

**Agenda Item 7.3:           Draft Resolutions for MOP 4**

**Draft Resolution No. 6: Incidental Take of Small Cetaceans**

**Submitted by:           Secretariat**



**ASCOBANS**

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

## **4<sup>th</sup> Meeting of the Parties**

### **Draft Resolution No. 6**

#### **Incidental Take of Small Cetaceans**

The Meeting of the Parties:

RECALLING the Annex to the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas, according to which "... management measures shall be applied ..." to develop, in the light of available data indicating unacceptable interaction, modifications of fishing gear and fishing practices in order to reduce by-catches and that in the waters of EU Member States, Article 2 of Council Regulation (EEC) No. 3760/92 of December 1992 stipulates that the common fisheries policy shall provide for rational and responsible exploitation on a sustainable basis, taking account of the implications for the marine ecosystem;

RECALLING that, in the waters of EU Member States, Article 12.4 of Council Directive 92/43/EEC requires States to establish a system to monitor the incidental capture and killing of all cetaceans, and that in the light of the information gathered they shall take further research or conservation measures as required to ensure that incidental capture and killing does not have a significant negative impact on the species concerned;

RECALLING the Statement of Conclusions at the Intermediate Ministerial Meeting on the Integration of Fisheries and Environmental Issues held in March 1997 in Bergen, where Ministers agreed to take appropriate measures to minimise, in accordance with the FAO Code of Conduct for Responsible Fisheries, adverse impact of fishing activities on North Sea species and their habitats;

RECALLING the recommendations adopted at this meeting concerning the future work on abundance estimates and population structure;

RECALLING Resolution 6.2 on by-catch adopted by the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) at its Sixth Meeting (Cape Town, November 1999) and Recommendation 7.2 by the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) at its Seventh Meeting (Bonn, September 2002);

RECALLING the findings in the report of the ASCOBANS working group on by-catch, November 1997, "Cetacean by-catch issues in the ASCOBANS area", which documents

levels of by-catch in some North Sea fisheries, and studies that have helped define the sub-structure of harbour porpoise populations in the North Sea;

RECALLING that the above report documents an abundance estimate of 170,000 harbour porpoises in the central and south North Sea and a minimum estimated annual by-catch of 4,450 harbour porpoises in this area; and an abundance estimate of 36,000 harbour porpoises and a minimum estimated annual by-catch of 2,200 animals on the Celtic Shelf, which is adjacent to the ASCOBANS area and where catches may have an adverse effect on the recovery of porpoise populations within ASCOBANS waters;

RECALLING that abundance for a part of the harbour porpoise range of occurrence in the Baltic Sea is estimated to be 600 (confidence limits: 200 and 3300);

RECALLING the findings of the "Review of Marine Mammal By-catch Observer Schemes", which recommended that a properly designed observer scheme is the best way of acquiring reliable information on by-catch, but that extrapolation from existing information on comparable gear types and areas may be necessary when an observer scheme is logistically impossible;

RECALLING that the International Whaling Commission has endorsed its Scientific Committee's advice that an estimated annual by-catch of 1 % of estimated population size indicates that further research should be undertaken immediately to clarify the status of the stocks and that an estimated annual by-catch of 2 % may cause the population to decline and requires immediate action to reduce by-catch;

RECALLING the Resolutions on Incidental Take of Small Cetaceans adopted by the 2<sup>nd</sup> and 3<sup>rd</sup> Meetings of the Parties (ASCOBANS/MOP2/DOC. 4, MOP 3 Resolution 3);

RECALLING that the Second Meeting of the Parties agreed that specific conservation objectives needed to be defined to enhance the work of ASCOBANS and monitor its success and also agreed with the approach to achieve this and the working definitions given in ASCOBANS/MOP/2/DOC.4, specifically:

- (1) that the aim of ASCOBANS can be interpreted as "to restore and/or maintain biological or management stocks of small cetaceans at the level they would reach when there is the lowest possible anthropogenic influence" - a suitable short-term practical sub-objective is to restore and/or maintain stocks/populations to 80% or more of the carrying capacity;
- (2) that the general aim should be to minimise (i.e. to ultimately reduce to zero) anthropogenic removals within some yet to be specified time frame, and that intermediate target levels should be set; and
- (3) that the longer term approach, which involves *inter alia* taking into account uncertainty in the available data, should be developed by the Advisory Committee;

RECOGNISING the high selectivity of bottom set gillnets in relation to target fish species;

