

Agenda Item 7

Relations with other Bodies

Document 7-01

**Reports of Representation of  
ASCOBANS at Meetings**

**Action Requested**

- Take note of the reports
- Comment

Submitted by

Secretariat



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

## **Secretariat's Note**

This document contains reports on all meetings at which ASCOBANS was represented by members of the Advisory Committee or the Secretariat. A list of meetings for which representation was requested by AC18 is contained in the Report of the 18<sup>th</sup> Meeting of the ASCOBANS Advisory Committee, Annex 10.

## Reports of Representation of ASCOBANS at Meetings

**24-27 May 2011**

**13th Meeting of the Nature Protection and Biodiversity Group (HELCOM HABITAT 13/2011)**

**Attendance on behalf of ASCOBANS: Penina Blankett (Finland)**

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

### Reports

Ms. Penina Blankett, Finland, reported on relevant issues under the two meetings of the Jastarnia Group of ASCOBANS on the protection of Baltic Sea harbour porpoises and the meeting of the ASCOBANS Advisory Committee and cooperation issues between HELCOM and ASCOBANS.

### Lead Country report on harbour porpoise related issues

The Chairlady of HELCOM HABITAT Ms. Kaminska, informed the meeting on the coordination between the HELCOM Contracting Parties to ensure the information flow on harbour porpoise to ASCOBANS from those HELCOM countries not being party to ASCOBANS.

The Meeting welcomed the information that Estonia now also takes part in the SAMBAH project on harbour porpoise and the SAMBAH project currently covers nearly the whole Baltic.

Poland as the Lead Country of the Recommendation 17/2 concerning "Protection of harbour porpoise in the Baltic Sea Area" (document 6/4) had made proposals to revise the Recommendation. Poland was invited to include a reference to the Jastarnia Plan of ASCOBANS to the preambular text of the Recommendation. In addition, it was proposed to refer to the HELCOM BSAP under point a, with a quote that "By 2015 by-catch of harbour porpoise, seals, water birds and non-target fish species has been significantly reduced with the aim to reach by-catch rates close to zero." The Meeting invited the Contracting Parties to send further proposals directly to the Lead Country Poland (lidia.sternik@gdos.gov.pl) by 30 June 2011. The Meeting invited Poland to revise the Recommendation on the basis of the received proposals and to submit the revised proposal for review and consideration by HELCOM SEAL 5/2011 by 2 September 2011 as well as by the ASCOBANS Jastarnia Group by sending the proposal to Ms. Penina Blankett, Finland (penina.blankett@ymparisto.fi), and agreed to submit the revised and reviewed Recommendation to HELCOM HABITAT 14/2012 for consideration.

### EU Baltic Sea Strategy

The Meeting noted the information provided by Ms. Penina Blankett that the ASCOBANS Jastarnia group had also discussed the possibility to apply for a flagship project status for new projects related to monitoring of by-catch in the Baltic Sea and developing and promoting the use of alternative fishing gear in collaboration with the fisheries sector and the Meeting supported this initiative (cf. paragraph 4.66).

**27 May - 12 June 2011**

**63<sup>rd</sup> Meeting of the Scientific Committee of the International Whaling Commission**

**Attendance on behalf of ASCOBANS: Mark Simmonds (WDCS)**

The meeting was held in Tromsø in Arctic Norway from 30 May-11 June 2011.

The full report of the meeting can be found here: [http://iwcoffice.org/sci\\_com/screport.htm](http://iwcoffice.org/sci_com/screport.htm)

### 1. Collisions.

The Joint IWC-ACCOBAMS Workshop on Reducing Risk of Collisions between Vessels held in the preceding year provided a report-back (IWC/63/CC8). Emphasis was on mitigation, but some of the workings dealt with data collection and risk assessment. The Committee endorsed some of the recommendations arising relating to mortality estimation. The workshop also recommended and the Committee supported the establishment of a Joint IWC-ACCOBAMS Stranding Investigation Working Group be established to (1) review existing protocols for determining from strandings whether ship strike has occurred, (2) identify, develop, review and validate tools and techniques, (3) develop and implement training, and (4) build capacity in states with no stranding programmes.

The Committee also endorsed the holding of a further workshop of cetacean and shipping experts to agree on appropriate analytical and modelling techniques. The IWC's own ship-strikes database continues to operate and this year a dedicated 'data-coordinator' was recommended.

