltic Harbour Porpoise, Germany would abstain at this MOP on the issue of listing the species on Appendix I under CMS.
126. Ms Viker (Sweden) requested changing the term 'emergency measures' to 'mitigation measures' and changing wording to refer to monitoring bycatch in accordance with ICES

advice. Mr Simmonds (HSI) suggested that the wording of the Resolution should indicate that Parties had noted the ICES advice regarding the Baltic Harbour Porpoise.

127. A new section was added to the preamble pointing out that the Jastarnia Plan was not being implemented fully and a new operative paragraph was added urging action given the conservation status of the Harbour Porpoise.
128. Further edits were referred to a correspondence group, consisting of Ms Blankett, Ms Brtnik, Ms Carlén, Mr Dähne, Ms Königson, Ms Nyström, Mr Ritter, Mr Schall, Mr Simmonds and Ms Viker. An advanced version was brought back to the meeting on the afternoon of Day 4, where it was finalized.

### **6.1.2. Conservation Plan for the Harbour Porpoise Population in the Western Baltic, the Belt Sea and the Kattegat (WBBK Plan)**

129. Ms Carlén (CCB) [presented](#) progress made in the implementation of the WBBK Plan. The first proposal to address the Western Baltic, the Belt Sea and the Kattegat (formerly known as the 'gap area' as it lay between the areas covered by North Sea Plan and Jastarnia Plan) was made in 2011. Consideration had been given to redrawing the boundary with the Jastarnia Plan, but no final decision would be taken before the SAMBAH II project had been carried out. The WBBK Plan contained 11 recommendations. Abundance estimates had been conducted with a mini-SCANS in 2016 suggested that the population in the Kattegat and Belt Seas was stable at approximately 42,000.
130. Sweden had added 14 acoustic monitoring stations in Natura 2000 sites in Kattegat and Skagerrak. Germany had an acoustic monitoring programme supplemented by visual and digital aerial surveys, annually around Fehmarn and biennially in the WBBK Area. Denmark was rotating C-PODs around the Special Areas of Conservation designated for Harbour Porpoises.
131. Bycatch and underwater noise because of the busy shipping lanes in the Belt Sea were major concerns. Ms Blankett (Finland) mentioned that HELCOM was preparing bycatch risk maps as part of the [Action project](#).
132. With regard to protected areas, Germany had published its management plans for consultation (without fishery regulations) and Sweden was expected to issue new fishing regulations. There were no new developments in Denmark. Recommendations included promoting alternative gear, conducting more REM and doing more research on noise impacts.
133. Mr Andersen (Denmark) asked if there were any indications why the two management units were faring so differently. Ms Carlén thought that the high level of contaminants in the Baltic was a current factor. Historically ice coverage and hunting would have had an effect. Ms Scheidat (Netherlands) said that records suggested that the population had been much larger but had declined as a result of a 'perfect storm' of hunting and climatic conditions. The reduction of these pressures had not led to a significant recovery.
134. Mr Ritter (WDC) said that the situation looked better in the Western Baltic and Belt Sea than the Baltic proper, but there were still problems such as bycatch, as evidenced by the increasing number of cadavers washing up on the German coast. A study in 2019 had shown that typically stranded female Harbour Porpoise were 3-5 years old and this had consequences for the age structure. He noted that lack of mitigation measures for noise citing the construction of the Fehmarnbelt tunnel as part of an infrastructure project across a Natura 2000 site. Ms Scheidat urged caution over drawing conclusions over stranding numbers.
135. Mr Evans (Sea Watch Foundation / ECS) noted that there had been some very severe winters in the course of the 20<sup>th</sup> century and very high levels of PCBs in the 1950s and 1960s, as well as bycatch and other human pressures such as fishing depleting prey and eutrophication. Ms

Carlén (CCB) confirmed that the Baltic had frozen over in the 1940s and sightings of Harbour Porpoises had been more frequent in the 1950s and 1960s. Ms Blankett (Finland) said that Harbour Porpoises had been common visitors in the especially in coastal areas of southern Finland, but large declines had been experienced in the 1960s and 1970s, the same being true for seals. Although the number of Grey Seals had increased, the situation of the Baltic Ringed Seal had improved only in the Gulf of Bothnia.

136. Ms Murphy (GMIT) said that more strandings could indicate that there were more animals in the area. She questioned the term ‘regularly occur’ seeking clarification if this meant current or historic, given that one aim was to repopulate the former range. She agreed that there was evidence of PCBs being linked to population declines in other species in the Baltic Sea. She also mentioned a study<sup>5</sup> looking at population trends in the Baltic Harbour Porpoise and projecting prospects for next 50-100 years.
137. The [progress report](#) was noted.

### 6.1.3. Conservation Plan for Harbour Porpoises in the North Sea (North Sea Plan)

138. Mr Evans (Sea Watch Foundation / ECS – Chair of the NSG) [presented](#) progress in implementation of the North Sea Plan. He said that the Plan started as a recovery plan in 2002, developed by Germany and presented to AC13 in 2006, before being adopted in 2009 and overseen by a Steering Group set up in 2011, meeting annually or biennially since 2013. There had intermittently been a coordinator in place from 2009. The Plan contained 12 Actions, 5 dealing with pressing conservation issues and all identified as either high or medium priority.
139. From the NAMMCO/IMR workshop<sup>6</sup> there was a proposal for re-delineation of some management/assessment unit boundaries for Harbour Porpoises. The latest abundance estimates provided figures that were quite high but so were the confidence intervals. It was possible that the population had risen slightly but was probably at least stable.
140. The main driver for bycatch was fishing effort, which had increased considerably in the 1960s, and had only declined in the 1990s. The UK had an observer scheme for monitoring bycatch, with some fisheries doing self-reporting. Regarding mitigation measures, France had made ‘pingers’ compulsory, whereas the UK and the Netherlands had voluntary schemes and had banned some gear types.
141. The NAMMCO/IMR workshop had worked on population trends in the North Sea. Estimates showed that after a long decline, population levels had bottomed out and were edging up. Bycatch was estimated at approximately 4,500 animals per annum (circa 1.1 per cent of estimated carrying capacity and circa 1.3 per cent of the current population). It had risen throughout the 1970s, peaked in 1990s, and was now lower. The figures were not entirely dependable, and the aim should be to reduce bycatch to zero. Ms Dolman (WDC) noted that 4,500 dead animals per year through bycatch over a long period was shocking given that ASCOBANS’ main aim was conservation rather than sustainability. More monitoring, prevention and mitigation were needed.
142. Impulsive noise was created by air guns, pile driving, explosions and use of sonar. It was not clear how comprehensive and consistent the national data provided by Parties were.
143. Nadia Deckert (OceanCare) said that only the UK had a dedicated observer programme, but other countries had fisheries observers or relied on self-reporting by fishermen. Mr Evans said that the level of compliance for fitting ‘pingers’ was high but the frequency with which the

<sup>5</sup> Cervin, L., Harkonen, T., Harding, K.C., 2020. Multiple stressors and data deficient populations; a comparative life-history approach sheds new light on the extinction risk of the highly vulnerable Baltic harbour porpoises (*Phocoena phocoena*). Environment International (144).

<sup>6</sup> See [ASCOBANS/MOP9/Inf.6.1.3b](#).

equipment was checked varied. Mr Entrup (OceanCare) said that a map superimposing impulsive noise on MPAs would be useful.

144. Ms Macleod (UK) speaking in her role as ICES WGBYC (Working Group in Bycatch of Protected Species) Co-Chair had some questions regarding procedural issues within the North Sea Group. First, she asked how information would be collated for the North Sea report given that the requirement to report under EC Regulation 812/2004 no longer existed and, secondly, she was surprised that sections of the draft ICES WGBYC 2020 report had been reproduced in the North Sea report before it had been published by ICES. She also had some comments on the UK data, which she would raise bilaterally.
145. Ms Murphy (GMIT) said that there were biological differences between North Sea and Irish/Celtic Sea animals with the former being significantly smaller in their maximum length, asymptotic length and length at 50 per cent maturity, and there were indications of a lack of genetic exchange between the two<sup>7</sup>. Results from these studies justified the maintenance of these Harbour Porpoise management or assessment units, as two separate units, within the range of the North-east Atlantic population, and for indicator assessments under the EU's MSFD. Ms Murphy cautioned using the historical bycatch rate estimates for porpoises in the North Sea presented in the NAMMCO-IMR report. As there were no proper figures for historic bycatch rates, estimates had been used.<sup>8</sup>
146. Ms Königson (Sweden), who was the Vice-Chair of the ICES WGBYC, confirmed that the draft report was being amended so no extracts from it should be published at present. Mr Evans said that the report was still in draft so comments and corrections were welcome and that he would make his presentation available after ensuring that it contained nothing from the ICES report. The handling of data flow would be discussed at the next meeting of the steering group.
147. The [progress report](#) was noted.

