

Agenda Item 2.1

Review of New Information on Threats and
Other Issues Relevant to Small Cetaceans

Noise

Information Document 2.1c

**Terms of Reference and Operational
Procedures for the Industry Advisory
Group on Underwater Noise**

Action Requested

Take note

Submitted by

Secretariat

Terms of Reference and Operational Procedures for the Industry Advisory Group on Underwater Noise

Purpose and Objective

The Joint CMS/ACCOBAMS/ASCOBANS Noise Working Group ([JNWG](#)), which serves to advise the Secretariats and technical advisory bodies of these conservation treaties on matters related to underwater noise, is composed of experts in the fields of science, policy and relevant civil society organizations that are members and observers of the scientific and advisory bodies of CMS, ACCOBAMS and ASCOBANS, as well as invited experts.

CMS Resolution 12.14 [Adverse Impacts of Anthropogenic Noise on Cetaceans and Other Migratory Species](#) invites the private sector to assist in developing mitigation measures and/or alternative techniques and technologies for coastal, offshore and maritime activities in order to minimize anthropogenic noise pollution of the marine environment to the highest extent possible.

Accordingly, the Co-Chairs of the JNWG have been instructed to consult industry experts, as required, on the technical feasibility of proposed measures as well as on any alternative measures or solutions. To facilitate this process, this Industry Advisory Group (IAG) has been created. The IAG may be invited to address specific questions and give advice to the JNWG.

CMS Resolution 12.14 determines that the JNWG should always give precautionary advice. It is in this spirit that the expertise of the IAG will be sought, enabling the JNWG to base its advice on the best available scientific and technical information, also where it relates to industry.

Terms of Reference

The IAG will carry out the following **advisory** functions, specifically:

1. Providing focused advice on the technical feasibility of proposed measures which include but are not limited to activities such as seismic surveys, construction work, vessel traffic or high-powered military sonar;
 - a. Where appropriate provide alternative measures, solutions and technology.
 - b. Provide technical explanations of industry issues where appropriate.
 - c. Provide any technical and scientific literature that may be useful in aiding the group's understanding.
 - d. Where appropriate, suggest measures or technology that have the same result and effect that may prove more cost-effective, taking into consideration the environmental impact.
2. Providing advice on collaboration:
 - a. Suggest and highlight opportunities that other bodies could provide in relation to technical assistance, information or influence.
 - b. Region-specific requirements that may need to be considered.
 - c. Any other specific technical advice or recent industry developments that could be relevant to the objective of JNWG.

Any advice given by the IAG is voluntary. Similarly, the JNWG remains fully responsible for any advice it gives to the Secretariats and technical advisory bodies of CMS, ACCOBAMS and ASCOBANS. Due recognition will be given of input received from the IAG, while acknowledging that the decision on the content, scope and nature of the advice provided by the JNWG remains its sole responsibility.

The aim is to have as many different industries as possible represented in the IAG. IAG and JNWG members as well as the Secretariats are encouraged to reach out to invite additional members.

Operational Procedures

Structure and Group Composition

1. Experts from all relevant industries are welcome and encouraged to join the IAG. This could include, but not be limited to, the shipping sector, oil and gas industry, shoreline developers, offshore extractors or marine renewable energy companies.
2. The persons that serve on the IAG can do so in an individual expert capacity, or as representatives of their organizations or companies.
3. Members must submit completed registration forms to the IAG Co-Chairs. Any changes to the membership of the IAG should be communicated by the IAG Co-Chairs to the JNWG Co-Chairs and the Secretariats.
4. By agreeing to join the IAG the members commit themselves to fulfill the purpose and objectives of their advisory role.
5. The IAG should elect two Co-Chairs representing different industries who will handle all the communication between the IAG, the JNWG Co-Chairs and the Secretariats.
6. The Co-Chairs should serve a term of three years, after which a new election should be called by the Secretariats. Those that have been previously elected are eligible for re-election.

Modus Operandi

1. The IAG is a specialized expert group which fulfils a crucial technical advisory role in relation to information on the specified industry-related issues that are brought to its attention by the JNWG Co-Chairs.
2. The IAG will provide its technical advice through its Co-Chairs within a deadline fixed by the JNWG Co-Chairs.
3. The JNWG Co-Chairs will circulate the IAG's advice to JNWG members. It is within the discretion of the JNWG to what extent any advice will be reflected in their outputs.
4. Recognizing the diverse backgrounds and experience of its members, the IAG should encourage divergent and concurrent opinions to be represented. If there is a fundamental disagreement on any advice given by any member this should also be noted and represented.
5. The IAG Co-Chairs are responsible for communicating the IAG's final advice by email to both elected Co-Chairs of the JNWG, keeping the Secretariats informed.
6. The JNWG Co-Chairs will send by email the final document prepared by the JNWG to the IAG Co-Chairs for circulation within the IAG.

Amendment of the Operational Procedures and Terms of Reference

These operational procedures and terms of reference can be amended by the Secretariats of CMS, ACCOBAMS and ASCOBANS, acting at the request of their relevant bodies or the JNWG.