### 2. SOCER

For the last few years the Committee has received a State of the Cetacean Environment Report (SOCER). This provides an annual update, as requested by the Commission, on (a) environmental matters that potentially affect cetaceans and (b) developments in cetacean science that reflect environmental issues. The 2011 SOCER (SC/63/E1) was based on peer-reviewed literature between 2009 and 2011 and it focused on chemical pollution research and its impacts on cetacean health, in particular the effects of exposure to pollutant mixtures. In addition it reported that there have been advances in studying the nature of beaked whale responses to military sonar, and several studies indicated that biologically significant effects occur at sound levels orders of magnitude lower than several nation's guidelines or statutory limits for sound exposure.

Highlighted marine environmental trends of concern include widespread global declines in marine biodiversity and the poor conservation status of marine species and fish stocks. In addition, the effects of climate change and ocean acidification (in combination with the compounding stressors of over-fishing and marine habitat degradation) on krill stocks, primary productivity and habitat quality, in particular in coastal zones and the Southern Ocean, have major implications for the health and status of cetaceans.

### 3. Chemical Pollution

An update was provided to the Committee on the progress of 'POLLUTION 2000+ Phase II', which is progressing its three goals:

- (1) develop integrated modelling approaches and risk assessment framework for evaluating the cause and effect relationship between pollutant exposures and cetacean populations;
- (2) identify data needs and available datasets or case studies that would be appropriate for the models that are exposure driven, source driven or effects driven; and
- (3) develop a prioritisation framework to evaluate the broad number of environmental pollutants.

The first year of a 2-year modelling project funded by the Commission has addressed the first two goals. With respect to the third POLLUTION 2000+ objective, the Committee had agreed to develop a web-based chemical hazard survey to be filled out by subject matter experts, including marine mammal biologists, toxicologists and analytical chemists. A report of the survey's findings will be presented next year. The survey can be accessed here: <https://www.surveymonkey.com/s/NHLYLSL>

Some other pollution issues were considered including an interim update on the studies into the impacts of the Deepwater Horizon event in the Gulf of Mexico (section 12.2.2).

#### 4. Marine Debris

Some consideration was given this year to marine debris. The Committee expressed its concern at the increasing problems associated with marine debris and an intersessional email group was established to gather more data on plastics, including microplastics and its potential effects on cetaceans.

#### 5. Disease

This is now a standing issue on the Committee agenda and the Cetacean emerging and resurging disease (CERD) group established a work plan (section 12.3 and Annex K, Appendix 3).

#### 6. Noise Pollution

The Committee gave particular focus this year to the production of noise by marine pile driving. It noted that several studies reported the potential effects of pile driving sounds on cetaceans, but few have empirically measured sound levels or behavioural responses. The Committee stressed the importance of properly assessing the effectiveness of mitigation measures and that sound levels at the source and receiver should be measured and reported in all such experiments.

The Committee commended the Fourth Meeting of Parties of ACCOBAMS for the adoption of guidelines to address the impact of anthropogenic noise on cetaceans within its area.

#### 7. Marine Renewables

A workshop looking at the impacts of marine renewables on cetaceans is planned to run just ahead of the next Committee meeting which will be in Panama City in June 2012.

#### 8. Climate Change

The Committee received the report from the Small Cetaceans and Climate Change Workshop (SC/63/Rep1) held in November 2010. Presentations focussed on: cetaceans in the Arctic; whitebeaked dolphins in the Barents Sea; freshwater-dependent species; the Mediterranean, Black and Red seas; submarine canyons; current and future patterns of marine mammal biodiversity; and the distribution of common dolphins in the Northeast Atlantic. The Workshop also focussed on health issues. A series of recommendations was generated, with particular emphasis on the importance of long term data-sets (see also Annex K of the Committee report).

The Committee endorsed the Workshop's recommendations, many of which were in accord with previous Committee recommendations on the general subject of the impact of climate change on cetaceans. An intersessional correspondence group has been established to develop a global review of restricted habitats for small cetaceans

#### 9. Small Cetacean Issues

The Small Cetacean sub-committee this year focused on a review of the taxonomy, population structure and status of North Atlantic and the Mediterranean Ziphiidae (beaked and bottlenose whales). The last assessment on their status was in 1988.

Further to this review, the Committee made a series of recommendations:

- for all North Atlantic ziphiid species, efforts be made to define population structure, obtain estimates of abundance and identify (and prioritise) threats. Particular attention should be given to populations known or suspected to be small;
- that more effort be made to investigate and validate methods of estimating population size for ziphiids, including those that incorporate passive acoustics for application in areas where the local species are acoustically distinguishable;

- that collaborative efforts be made by the relevant scientists and research groups in other parts of the North Atlantic;
- that methods be developed and applied to estimate fishery-related mortality, giving special attention to areas where direct evidence of incidental mortality exists (e.g. Labrador for northern bottlenose whales, Mediterranean for Cuvier's beaked whales) as well as to areas where driftnetting and longlining operations overlap known concentrations of ziphiids (e.g. driftnetting in the Alborán Sea);
- the continuation and expansion of studies of how anthropogenic noise, especially that from naval sonar and seismic survey airguns, affects ziphiids. These should include efforts to determine if and how vulnerability differs among species, habitat types, animal activities (e.g. travelling, foraging) etc.; and
- that collaborative arrangements be made with military and industry authorities to ensure researchers have advance notice of sonar exercises, seismic surveys and other activities so that the possibility of beaked whale stranding events can be anticipated with enhanced beach surveillance etc.