#### Dutch Harbour Porpoise Plan

148. Ms Svoboda (Netherlands) said that the Dutch Harbour Porpoise Conservation Plan of 2011 had been updated and concentrated on new developments in the areas of policy and legislation, population abundance and ecology, as well as on genetics, strandings research and contaminants, bycatch and noise. One of the most important policy developments was the 2019 Habitats Directive report, which assessed the Dutch population as Favourable, but with "unknown" future prospects.
149. The draft plan had been issued for consultation on 26 June 2020, including to the NSG, and the last comments had been received on 17 August. In all, around 700 comments had been received from national and international stakeholders.
150. The most important actions for the post-2020 period would focus on an optimized design for aerial surveys, alternative approaches for assessing population abundance and ecology, improved strandings registration, cumulation of noise of seismic surveys, and an international project proposal on bycatch.
151. An international workshop cooperating within the EU Biogeographical process was envisaged to discuss international aspects of Harbour Porpoise conservation. The Plan should be finalized in late October 2020 when the Minister would present it to parliament.

<sup>7</sup> Fontaine, M. C., Thatcher, O., Ray, N., Piry, S., Brownlow, A., Davison, N. J., et al. (2017). Mixing of porpoise ecotypes in southwestern UK waters revealed by genetic profiling. *R. Soc. Open Sci.* 4:160992. doi: 10.1098/rsos.160992

<sup>8</sup> Murphy, S., Petitguyot, M.A.C., Jepson, P.D., Deaville, R., Lockyer, C., Barnett, J., Perkins, M., Penrose, R., Davison, N.J., and C. Minto. In press. Spatio-temporal variability of harbour porpoise life history parameters in UK waters. *Frontiers in Marine Science*.

#### 6.1.4. Species Action Plan for the North-East Atlantic Common Dolphin

152. Co-chair of the Steering Group, Ms Murphy (GMIT), [reported](#) on the Action Plan and noted as it had only been adopted intersessionally, there had been little progress at this stage. Resolution 8.4 adopted in 2016 had requested the establishment of the steering group with the mandate of developing a conservation plan. One population had been reported to occur within the Agreement Area, but the extent of its range was unknown, due to insufficient data. At that time, the most recent assessment of the conservation status for the population under Article 17 of the Habitats Directive estimated that two-thirds of the European Atlantic population was in an unfavourable condition – which was related to bycatch. Though it also noted that the species was affected by other pressures such as pollution and underwater noise. The 2016 resolution further noted that ICES advised that bycatch of Common Dolphins may be unsustainable in the region. Subsequently, the ASCOBANS Species Action Plan was developed by the Steering Group, reviewed by the Parties, and was adopted intersessionally in 2019.
153. Two large-scale surveys in 2005 and 2007 of continental and offshore waters, respectively, had helped assess abundance, and the SCANS III and ObSERVE Surveys had shown that in excess of 460,000 Common Dolphins occurred within the Agreement area. There was no reason to believe that the population had increased but individuals might have moved/re-distributed, either from offshore or southern waters, outside of the surveyed areas. This meant that more individuals were now exposed to anthropogenic activities in the Agreement area, which might explain the increased mortalities/strandings in the Bay of Biscay.
154. The Action Plan contained ten priority actions, five of them related to bycatch, the main threat. Other human activities had been assigned lower priority. It sought to increase political engagement, improve data on fisheries efforts and gear types, and enhance understanding of diet, and health and causes of mortality.
155. The terms of reference of the Steering Group were based on those used by other similar groups and the group had 22 members from ASCOBANS and ACCOBAMS Parties and other Range States. More representation from the fisheries sector would be welcome.
156. The first meeting of the Common Dolphin Group in September 2019 had reviewed activities contributing to the implementation of the SAP by both Parties and non-Parties. Through a series of presentations, the Steering Group had reviewed the latest information available on bycatch, including work undertaken by the French National Working Group on Bycatch.

#### Draft Resolution

157. Ms Murphy introduced [proposed amendments](#) to the existing resolution on conservation of common dolphins. In the updated Habitats Directive assessment, only one Member State had reported a favourable status for the Common Dolphin.
158. Mr Expert (France) said that the bycatch of Common Dolphins was topical in France. In the winter of 2020 over 1,000 strandings had been recorded on the Atlantic Coast including 800 Common Dolphins. This level of mortality was a major threat to the species. There was definitely a need for knowledge on the conservation status of the Common Dolphin population. It would be useful if the scope of the SCANS IV/MMANA survey could be extended.
159. Ms Dolman (WDC) asked for an additional point to be included calling on Parties to implement ICES advice in the Bay of Biscay. Mr Ritter (WDC) found the wording weak and said Parties should agree to carry out the measures proposed. Ms Murphy said that the ICES advice covered a multitude of scenarios and management measures and had not proposed a specific number of measures.

160. Vedran Nikolić (DG ENV) pointed out that the scientific advice from ICES, requested by the EC, contained advice beyond the emergency measures that could be used by the EC. It should be used also by Member States for developing their Joint Recommendations for long-term measures.
161. The Chair suggested that the refinement of the draft be referred to a correspondence group. The group included: Ms Dolman, Mr Expert, Ms Macleod, Ms Murphy, and Ms Viker. An advanced document was brought back to the meeting on Day 4 afternoon, where the text was finalized.

## 6.2. Conservation Issues

### 6.2.1. Monitoring and Mitigation of Small Cetacean Bycatch

162. The Chair noted that three presentations would be made under this item, one from Mr Nikolić (DG ENV) on actions undertaken by the EC, one from Mr Evans (Sea Watch Foundation - ECS) on the draft resolution and one from Ms Svoboda (Netherlands) on a planned bycatch project.

#### The European Commission

163. Mr Nikolić (DG ENV) gave a short update on the EC activities on bycatch of cetaceans, and mentioned key initiatives such as the [European Green Deal](#) and the [2030 EU Biodiversity Strategy](#). Reducing and eliminating bycatch were priorities of the 2030 Biodiversity strategy. Mr Nikolić noted that what we will do about bycatch in the following years would be a test of our commitments to secure healthy seas, biodiversity, and sustainable fisheries. He said that the Commission recognized the close links between ASCOBANS activities and efforts at EU-level, not least because most EU countries in the Agreement Area were ASCOBANS Parties. The Commission appreciated all the efforts and good cooperation with Parties and the Secretariat.
164. The EU had strong rules under environmental and fisheries legislation on monitoring bycatch and preventive measures that needed to be fully implemented. There was also support available from the EU for example in funding. The Commission wanted to ensure there was full support available for Member States to meet these obligations, but it was also their duty to implement the law.
165. The EC had reacted to the letter sent by the NGOs regarding the Common Dolphins in the Bay of Biscay and the endangered Harbour Porpoise in the Baltic, and had sought advice from ICES on emergency measures. The Commission had also organized a round table in June 2020 to discuss the ICES advice with the fishing industry, Member States, and other stakeholders. Commissioner Sinkevičius had written to all fisheries and environment ministers on the need to take urgent action to address bycatch, and the issue had been discussed at the Environment Council.
166. An in-depth analysis conducted by the Commission, on how Member States were implementing the legislation, showed that the Member States were not in compliance with the rules established under the Habitats Directive and fisheries legislation. Infringement proceedings had been initiated against France, Spain and Sweden in July 2020 for their failure to implement appropriate monitoring and take preventive measures.
167. The EC expected all Member States to put in place adequate monitoring and then to submit Joint Recommendations under the common fisheries policy (CFP) to ensure that there were long-term measures to prevent bycatch. However, in the absence of Joint Recommendations, the Commission was also considering possible emergency measures supported by science. The priorities for the Commission were good monitoring and preventive measures, but action

on bycatch should also be supported by adequate monitoring of abundance and distribution of cetacean populations and their conservation status.