RECALLING that the IWC/ASCOBANS Working Group on harbour porpoises advised that the maximum annual by-catch that achieves the ASCOBANS interim objective over an *infinite* time horizon, assuming no uncertainty in any parameter, is 1.7% of the population size in that year. This advice was subsequently endorsed by IWC at its 51<sup>st</sup> meeting. If uncertainty is considered, such as measurement error in estimating population size, maximum annual by-catch must be less than 1.7% to ensure a high probability of meeting the ASCOBANS objective;

NOTING the final report of the ASCOBANS Baltic Discussion Group which states that with respect to Baltic harbour porpoises the available evidence clearly points to a population that is in serious danger and that as a matter of urgency, every effort should be made to reduce bycatches towards zero as quickly as possible;

NOTING the ASCOBANS report on potential mitigation measures for reducing by-catches of small cetaceans in ASCOBANS waters;

RECALLING that the 3rd Meeting of the Parties defined "unacceptable interactions" as being, in the short term, a total anthropogenic removal above 1.7 % of the best available estimate of abundance;

REGRETTING that the recommendation set out in the above mentioned Resolution of the Third Meeting of the Parties to reduce bycatch to less than 1% of the best available population estimate has not been fulfilled;

NOTING that efforts to reduce by-catch require close co-operation between managers, scientists and fishermen;

RECOGNISING the need to integrate by-catch issues in sustainable fisheries practices and socio-economic considerations, particularly in the context of the Common Fisheries Policy of the European Union;

WELCOMING the greater emphasis placed on environmental considerations in Council Regulation 2371/2002 on the Common Fisheries Policy (CFP) of the European Union;

NOTING the Bergen Declaration adopted by the Fifth International Conference on the Protection of the North Sea (Bergen, March 20-21 2002), which calls for the development and adoption, as soon as possible and in cooperation with the competent authorities, of a recovery plan for harbour porpoises in the North Sea;

NOTING that ASCOBANS has elaborated a Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan) and can contribute substantially to the development of a recovery plan for North Sea harbour porpoises;

REITERATING the intermediate precautionary objective to reduce by-catches to less than 1% of the best available population estimate;

UNDERLINING that if available evidence suggests that a population is severely reduced, or in the case of species other than the harbour porpoise, or where there is sig-

nificant uncertainty in parameters such as population size or by-catch levels, then "un-acceptable interaction" may involve an anthropogenic removal of much less than 1.7 %;

REQUESTS that Parties and Range States continue to investigate methods to reduce by-catch and fully evaluate them and their ecological implications, noting the valuable input the fishing industry may have to such studies;

REITERATES its proposal that competent authorities accept the above definition in respect of findings of current and future research in the ASCOBANS area and in adjacent waters where there may be conservation implications for cetacean populations within the ASCOBANS area;

RECOMMENDS in view of the foregoing that competent authorities take precautionary measures to ensure that the total anthropogenic removal of marine mammals in the area defined by the ASCOBANS agreement and its adjacent waters is reduced as soon as possible to below an "unacceptable interaction";

RECOMMENDS, particularly with regard to harbour porpoises in the central and south North Sea (ICES Areas IVb and IVc), that total anthropogenic removal is reduced without delay by competent authorities, regardless of the time needed to establish better population data and to calculate an acceptable removal level;

RECOMMENDS that relevant Parties and Range States continue to make estimates of annual by-catch for North Sea set-net fisheries and pelagic trawl fisheries where they are currently lacking, especially in the northern North Sea;

REQUESTS that relevant Parties and Range States provide where possible an estimate of total harbour porpoise by-catch in the Skagerrak/Kattegat/Belt Sea and the Baltic Sea;

REQUESTS Parties and Range States to continue collecting data on fishing efforts, reporting in a summary style and focussing in particular on the types of fisheries relevant to small cetaceans and by-catch;

ENDORSES the ASCOBANS Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan);

URGES Parties and Range States in the Baltic Sea region together with the Advisory Committee, to continue their work towards implementing the Jastarnia Plan;

RECOMMENDS that Parties and Range States together with the Advisory Committee continue to support and cooperate in the process of elaborating a recovery plan for harbour porpoises in the North Sea, as called for in the Bergen Declaration adopted by the Fifth International Conference on the Protection of the North Sea (Bergen, March 20-21 2002);

URGES the ASCOBANS Secretariat, Parties and Range States to continue promoting the integration of by-catch issues in the Common Fisheries Policies and in relevant National Fisheries Policies.