The Committee also made a series of recommendations aimed at improving understanding of the status of the ziphiids, including developing a comprehensive model of how whaling affected the populations of northern bottlenose whales.

#### 10. Bycatch and Baltic Porpoises

The Committee noted a recent review of bycatch in Europe by ICES and that bycatch rates for most cetacean species remain very poorly documented in European fisheries as a whole, and it is impossible to provide credible estimates of total takes on a regional basis.

The Committee re-endorsed its support for the Jastarnia plan and encouraged all the relevant nations to give their full support to the implementation of the Jastarnia plan (2009).

#### 11. Whale Watching

The Committee's whale watching subcommittee received a number of papers concerning whale watching and focused in particular on Norway which has seen an annual average growth of approximately 5% over the last 10 years in this activity. Plans were further progressed for studies of the impacts of whale watching on cetaceans.

#### 12. Other.

The Committee also considered many matters relating to the ongoing stock assessments of the 'great whales'. As these are largely outside of the direct sphere of small cetacean conservation they are not reported here. However, at least one work area highlighted for future work may have significance for all cetaceans and this concerns the terms used to define conservation units. The Committee report this as follows:

*'...there is still considerable divergence within the Committee in the terminology used to discuss 'stock issues'. In the past, the SDWG [Stock Definition Working Group] has discussed extensively the definition of such terms as 'population', 'subpopulation', 'stock', 'substock', 'feeding group', etc., and has had a long-standing objective of developing a suite of possible definitions for the all-embracing concept of 'unit-to-serve'. While there are good reasons why some of the usual terms are not susceptible to rigid definition - many are inevitably subjective attempts to divide the continuum of genetic relatedness into units that are discrete – the Committee **agrees** that it is timely to revisit the question of terminology and to try to develop a simplified set of terms and usage across the Committee. With this in mind, the SDWG next year will:*

*(1) explain why it is difficult to provide strict definitions for some terms used within various IWC (and other) contexts;*

*(2) review past discussions and conclusions on use of stock-related terms within the SDWG;*

- (3) *review terminology used outside the IWC for describing subdivisions below species level;*
- (4) *taking into account the above, attempt nevertheless to provide working definitions for terms already in use in various management and conservation contexts (e.g. RFMOs), pointing out their relationships with similar terms and to assessment / conditioning models being used in the Committee.'*

An intersessional working group was established to take these issues forward.

**24-25 June 2011**

### **Wind Energy Development Workshop**

#### **Attendance on behalf of CMS & ASCOBANS: Aline Kühl (CMS)**

CMS represented ASCOBANS at the Climate Investment Funds (CIF) Partnership Forum (Cape Town, South Africa, June 24-26, 2011) and participated on the panel for a seminar on "Greening Clean Energy Sources: Managing the Social and Biodiversity Trade-Offs for Wind Energy". The Climate Investment Funds are a set of two new funds to assist developing countries in piloting climate change mitigation projects, administered by an independent Secretariat, which is co-located at the World Bank premises in Washington DC. The total capacity of the funds is sizable (status 2011: USD 4.4 billion available; a total of 6.4 billion pledged by thirteen contributing countries), with a large proportion being spent on renewables, especially on wind energy projects. Therefore it is of considerable importance to CMS to raise awareness of the potential threat of renewable energy structures for biodiversity and contribute to minimizing the potential negative impacts of wind farms on migratory species, specifically bats, birds and marine mammals. Marine mammals were however not the focus of attention at the Cape Town discussions since currently all CIF sponsored wind energy projects invest in onshore rather than off-shore wind farms since the latter are much more costly to develop and there is still ample space available in developing countries for wind farms. This is not likely to change in the medium-term, according to CIF Secretariat. Despite this the recommendations presented by CMS in the CIF plenary are relevant to mitigating negative impacts of wind farms in the marine environment also:

- 1 – Pilot country governments and partners must ensure that any significant environmental and social issues will be appropriately addressed throughout the full project cycle with projects and programs subject to strategic and project-specific environmental and social impact assessments.
- 2 – Governments and partners need to prioritize the development of environmental sensitivity maps and zoning maps as an essential tool for wind project site selection, including time and space considerations for migratory species.
- 3 – Where impacts on bird and bat populations might be significant, wind farms should be operated in ways that minimize bird and bat mortality (such as short-term shutdowns and higher turbine cut-in speeds).
- 4 – Post-construction monitoring of environmental and social impacts, including bird and bat mortality, should be a standard requirement for wind power projects.
- 5 – The financial and economic implications of sound environmental and social management of wind power projects need to be assessed in advance so that wind project planners and investors can make informed decisions.