168. Member States were reporting species as being in 'unknown' status, which was unacceptable and a failure under EU law, and should be addressed through joint monitoring in a regional scale. Member States' environment and fisheries departments had to cooperate more in order to find solutions and achieve progress in bycatch monitoring and mitigation. Some measures were partly in place in the Bay of Biscay but needed to be developed further.
169. More work was also needed on the conservation targets, which should be established by Member States under the Habitats Directive and the MSFD. An agreement needed to be found in the regional context, between the countries. Mr Nikolić noted that ASCOBANS could play a coordinating advisory role in the process of developing the conservation targets, especially in the context of its Species Action Plans, and the Commission was interested in supporting this work.
170. The EC was expecting urgent and ambitious action by the Member States in line with the requirements of the EU law, waiting for commitments, concrete actions, Joint Recommendations -- but in the absence of those, EC was considering to take action. Mr Nikolić said the Commission saw the role of ASCOBANS potentially quite important in coordinating the work of the Member States, and the role of the Joint ASCOBANS-ACCOBAMS Bycatch Working Group in providing advice to the Member States.
171. Mr Simmonds (HSI) was pleased to hear activities referring to ASCOBANS and ACCOBAMS as helpful. He said that those species whose status was unknown or were Data Deficient were an obvious knowledge gap to be addressed. Mr Nikolić said that Member States had an obligation under the Habitats Directive to undertake monitoring and reporting, and failure to do so is a failure to implement these obligations and the EC would be taking legal action where appropriate. At the same time, the EC was aware of all the difficulties linked to the proper monitoring of these mobile species, which essentially needed to be done together by the Member States, in an appropriate scale. This required funds and the Commission had supported these efforts in the past, such as SCANS or SAMBAH surveys. The EC could support financially and in other ways, but they could not coordinate this work for the Member States.
172. Mr Simmonds said that there were species and populations that SCANS could not address and suggested that a working group be established to identify species, sub-species and local populations that might fall between the gaps and report back to the next meeting of the AC. This was agreed on. Mr Brownlow, Mr Evans, Ms Macleod, Ms Murphy, Mr Simmonds and Ms Smith agreed to serve on a working group to establish the TOR.
173. Ms Kamińska (Poland) agreed that Member States had a role in (bycatch) monitoring. However, the recent BALTFISH meeting had discussed this and they were convinced that it was an issue of only the Regional Coordination Groups under Data Collection Framework (DCF). Ms Kamińska thought that some changes were needed in EU legislation such as the Control Regulation ((EU) 2017/625). Mr Nikolić said that the DCF and the Control Regulation set minimum rules, but Member States were allowed to impose stricter provisions (e.g. reporting on the vessel size and soak time) if they wished and needed to comply with EU environmental law. He did not think there was a legal gap - it was just about how to practically undertake the monitoring. DG ENV was prepared to help countries, with DG MARE, to do it properly.
174. Mr Ritter (WDC) welcomed the strong EU stance and its engagement in conservation. He asked what would happen if the Joint Recommendation presented by the Member States were considered unsatisfactory by the Commission. Mr Nikolić said that the Commission could accept or reject the proposal but could not amend it. The other option would be the long procedure of co-decision involving the European Parliament and the Council. Mr Ritter feared

that this potentially allowed Member States to procrastinate. Mr Nikolić said that the Commission first relied on the Member States' acting in good faith, but also had the option of emergency measures, and enforcement which they had started recently: the Commission could take EU countries to the European Court of Justice.

### Draft Resolution

175. Mr Evans (Sea Watch Foundation - ECS) provided some background and explained the reasoning behind the [proposed changes](#) to the resolution. The work done by the Food and Agricultural Organization of the United Nations (FAO) on bycatch and the related technical guidelines on reducing bycatch were welcome. An expert workshop on unacceptable interactions had been held in Bonn in 2017, and work was being done in parallel by ACCOBAMS through a Joint Working Group on Bycatch. The planned meeting of the Joint Working Group had been postponed because of the pandemic and would be rescheduled to 2021 if possible. Regulation 814/2004 had been repealed and replaced by the Technical Measures Regulation [2019/1241](#).
176. OSPAR and HELCOM had held a joint workshop in September 2019 on indicators for establishing bycatch thresholds for birds and marine mammals. Collecting data of national and international fisheries efforts had to be improved and all vessels regardless of size should be covered as vessel size was irrelevant to the likelihood of causing bycatch. It was also important for ASCOBANS to liaise with other forums, such as OSPAR, HELCOM and the Regional Fisheries Management Organizations (RFMOs).
177. After further minor editorial changes had been made, the draft resolution was deemed ready for submission for adoption.

### Proposal for an International Bycatch Project

178. Ms Svoboda (Netherlands) [presented](#) a potential project aiming to address fisheries and environmental concerns. Work was under way in drafting a concept note for submission under the EU LIFE programme. Further project partners would be welcome. The idea was based on the [Benthis](#) project (Benthic Ecosystem Fisheries Impact Studies), which had workstreams to share the activities between partners. Scope of the planned project would be all protected, endangered and threatened species (PETS) in the North East Atlantic/Baltic, with focus on small scale fisheries (static gears, e.g. gillnets, pots and creels). Overarching objectives would include successful cross-border cooperation with fishermen and among countries, and developing Joint Recommendations in cooperation with the Regional Coordination Groups, starting with high risk species and fisheries.
179. Mr Simmonds (HSI) welcomed the innovative approach adopted by the project organizers and the involvement of multiple stakeholders. He was aware of many take reduction schemes in the USA and some had been more successful than others. Eunice Pinn (Seafish) referred to a report recommending the establishment of a take reduction task force.
180. Ms Bell (UK) also welcomed the project and recognized that the task being set was large. The UK was about to launch its own study of PETS. Ms Murphy (GMIT) recalled that Graham Pierce of the Instituto de Investigaciones Marinas - CSIC had put together a proposal with 29 partners, EMFASIS (Ecosystem-based Management of Fisheries: Advancing Stakeholder Involvement and Sustainability), which was also looking at PETS.
181. In addition, Belgium, Germany and Poland all enthused about the proposal and wanted to hear how the project progressed.

### 6.2.2. Ecosystem Approach to Examine Effects of Pressures to Small Cetaceans

182. This item had been withdrawn from the agenda since a draft resolution was not ready by the document deadline.

### 6.2.3. Marine Debris

183. Mr Simmonds (HSI) presented the agenda item. Ms Virtue (Secretariat) pointed out that at CMS COP13 a new field of expertise had been added to the Scientific Council with the creation of a post of COP-appointed Councillor for Marine Pollution and Mr Simmonds had been chosen to fill it.
184. Marine debris was in headlines, because of the damage it caused to the environment in general and marine species in particular. There were many types of marine debris, plastics were the worst accounting for 60-80 per cent of the total, with 335 million tonnes produced in 2016 and 359 million tonnes in 2018, only some of which was recycled, with much more incinerated or put in landfills. Large amounts, possibly as much as 12 million tonnes, ended up in the sea each year. The COVID pandemic was making it worse.
185. The IWC Marine Debris Workshop in December 2019 (La Garriga, Spain) had considered published and unpublished information, including reviews of the latest literature and a comprehensive overview of marine debris-related activities by other international organizations. The scale of the actual and projected increase in plastics was alarming. Cetaceans could die after ingesting marine debris due to gastric impaction/occlusion, perforation or the associated lesions. As well as direct lethal effects, plastic debris could affect marine mammals' health if remained in the gastrointestinal tract. The presence of foreign bodies could also cause inflammatory changes to the gastrointestinal tract and marine debris could damage cetaceans' health due to the potential role of plastic debris as a vector of toxins.
186. The [draft resolution](#) called on Parties to act to mitigate the threat, collect data from strandings and to tackle discarded gear. The ACCOBAMS-ASCOBANS joint guidance on best practice for post-mortems was welcomed. Mr Simmonds said that the extent of the threat of plastics to cetaceans as vectors for other diseases was on the cusp of being understood. Ms Brtnik (Germany) drew the meeting's attention to a recently published paper<sup>9</sup> on aerial surveys and the opportunistic gathering of data on debris.
187. Mr Evans (Sea Watch Foundation / ECS) said that on vessel-based surveys there was often the option of having a dedicated observer looking out for plastics and debris and therefore suggested amending the wording to encourage multiple purpose surveys provided that the principal aims were not compromised. Joint surveys were often possible. Ms Murphy (GMIT) noted that there were many best practice sampling protocols out there devised by experts in their field for sampling of plastics, including macro, meso and microplastics. If this work was to be undertaken, those protocols should be employed rather than having to develop them ourselves.
188. Mr Ritter (WDC) noted that more and more surveys used automated observations rather than relying on humans. Ms Scheidat (Netherlands) reminded the meeting that many factors affected the effectiveness of surveys such as weather conditions, visibility, the abundance of the target species in the area surveyed and the skills of the people analyzing video footage.
189. After edits noted on screen by the Secretariat, it was agreed that the draft resolution could be posted online, for adoption on the final day of the MOP.

<sup>9</sup> Unger, B. et al. 2020. Opportunistically collected data from aerial surveys reveal spatio-temporal distribution patterns of marine debris in German waters. Environmental science and pollution research [online]. 2020. DOI 10.1007/s11356-020-10610-9. <https://link.springer.com/article/10.1007/s11356-020-10610-9>

#### 6.2.4. Resource Depletion

190. Mr Pierce (Instituto de Investigaciones Marinas - CSIC) explained the history of the Resource Depletion Working Group, which he led. The [interim report](#) had been issued and the [draft resolution](#) had been posted online. The terms of reference of the working group included reviewing and synthesizing available information on prey distribution and abundance, health indicators, diet, cetacean distribution, the role of useful new technological tools, integrating information and mitigation measures.
191. One open question was whether there was a direct link between the quantity of prey species and cetaceans, while it was cleared that some fish stocks were being overexploited. If an emaciated cetacean was found stranded, it was not clear whether it had starved to death for lack of prey or whether it had been too ill to hunt. It was, however, likely that prey depletion had a negative impact on cetaceans, with smaller species with a high metabolic rate and the need to feed constantly worst affected.
192. Ms Murphy (GMIT) said that the UK had protocols to investigate the cause of death in stranded animals, and noted that a cause of death of starvation was only given where animals were severely emaciated and, following post-mortem examination, ascertained to have no other significant disease processes that could explain the poor nutritional status. Andrew Brownlow (Scottish Marine Animal Stranding Scheme / Scotland's Rural College - SRUC) noted that identifying resource depletion as cause of morbidity or mortality by examination of stranded animals was often a diagnosis of exclusion. This required a thorough post-mortem examination undertaken by experienced pathologists which should ideally involve both gross necropsy examination and ancillary testing. This included analysis such as evaluating stomach contents and ruling out other factors, such as contaminant burdens. Mr Pierce said that some stranding networks did not have the resources to carry out full examinations. The UK's network was better placed than those in some other countries.
193. Mr Schall (Germany) suggested that the scope of the resolution be broadened from prey depletion to cover food availability. There was evidence that cod populations were moving north, with distribution shifts resulting from climate change. He was insistent that the resolution should not create additional reporting burdens on Parties and that reports submitted to other forums such as ICES should be used. The Chair speaking for Belgium agreed.
194. Mr Pierce noted that the original title related to the working group's remit. He agreed that food availability covered the fact that prey species moved as well as being reduced in number. The title of the resolution had no bearing on the terms of reference of the working group but extending the scope of the resolution might require major redrafting. He agreed that ASCOBANS should use the reports submitted to ICES. He added that some strandings networks would need support if they were to establish whether prey depletion was the cause of strandings.
195. After edits noted on screen by the Secretariat, it was agreed that the draft resolution could be posted online.

#### 6.2.5. Small Cetacean Stranding Response

196. Mr Brownlow (Scottish Marine Animal Stranding Scheme / SRUC) presented the [best practice for cetacean post-mortem investigation and tissue sampling](#). He mentioned a recent case where a dead whale had been found with large amounts of rope and other debris in its stomach.
197. AC24 had discussed two draft necropsy protocols originally dating from the 1990s, so they had been in need of updating. This work had been coordinated by Lonneke Ijsseldijk, Andrew Brownlow and Sandro Mazzariol at a workshop held in June 2019 in Italy. The [report of the workshop](#) was available on the MOP documents. Next steps included establishing an online

repository, possibly hosted on the ASCOBANS website. The best practice protocols were documents so would be constantly updated rather appearing in periodically revised versions.

198. A number of delegates proposed minor amendments to the wording of the draft resolution. Mr Andersen (Denmark) welcomed the paper as he saw a need for guidelines. He noted, however, that some of the recommendations would require more resources to implement. Mr Expert (France) said that some of the actions described were not currently undertaken in France.
199. Mr Haelters (Belgium) said that attempts had been made to establish liaison networks in northern Europe but coordinating databases for strandings and necropsies was difficult. The Netherlands had taken in lead on Harbour Porpoise strandings, mapping where adults and juveniles animals stranded and trying to establish if bycatch was the cause.
200. Ms Renell (Secretariat) said that the Zoological Society of London was developing a web-accessed database for marine mammals stranding and necropsy data under ASCOBANS. The project deadline had been extended because of the COVID pandemic.
201. Ms Blankett (Finland) welcomed the work on developing a database but saw practical difficulties in establishing strandings networks in Finland where the coastline was ca. 46,000 kilometres long, of which 39,000 kilometres was island coastline. Additionally, many of islands/islets were remote.
202. Ms Smith (IWC) gave an update on the IWC's work on strandings. The coordinator had left in December 2019, and Andrew Brownlow had been engaged as a consultant to review and draft the 4-year work plan. The draft would be presented to IWC Scientific Committee in May 2021. The possibility of joint activities with others, such as ACCOBAMS and ASCOBANS, on database development and synergies would be explored.
203. After suggested edits noted on screen by the Secretariat had been agreed, the document was deemed ready for adoption.

#### **6.2.6. CMS Family Guidelines on Environmental Impact Assessments for Marine Noise-generating Activities**

204. Ms Virtue (Secretariat) reported that CMS COP12 had endorsed the [Guidelines](#) and COP13 had re-examined the draft guidelines, with view to the other members of the CMS Family adopting them. In 2016 ASCOBANS MOP8 had welcomed the guidelines but had fallen short of adopting them. The associated [draft resolution](#) was an update to Resolution 8.11, proposing adoption of the Guidelines, and recognizing the relevant ACCOBAMS Resolution and sonar and cetacean interactions workshop held in October 2019.
205. Mr Expert (France) recalled the discussion at MOP8 and recognized that the guidelines were not binding. France had its own national guidelines, produced for use by local authorities and the private sector, and taking account of requirements under the MSFD and OSPAR. The guidelines were available in French and an English translation was in the pipeline.
206. Mr Andersen (Denmark) said that the Danish navy had stressed that security considerations would outweigh other concerns and that the military operated to its own protocols. The Chair said that he had approached the Belgian navy but had not received a reply. Mr Andersen noted that the Danish navy appeared to be the only one raising this issue. Ms Virtue recalled that CMS COP12 had discussed the issue of military sonar and stressed that the guidelines were not binding, and it was recognized that military operations were sensitive and were conducted according to special protocols.
207. Mr Entrup (OceanCare) welcomed the resolution which was a strong signal to the rest of the CMS Family. He said that ACCOBAMS had raised the issue of military sonar, after many

stranding incidents. Acknowledging the point raised by Denmark over military disclosure, he pointed out that the MSFD encouraged navies to respect environmental aspects. He suggested adopting the same wording used in the ACCOBAMS Resolution and that reference be made to the process within the International Maritime Organization for revising its guidelines.

208. Mr Ritter (WDC) supported Mr Entrup and pointed out that noise was a growing concern, being a direct threat to cetaceans. However, removing the source of the noise meant that the threat disappeared. Avoiding noise was better than mitigation.
209. Ms Blankett (Finland) suggested adding a reference to relevant work under OSPAR and HELCOM ([EN Noise](#)), and Ms Carlén (CCB) suggested adding a reference to the IMO shipping guidelines in the preamble.
210. After suggested edits noted on screen by the Secretariat, the document was deemed ready for adoption.

## 7. Administrative and Budgetary Issues

### 7.1. Financial and Administrative Matters 2017-2020

211. Ms Renell (Secretariat) presented the [report of the Secretariat](#) on financial and administrative matters. In summary, there had been no change in the Secretariat's location or status, but a few changes in staffing, including a new Executive Secretary (Amy Fraenkel) as well as two new Coordinators (Aline Kühl-Stenzel in 2017 and Jenny Renell in 2019).
212. The Secretariat had overseen the implementation of seven projects and reported that all assessed contributions had been received from Parties as well as some voluntary ones. Detailed reports on budget implementation had also been submitted to each AC meeting in the past quadrennium. The end-of-year 2019 report could be found in Annex 1 of the document, and the mid-year 2020 report in Annex 2.
213. The [draft resolution](#) approved the expenditures for 2016-2019, and decided that the expenditures for 2020 onwards be discharged and approved by MOP10. As there were no edits suggested, the resolution was adopted as presented.

### 7.2. Financial and Administrative Matters 2021-2024

214. The Chair reported that the Heads of Delegation meeting had suggested that the Budget Working Group should meet in closed session. Mr Simmonds (HSI) said that he believed that ASCOBANS had decided against closed sessions and thought that the move was retrograde, given that the only issues that could be considered sensitive were individual staff members' salaries. Ms Virtue (Secretariat) confirmed that it was customary for the Budget Working Group to meet in closed session away from the plenary: in a face-to-face meeting the Budget Working Group would meet during lunch break, for example. She suggested that the Budget Working Group continue to use the meeting channels and invited observers to log out of the meeting and re-join when the afternoon session started. The Chair did not foresee the need for any further closed sessions.
215. Mr Schall (Germany) said that it was normal practice throughout the CMS Family for budget working groups to be restricted to Parties only and that ASCOBANS should not deviate from this. He said that the plenary discussions of the budget should normally be open to observers. Mr Expert (France) agreed.
216. Ms Renell (Secretariat) presented the [draft resolution](#) and its three Annexes. There were three [budget options](#), the first with an increase of 13.86 per cent, the second with an increase of

15.69 per cent and a third with no increase which would require a reduction of 81 per cent in non-staff costs leaving just €24,000 for non-staff budget lines. She thanked the Parties for the opportunity to discuss the budget proposals in advance of the MOP and drew the meeting's attention to a document covering frequently asked questions regarding the budget options that the Secretariat had shared with Parties prior to MOP9.

217. Ms Svoboda (Netherlands) was not against Option 1 but thought that there were additional opportunities for savings from meetings being virtual. She was concerned about the costs associated with staffing. Serah Jaoko (UNEP) explained that ASCOBANS staff had UNEP contracts with provisions for dependents and there was no scope for removing these entitlements which had to be met from the employing organization's budget.
218. Ms Virtue said that most ASCOBANS staff in the past had been German citizens, so were entitled to fewer additional allowances. Future staff might have to move from overseas and this would involve greater costs. The Finance Officer, Enkhtuya Sereenen (Secretariat) explained the budget process and the standard salary costs for UN duty stations and how these were applied to each individual staff member. With ASCOBANS being a small organization, there was limited flexibility and scope for covering any shortfalls that occurred. It was possible to apply the maximum cost per post, but this would lead to an increase in the Trust Fund budget to protect the Agreement's working reserve. She also noted that excellent record of the ASCOBANS Parties, all of which paid their contributions regularly.
219. Mr Schall (Germany) said that EUROBATS seemed to have resolved the issue having built up a sufficient buffer in the Agreement's budget. Surpluses in staffing lines could be used to fund projects.
220. Mr Ritter (WDC) made a statement on behalf of CCB, HSI, NABU, OceanCare, WDC and WWF after the observers had been excluded from the Budget Working Group, which he thought was counter to the trend within ASCOBANS for greater openness and transparency. He understood the pressures on Ministry budgets and was open to moves to reduce the amount of time spent at ASCOBANS meetings on administrative issues. He was concerned that with cetacean conservation being the primary objective of the meeting, there should be no reduction in the time dedicated to technical issues, especially as the emergency measures being introduced for two discrete populations of species covered by the Agreement showed the urgency of the situation. The NGOs as key stakeholders continued to stand ready to support ASCOBANS and its member countries in its important work.
221. The Vice-Chair who was chairing the Budget Working Group reported back on its deliberations to the plenary. The Working Group had had a productive meeting with considerable progress although some details needed to be agreed. With regard to the frequency of the meetings of the AC, the Working Group favoured a fifth option tabled by Germany with two virtual meetings in Years 1 and 3 and one physical meeting in Year 2.
222. Ms Carlén (CCB / Jastarnia Group) said that the Jastarnia Group had decided to continue to meet annually and would alternate between virtual and physical meetings. Ms Renell noted that the NSG used to arrange its meetings to take place immediately before the AC. Ms Kühl-Stenzel (NABU) asked whether the workload of the Secretariat could be reduced by questioning whether the AC required an institutional session every year. Such a change would no doubt free up extra capacity to support implementation of the agreement. Ms Renell confirmed that this had been discussed at AC25, which concluded that institutional sessions would be kept.
223. The Vice-Chair who had led the Budget Working Group had agreement from Parties on Option 2 fully covering staff costs and increasing non-staff costs to meet inflation, and holding intersessional meetings online on Years 1 (2021) and 3 (2023) of the budget period. This brought the overall increase of the total budget to 14.55 per cent compared to the 2017-2020

budget. Text had been added to the draft resolution (paragraph 12), to address Parties' concern on how to have a less vulnerable budget for ASCOBANS.

## 8. Adoption of Any Documents

224. The Secretariat had circulated a list of all the Conference Room Papers (in-session documents) at the end of Day 4 for adoption on the final day of the MOP. These were:

- ASCOBANS/MOP9/CRP 1.2 and 1.2b the Rules of Procedure for Meetings of the Parties to ASCOBANS and the Annex on Operating Procedures for Virtual Meetings were adopted. These are included in Annex 1 of this report.
- ASCOBANS/MOP9/CRP 5.1 National Reporting was adopted with the addition of a section 'Burning Issues' requested by Belgium, and the deletion of the word 'Bycatch' from Section IV on strandings requested by the UK.
- ASCOBANS/MOP9/CRP 5.2 Work Plan for the ASCOBANS Advisory Committee and Secretariat 2021-2024 was adopted with the deletion of an explicit reference to the future hosting of the 'Kid's Website'.
- ASCOBANS/MOP9/CRP 6.1.1 the Baltic Proper Harbour Porpoise was adopted with minor amendments to the wording. Germany placed on record its position of not being able to endorse paragraph 10, regarding a proposal to list the population on CMS Appendix I.
- ASCOBANS/MOP9/CRP 6.1.4 Common Dolphins, ASCOBANS/MOP9/CRP 6.2.1 Monitoring and Mitigation of Small Cetacean Bycatch and ASCOBANS/MOP9/CRP 6.2.3 Marine Debris were all adopted as presented.
- ASCOBANS/MOP9/CRP 6.2.4 Food Availability and Resource Depletion was adopted with Germany placing on record its insistence that adoption did not entail any new reporting burdens on Parties under ASCOBANS.
- ASCOBANS/MOP9/CRP 6.2.5 Small Cetacean Stranding Response, ASCOBANS/MOP9/CRP 6.2.6 CMS Family Guidelines on Environment Impact Assessment for Marine Noise-generating Activities and ASCOBANS/MOP9/CRP 7.2 Financial and Administrative Matters 2021-2024 were all adopted. The Secretariat pointed out some minor adjustments to the table of figures resulting from more accurate rounding, provided by the CMS Administrative and Finance Management Unit.

225. The Secretariat confirmed that all adopted resolutions would be made available on the [MOP9 website](#).

## 9. Any Other Business

226. The Chair noted that some items had been flagged for discussion under this part of the agenda.

### German Red List

227. Mr Dähne (Germany) said that a Red List Centre had been established to update the German Red List and underpin the work of the IUCN with better local knowledge. The first taxonomic group to be dealt with was marine mammals and the report would be published on the web in the autumn of 2020. An assessment of threats would follow. The Harbour Porpoise had been assessed as Endangered, but this covered the country's entire population and the status of the Baltic population was recorded as Critically Endangered. The Bottlenose Dolphin was now considered extinct in the Baltic. The Minke Whale as well as the White-beaked Dolphin were now found frequenting the Dogger Bank. Four new species were covered – the Humpback Whale, the White-sided Dolphin, the Common Dolphin and the Fin Whale.

## Grey Seals

228. Mr Andersen (Denmark) had heard rumours that fishermen were using large mesh gill nets to drown Grey Seals that were taking catch from fishing gear. He feared that this illegal practice might also be used against Harbour Porpoises. He asked if other countries had similar experiences. Mr Dähne (Germany) said that there had been a stranding incident in 2017 involving Grey Seals where it had been established that the cause of death was drowning. The case had been referred to the courts, but no culprits had been identified. As a result, the size of the opening of nets had been reduced to 80cm and since then there had been no similar Grey Seal strandings.
229. Mr Simmonds (HSI) agreed that if Grey Seals could be caught in this way, then it was likely that Harbour Porpoises were also susceptible. He had contributed to two papers on seal culling in the region and commented that under the US Marine Mammal Protection Act, exports of fish products were prohibited if mammals died as a result of fishing. He said that drowning marine mammals was a particular cruel way of killing them. Ms Blankett (Finland) said that [EU had regulation](#) ((EU) 2015/1775) on a trade ban that applied to seal products produced in the EU and to imported seal products. She requested Mr Simmonds to circulate the papers referred to.

## Metrics of Success

230. Mr Simmonds (HSI) noted that the question of measuring the impact of the Agreement had been raised earlier on the meeting (see item 4.2). Various stakeholders involved in implementing ASCOBANS were periodically asked to justify their work to their managers. For example, Mr Simmonds said he had been asked how many whales and dolphins ASCOBANS had saved. It was important to demonstrate progress and the effectiveness of ASCOBANS across a range of activities. Outreach and education could be one topic area where this might be achievable by determining how many people ASCOBANS was reaching and how, and whether ASCOBANS could demonstrate changes in opinion or awareness.
231. Ms Scheidat (Netherlands) said that the national reports could be used to show how the Agreement had progressed by assessing bycatch better and the expansion of stranding networks.
232. Mr Ritter (WDC) said Parties should reflect on the Agreement's activities generally and highlight its main purposes and achievements to reinforce commitment to this important international instrument.

## Strandings of Beaked Whales

233. Mr Ritter (WDC) reminded the meeting of a number of stranding incidents. Several Cuvier's Beaked Whales had stranded in 2018 and it was still not clear why. Bottlenose Dolphins had stranded in the Faroes, Ireland and the UK. Many of the species involved were categorized as Data Deficient and the level of monitoring at sea was inadequate. Mr Ritter thought ASCOBANS could raise profile of the issue and proposed that an intersessional working group be established, volunteered Sarah Dolman (WDC) to lead the group. The working group could bring together experts to collect data of recent strandings, population abundance and distribution, and discuss potential reasons for the strandings. A report could be prepared for presentation to AC26.
234. Mr Evans (Sea Watch Foundation / ECS) said two issues were coinciding. One was the northward expansion of beaked whales' distribution beyond the British Isles towards Iceland and the other was increasing military activity as relations between NATO countries and the Russian Federation became more strained. The military was carrying out more tests involving low frequency sonar and it was suspected that this might be the cause of the increase in stranding incidents. This could only be proved if more post-mortems on fresh cadavers could be carried out.

235. Mr Simmonds (HSI) said that such incidents would probably be regarded by the IWC as 'abnormal mortality events' and if the military were involved, they would be difficult to investigate. Post-mortems were difficult because of the size of the bodies, but it was important to act quickly before the cadavers discomposed. Ms Svoboda (Netherlands) said that two Bottlenose Dolphins had stranded in the Netherlands in the past week and post-mortems were being conducted.
236. The Secretariat undertook to circulate a call for people interested in joining the Intersessional Working Group on Beaked Whales.

#### Voluntary Contributions

237. Ms Renell (Secretariat) announced that two pledges of voluntary contributions had been received, from Finland for €6,250 and from Germany for €25,600, and the process for receiving the funds would be initiated. Ms Svoboda (Netherlands) announced a voluntary contribution of €5,000 and Ms Bell (UK) one of GB£10,000. The news of these voluntary contributions was welcomed with gratitude.

#### **10. Date and Venue of the 26<sup>th</sup> Meeting of the Advisory Committee and the 10<sup>th</sup> Meeting of the Parties**

238. Ms Renell (Secretariat) said that AC26 would be held in the period September-November 2021. It would be conducted online, and the Secretariat would likely host it. Parties noted that the dates should not clash with the AEWA MOP or the CBD COP in October.
239. MOP10 was due to be held in 2024, 30 years after MOP1 and the entry into force of the Agreement, so it would mark a major milestone. All Parties except France, Lithuania and Poland had hosted a MOP. Expressions of interest would be welcome.

#### **11. Close of the Meeting**

240. The Chair invited participants to make closing statements.
241. Ms Nyström (WWF Sweden) speaking on behalf of CCB, HSI, NABU, OceanCare, Sea Watch and WDC, stressed the importance of ASCOBANS, the poor conservation status of cetaceans as highlighted in the recent report by 300 experts and the need for the Agreement to co-operate with other forums. She welcomed the adoption of the Resolutions and said that ASCOBANS was as necessary now as it had been when it started. The full statement is available in Annex 3 of this report. The Chair thanked the NGOs for their positive contribution to the meeting and the Agreement generally.
242. Ms Virtue (Secretariat) said that the Executive Secretary was pleased to have had the chance to address the meeting and had been following progress with interest. The meeting had gone well, with positive resolutions adopted and a clear road map for the next four years. The budget settlement meant that the Secretariat was on a firm footing while it was acknowledged that the financial climate was not favourable. The announcement of four new voluntary contributions was a pleasant bonus. A questionnaire would be circulated to participants to seek their views on how the online meeting had been.
243. Ms Virtue thanked Ms Renell who had taken over as Coordinator halfway through the quadrennium, and had helped maintain the momentum achieved by Heidi Frisch-Nwakanma and Aline Kühl-Stenzel. She also thanked the Secretariat support team and complemented Mr Warrie on his chairing of the meeting, which was all the more commendable given that he was new to ASCOBANS and had not led such a meeting before. The Chair declared the meeting closed at 11:45 CEST.

## Annex 1:

### RULES OF PROCEDURE FOR THE MEETING OF THE PARTIES TO ASCOBANS

*(as adopted by MOP9, including an Annex relating to virtual meetings)*

#### PART I

#### DELEGATES, OBSERVERS, SECRETARIAT

##### Rule 1: Delegates

- (1) A Party to the Agreement (hereafter referred to as a "Party")<sup>1</sup> shall be entitled to be represented at the meeting by a delegation consisting of a Representative and such Alternative Representatives and Advisers as the Party may deem necessary.
- (2) The Representative of a Party shall exercise the voting rights of that Party. In the absence of the Representative, an Alternative Representative of that Party shall act as a substitute over the full range of the Representative's functions.
- (3) Seating limitations may require that no more than four delegates of any Party be present at a plenary session and sessions of the Meeting of the Parties or any working group established by the Meeting of the Parties in accordance with Rule 23.

##### Rule 2: Observers

- (1) All non-Party Range States, Regional Economic Integration Organizations bordering on the waters concerned, and other bodies referred to in Article 6.2.1 of the Agreement may be represented at the meeting by observers.
- (2) Any other body qualified in cetacean conservation and management referred to in Article 6.2.2 of the Agreement desiring to be represented at the meeting by observers shall inform the Secretariat at least 90 days prior to the opening of the meeting, unless it has previously been approved for participation.<sup>2</sup> The Secretariat shall inform the Parties of the new requests received within five days of receipt. The observers shall be entitled to be present unless at least one-third of the Parties have opposed their application in writing at least 30 days before the meeting.
- (3) Observers shall have the right to participate but not to vote.
- (4) Seating limitations may require that no more than two observers from any non-Party Range State or body be present at a plenary session and sessions of the Meeting of the Parties or of any working group established by the Meeting of the Parties in accordance with Rule 23.

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<sup>1</sup> See Agreement, paragraph 1.2, sub-paragraph (e), and paragraphs 8.4 and 8.5. A Party is a Range State or a Regional Economic Integration Organization which has deposited with the United Nations Headquarters by 27 August 1994 its consent to be bound by the Agreement.

<sup>2</sup> The Secretariat shall maintain a list of approved bodies, available at <http://www.ascobans.org/en/page/approved-observer-organizations-mop-and-ac-meetings>. This list shall include bodies referred to in Article 6.2.1 of the Agreement, as well as any that have been admitted as observers to at least three meetings of the Advisory Committee or Meeting of the Parties. The list of approved observers can be amended at the written request of at least one-third of the Parties up to 60 days before the meeting.

### **Rule 3: Credentials**

- (1) The Head of Delegation, any Alternative Representative(s) or Advisor(s) of a Party will be accredited to fully represent the Party at the session of the MOP by the Head of State, Head of Government, Minister of Foreign Affairs, the Minister or Deputy of the focal Ministry/Authority for ASCOBANS, or, in the case of a regional economic organization, by the competent authority of that organization<sup>3</sup> <sup>4</sup>.
- (2) Credentials will include: the full title and date of the session of the MOP; a full list of representatives authorized to represent the Party and to transact all such matters with an indication of who is Head of Delegation; a full signature of the appropriate authority as indicated above and printed on official letterhead, preferably with a seal, clearly indicating that the credentials have been issued by the appropriate authority. The Secretariat will provide a credential template as an example, together with the notification of the venue and dates of the session of the MOP.
- (3) Credentials will be submitted in their original form to the ASCOBANS Secretariat within 24 hours of the start of the MOP. If credentials are presented in a language other than English, they will be accompanied by a courtesy translation into English, in accordance with Rule 19.
- (4) A Credentials Committee of at least three Parties will be set up in accordance with Rule 23 to examine submitted credentials and shall report thereon to the meeting.
- (5) Pending a decision on their credentials, representatives may participate provisionally in the meeting, but not vote

### **Rule 4: Secretariat**

Unless otherwise instructed by the Parties, the Secretariat shall service and act as secretariat for the meeting. Secretariat services are provided through the UNEP/CMS Secretariat.

## **PART II**

### **OFFICERS**

#### **Rule 5: Chairpersons**

- (1) The Chairperson of the Advisory Committee shall act as temporary Chairperson of the Meeting until the Meeting elects a Chairperson in accordance with Rule 5, paragraph (2).
- (2) The Meeting in its inaugural session shall elect from among the delegates of the contracting Parties a Chairperson and a Vice-Chairperson.

#### **Rule 6: Presiding Officer**

- (1) The Chairperson shall preside at all plenary sessions of the meeting.
- (2) If the Chairperson is absent or is unable to discharge the duties of Presiding Officer, the Vice-Chairperson shall deputise.

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<sup>3</sup> As defined under Article I, paragraph 1(k) of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) – “regional economic integration organization constituted by sovereign States which has competence in respect of the negotiation, conclusion and application of international Agreements in matters covered by this Convention for which this Convention is in force”.

<sup>4</sup> For the purpose of interpreting this Rule, in the case of the European Union “competent authority” means the President of the European Commission or the Commissioner responsible for ASCOBANS.

- (3) The Presiding Officer shall not vote, but may designate an Alternative Representative from the same delegation.

### **PART III**

#### **RULES OF ORDER OF DEBATE**

##### **Rule 7: Powers of Presiding Officer**

- (1) In addition to exercising powers conferred elsewhere in these Rules, the Presiding Officer shall at plenary sessions of the Meeting:
- (a) open and close the session;
  - (b) direct the discussions;
  - (c) ensure the observance of these Rules;
  - (d) accord the right to speak;
  - (e) put questions to the vote and announce decisions;
  - (f) rule on points of order; and
  - (g) subject to these Rules, have complete control of the proceedings of the Meeting and the maintenance of order.
- (2) The Presiding Officer may, in the course of discussion at a plenary session of the Meeting, propose to the Meeting:
- (a) time limits for speakers;
  - (b) limitation of the number of times the members of a delegation or observers from a State which is not a Party or a Regional Economic Integration Organization, or from any other body, may speak on any subject matter;
  - (c) the closure of the list of speakers;
  - (d) the adjournment or the closure of the debate on the particular subject under discussion;
  - (e) the suspension or adjournment of any session; and
  - (f) the establishment of drafting groups on specific issues.

##### **Rule 8: Seating, Quorum**

- (1) Delegations shall be seated in accordance with the alphabetical order in the English language of the names of the Parties, non-Party Range States, including Regional Economic Integration Organizations, and non-Range States.
- (2) A quorum for plenary sessions shall consist of two thirds of the Parties. No plenary session shall take place in the absence of a quorum.

##### **Rule 9: Right to Speak**

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

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**Rule 10: Submission of Proposals for Amendment of the Agreement and its Annex**

- (1) As a general rule, proposals for amendment of the Agreement or its Annex, together with the reasons for the amendment, shall be communicated at least 90 days before the Meeting to the Secretariat, which shall circulate them to all Parties in the working language of the Meeting. Proposals arising out of discussion of the foregoing may be discussed at any plenary session of the Meeting, provided copies have been circulated to all delegations not later than the day preceding the session. However, decisions with respect to such proposals shall follow the provisions of paragraph 6.5 of the Agreement.
- (2) After a proposal has been adopted or rejected by the Meeting, it shall not be reconsidered unless a two-thirds majority of the Parties participating in the meeting so decide. Permission to speak on a motion to reconsider a proposal shall be accorded only to a delegate from each of two Parties wishing to speak against the motion, after which the motion shall immediately be put to the vote.

**Rule 11: Submission of Documents and Resolutions**

- (1) As a general rule, draft Resolutions shall be submitted to the Secretariat at least 95 days before the meeting, who shall circulate them to all Parties at least 90 days before the meeting. The remaining provisions of Rule 10 shall also apply *mutatis mutandis* to the treatment of draft Resolutions.
- (2) As a general rule, documents intended for discussion at the meeting shall be submitted to the Secretariat at least 35 days before the meeting, who shall circulate them to all Parties at least 30 days before the meeting.

**Rule 12: Procedural Motions**

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

**Rule 13: Arrangements for Debate**

- (1) The Meeting may, on a proposal by the Presiding Officer or by a delegate, limit the time to be allowed to each speaker and the number of times delegates or observers may speak on any subject matter. When the debate is subject to such limits, and a speaker has spoken for the allotted time, the Presiding Officer shall call the speaker to order without delay.
- (2) During the course of a debate the Presiding Officer may announce the list of speakers and, with the consent of the meeting, declare the list closed. The Presiding Officer may, however, accord the right of reply to any delegate if a speech delivered after the list has been declared closed makes this desirable.

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

## **PART IV**

### **VOTING**

#### **Rule 14: Methods of Voting**

- (1) Without prejudice to the provisions of Rule 1, Paragraph 2, each Representative duly accredited according to Rule 3 shall have one vote. Regional Economic Integration Organizations, in matters within their competence, shall exercise their voting rights with a number of votes equal to the number of their Member States that are Parties to the Agreement. In such case, the Member States of such organizations shall not exercise their right individually.
- (2) The Meeting shall normally vote by show of hands, but any Party may request a roll-call vote.
- (3) At the election of officers or of prospective host countries, any Party may request a secret ballot. If seconded, the question of whether a secret ballot should be held shall immediately be voted upon. The motion for a secret ballot may not be conducted by secret ballot.
- (4) Voting by roll-call or by secret ballot shall be expressed by "Yes", "No" or "Abstain". Only affirmative and negative votes shall be counted in calculating the number of votes cast by Parties present and voting.
- (5) If votes are equal, the motion or amendment shall not be carried.
- (6) The Presiding Officer shall be responsible for the counting of the votes and shall announce the result. The Presiding Officer may be assisted by tellers appointed by the Secretariat.
- (7) After the Presiding Officer has announced the beginning of the vote, it shall not be interrupted except by a Representative on a point of order in connection with the actual conduct of the voting. The Presiding Officer may permit Representatives to explain their votes either before or after the voting, and may limit the time to be allowed for such explanations.

#### **Rule 15: Majority**

Except where otherwise provided for under the provisions of the Agreement or these Rules, all votes on procedural matters relating to the forwarding of the business of the meeting shall be decided by a simple majority of Parties. All other decisions shall be taken by a simple majority among Parties present and voting, except that financial decisions and amendments

to the Agreement and its Annex require a three-quarter majority among those present and voting.

#### **Rule 16: Procedure for Voting on Motions and Amendments**

- (1) A delegate may move that parts of a proposal or of an amendment be voted upon first. Permission to speak on the motion for division shall be accorded only to a delegate from each of two Parties wishing to speak in favour of and a delegate from each of two Parties wishing to speak against the motion. If the motion for division is carried, those parts of the proposal or amendment that are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.
- (2) When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Meeting shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on until all amendments have been put to the vote. If, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amendment proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.
- (3) If two or more proposals relate to the same question, the Meeting shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Meeting may, after voting on a proposal, decide whether to vote on the next proposal.

#### **Rule 17: Elections**

- (1) If, in an election to fill a vacancy, no candidate obtains the required majority in the first ballot, a second ballot shall be taken restricted to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the Presiding Officer shall decide between the candidates by drawing lots.
- (2) If, in the first ballot, there is a tie amongst candidates obtaining the second largest number of votes, a special ballot shall be held to reduce the number of these candidates to two.

### **PART V**

#### **LANGUAGES AND RECORDS**

##### **Rule 18: Working Language**

English shall be the working language of the Meeting.

##### **Rule 19: Other Languages**

- (1) A delegate may speak in a language other than English, provided he/she furnishes interpretation into English.
- (2) Any document submitted to the Meeting shall be in English.

##### **Rule 20: Summary Records**

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

## PART VI

### OPENNESS OF DEBATES

#### Rule 21: Plenary Sessions

All plenary sessions of the Meeting shall be open to the public, except that in exceptional circumstances the Meeting may decide, by a two-thirds majority of Parties present and voting, that any single session be closed to the public.

#### Rule 22: Sessions of the Working Groups

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

## PART VII

### WORKING GROUPS

#### Rule 23: Establishment of Working Groups

The Meeting of the Parties may establish such working groups as may be necessary to enable it to carry out its functions. It shall define the terms of reference, composition, and elect the Chairpersons of each working group. Seating limitations may restrict the size of each working group.

#### Rule 24: Procedure

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

## PART VIII

### FINAL PROVISIONS

#### Rule 25: Amendments to the Rules of Procedure

These rules may be amended as required by decision of the Meeting of the Parties. They will remain in force until and unless an amendment is called for and adopted.

## **ANNEX: OPERATING PROCEDURES FOR VIRTUAL MEETINGS**

### **With reference to Rule 1: Delegates**

- There will be no limitations on how many delegates of any Party may be present. However, in the interest of efficiency it is recommended that the size of each delegation not exceed 10 connections.

### **With reference to Rule 2: Observers**

- There will be no limitations on how many delegates of observer organization, admitted in accordance with Rule 2 (1) and (2), may be present. However, in the interest of efficiency it is recommended that the size of each delegation not exceed 10 connections.

### **With reference to Rule 3: Credentials**

- Duly signed credentials shall be submitted to the Secretariat in an electronic format via email as soon as available, and before start of the Meeting at the latest. The hard copy shall be mailed to the Secretariat, for its records, but it does not need to arrive before start of the Meeting.
- If, after the formal announcement of the meeting, the venue is changed or moved to an online format, the credentials do not need to be amended to reflect the change in venue. The same applies for the dates of the meeting, if any changes are within 30 days of the original published dates.

### **With reference to Rule 8: Seating, Quorum**

- For the purpose of determining quorum and decision-making under the Rules, 'presence' includes remote presence via a video link or telephone.

### **With reference to Rule 11: Submission of Documents and Resolutions**

- If, after the formal announcement of the meeting dates, a change to online format necessitates a change in start or end dates of up to five days, the document deadline will not change.

### **With reference to Rule 14: Methods of Voting**

- If voting is called for, the Secretariat will advise Parties on how it will be handled online, taking into account the functionality of the online platform being used, and the nature of the voting method decided upon.

### **With reference to of Rule 19: Other Languages**

- Any Party that wishes to provide interpretation into a language other than English, shall inform the Secretariat at least 30 days in advance of the meeting, so that the Secretariat can determine if such a request can be accommodated technically, and if so, make the necessary arrangements.

**Annex 2:**  
**List of Participants**

**PARTIES**

| <b>Representative</b> | <b>Position</b>                      | <b>Email</b>                                 | <b>Telephone</b>  |
|-----------------------|--------------------------------------|--|-------------------|
| <b>Belgium</b>        |                                      |  |                   |
| Jens WARRIE*          | Policy Advisor Marine Environment    | jens.warrie@health.fgov.be                   |                   |
| Jan HAELTERS          | Advisor                              | jhaelters@naturalsciences.be                 | +32 59 24 20 55   |
| Sophie MIRGAUX        | Special Envoy for the Ocean          | sophie.mirgaux@health.fgov.be                | +32 476 86 29 38  |
| Arno VERHASSELT       | Policy Advisor Marine Environment    | arno.verhasselt@health.fgov.be               |                   |
| <b>Denmark</b>        |                                      |  |                   |
| Ejgil E. ANDERSEN*    | Forest and Environmental Officer     | eea@mst.dk                                   | +45 23730228      |
| <b>Finland</b>        |                                      |  |                   |
| Penina BLANKETT*      | Ministerial Adviser                  | penina.blankett@ym.fi                        | +358 504638196    |
| Heikki LEHTINEN       | Ministerial Adviser                  | heikki.lehtinen@mmm.fi                       | +358 407709496    |
| Olli LOISA            | Senior Specialist                    | olli.loisa@turkuamk.fi                       |                   |
| <b>France</b>         |                                      |  |                   |
| Florian EXPERT*       | Policy Advisor for Marine Species    | florian.expert@developpement-durable.gouv.fr | +33 1 40 81 32 09 |
| Sami HASSANI          | Conservation Director Marine Mammals | sami.hassani@oceanopolis.com                 | +33 6 30126886    |
| Magali NAVINER        | Deputy Head of Office                | magali.naviner@developpement-durable.gouv.fr | +33 1 40 81 33 64 |
| Vincent RIDOUX        | Professor                            | vridoux@univ-lr.fr                           | +33 5 46 50 76 69 |

\* Head of Delegation

| Representative         | Position                              | Email                           | Telephone       |
|------------------------|---------------------------------------|---------------------------------|-----------------|
| <b>Germany</b>         |                                       |                                 |                 |
| Patricia BRTNIK        | Biologist                             | patricia.brtnik@meeresmuseum.de | +49 3830186158  |
| Michael DÄHNE          | Curator Marine Mammals                | michael.daehne@meeresmuseum.de  | +49 38312650310 |
| Oliver SCHALL*         | German ASCOBANS Focal Point           | oliver.schall@bmu.bund.de       | +49 2283053632  |
| Dana WIEMANN           | Finance Officer                       | dana.wiemann@bmu.bund.de        |                 |
| <b>The Netherlands</b> |                                       |                                 |                 |
| Anne-Marie SVOBODA*    | Senior Policy Officer Aquatic Species | a.m.svoboda@minInv.nl           | +31 611376219   |
| Meike SCHEIDAT         | Senior Researcher                     | meike.scheidat@wur.nl           |                 |
| <b>Poland</b>          |                                       |                                 |                 |
| Monika LESZ*           | Councillor to the Minister            | monika.lesz@mos.gov.pl          | +48 223692667   |
| Katarzyna KAMIŃSKA     | Chief Expert                          | k.kaminska@mgm.gov.pl           | +48 225838934   |
| <b>Sweden</b>          |                                       |                                 |                 |
| Susanne VIKER*         | Senior Analyst                        | susanne.viker@havochvatten.se   | +46 106986076   |
| Sara KÖNIGSON          | Researcher                            | sara.konigson@slu.se            | +46 702215915   |
| <b>United Kingdom</b>  |                                       |                                 |                 |
| Catherine BELL*        | Policy Advisor                        | catherine.bell@defra.gov.uk     | +44 7796336021  |
| Kelly MACLEOD          | Senior Marine Species Advisor         | kelly.macleod@jncc.gov.uk       |                 |
| Nicola TAYLOR          | Marine Species Adviser                | nikki.taylor@jncc.gov.uk        |                 |

\* Head of Delegation

**OBSERVERS: NON-PARTY RANGE STATES**

| Representative        | Position   | Email                 | Telephone                |
|-----------------------|--|-----------------------|--------------------------|
| <b>Spain</b>          |  |                       |                          |
| Elvira GARCIA-BELLIDO | Head of Marine Protected Species Unit                            | emgbellido@miteco.es  |                          |
| <b>Russia</b>         |  |                       |                          |
| Alexander PROSKURIN   | Consultant of Division, Department for International Cooperation | AProskurin@mnr.gov.ru | +7 4992522359, ext. 1299 |

**OBSERVERS: INTER-GOVERNMENTAL ORGANIZATIONS**

**Agreement for the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS)**

|                   |                             |                          |               |
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### Annex 3:

#### Closing Statement from NGOs

We, the following non-governmental organizations present at the ninth Meeting of Parties of ASCOBANS, provide this joint closing statement:

*Coalition Clean Baltic (CCB), Humane Society International (HSI), Nature and Biodiversity Conservation Union (NABU), OceanCare, Sea Watch Foundation (SWF), Whale and Dolphin Conservation (WDC) and World Wide Fund for Nature (WWF)*

We reaffirm our strong support for this Agreement and our intention to continue to assist in its work, and we again thank all concerned for the excellent facilitation of this first virtual meeting of the Agreement, especially the Secretariat and the host government Belgium.

For us, ASCOBANS continues to be an important regional agreement for the following reasons:

- It provides a key focus for the development of mechanisms to address the pressing issues affecting small cetaceans in the extended Agreement Area, and we have noted that this was acknowledged and encouraged by the representative from the European Commission during the meeting;
- It covers a wide range of species and populations many of which are subject to high removal rates in fisheries, all of which are exposed to expanding and harmful human activities in the marine environment, some of which, very concerningly, have unknown status and one of which is Critically Endangered;
- The Agreement maintains four important action plans for harbour porpoise and common dolphin, which are in need of urgent and complete implementation;
- Considering non-EU member and range states, we see ASCOBANS of increasing importance in terms of facilitating conservation action beyond EU-borders and maintaining dialogue between the Parties;
- Whilst we acknowledge that there is overlap with other international fora in terms of addressing issues, there is no alternative international body focused on the conservation of cetaceans in this region. Synergies should be sought, not replacement.

We would also like to draw everyone's attention to the recent [statement concerning cetacean conservation](#) made by more than 300 cetacean experts from more than 40 countries, calling for global action to protect whales and dolphins from the threat of extinction. The statement concluded: "Whales, dolphins and porpoises are seen and enjoyed all over the world, and are valued as sentient, intelligent, social and inspiring species; we should not deny future generations the opportunity to experience them. They are also sentinels of the health of our seas, oceans and, in some cases, major river systems, and the role of cetaceans in maintaining productive aquatic ecosystems, which are key for our survival as well as theirs, is also becoming clearer."

In conclusion, we believe that the need for ASCOBANS remains as important now as when it was first conceived and agreed, and we call on Parties to continue to fully support it. We were very pleased to see all Parties and two range states represented as well as the conclusion of comprehensive resolutions on threats including marine noise, marine debris, prey depletion and bycatch.