A summary of the discussions and photos can be found at:  
<http://www.iisd.ca/ymb/climate/cif/2011/25june.html>

Excerpt from IISD Bulletin:

*GREENING CLEAN ENERGY SOURCES: MANAGING THE SOCIAL AND BIODIVERSITY TRADE-OFFS FOR WIND ENERGY: Session moderator Gary Allport, Birdlife International, said that although wind energy is a clean form of energy, the negative trade-offs for biodiversity and social life are becoming increasingly clear. George Ledec, World Bank, said the main impacts of onshore wind power include: biodiversity impacts, such as bird collisions and bat deaths; local nuisance impacts, such as noise and visual interference; and socioeconomic and cultural impacts. Aline Kühl, Convention on Migratory Species (CMS), stressed that wind power has been an issue of concern for CMS and has been in the agenda since 2002. She underscored the impact of off-shore wind farm development on the ocean due to ocean noise.*

Following on from the CIF Partnership Forum, CMS provided Deutsche Welle with an interview on the relevance and outcomes of the meeting in South Africa, also highlighting pile driving as a key source of ocean noise:

[http://mediacenter.dw-world.de/english/audio/#!/210713/Wind\\_farms\\_harm\\_bats\\_more\\_than\\_birds](http://mediacenter.dw-world.de/english/audio/#!/210713/Wind_farms_harm_bats_more_than_birds)

## 11-14 July 2011

### 63<sup>rd</sup> Annual Commission Meeting of the International Whaling Commission

#### Attendance on behalf of ASCOBANS: Luke Warwick (United Kingdom)

The 63rd Annual Meeting of the International Whaling Commission (IWC) took place at the Hotel de France, St. Helier, Jersey, Channel Islands from 11-14 July 2011. The main outcomes, decisions and required actions arising can be found at: <http://iwcoffice.org/meetings/chair2011.htm>

#### In Summary:

- An EU led proposal to improve the governance and effectiveness of the IWC was adopted by consensus. This was a significant achievement for the IWC. As well as increasing the transparency and accountability of the IWC it means the ending of the sensitive issue of cash payments. The reforms were widely acknowledged by observers, NGOs and contracting governments as a significant step forward in modernising the IWC and which bring the organisation more into line with other similar international organisations.
- A proposal to create a South Atlantic Whale Sanctuary, tabled for a tenth consecutive year by Argentina and Brazil, was pushed to a vote by the 14-strong IWC South American Countries, the 'Buenos Aires Group'. Pro-whaling countries responded by walking out, claiming that voting on such a proposal could herald a return to the fractious days of the past. The Commission resolved to discuss the establishment of a South Atlantic Whale Sanctuary as the first substantive agenda item at IWC64.
- The UK submitted a report on welfare and ethics to the Working Group on Whale Killing Methods and Associated Welfare Issues, with practical recommendations on strengthening the IWC's role on welfare. Whilst the proposal to take forward the recommendations was blocked by some whaling nations the UK agreed to work with a number of countries and report back to next year's meeting.
- Unfortunately, the lengthy negotiations on governance and the sanctuary proposal meant that many important conservation agenda items, for example ship strikes and marine debris, were not discussed.
- Other developments at this year's meeting included agreement on a proposal by the United States for a working group on Aboriginal Subsistence Whaling to recommend



areas for improvement in these hunts and consensus on Japan's resolution on 'Safety at Sea', addressing clashes between the Sea Shepherd Conservation Society and Japanese whalers in the Southern Ocean.

Of particular interest to ASCOBANS parties; the IWC Scientific Committee undertook a review of the taxonomy, population structure and status of North Atlantic and Mediterranean Ziphiidae (beaked and bottlenose whales). It also reviewed progress on previous recommendations relating to several species including harbour porpoise and killer whales. France, the UK, Italy and a consortium of NGOs announced voluntary contributions to the fund for Small Cetacean Conservation Research.

### **30 August - 1 September 2011**

#### **Open Science Meeting for an International Quiet Ocean Experiment**

##### **Attendance on behalf of ASCOBANS: Peter Evans (Sea Watch Foundation)**

This meeting, organised by the Scientific Committee on Oceanic Research (SCOR) and the Partnership for Observation of the Global Oceans (POGO), involved seventy marine scientists from around the world, with the aim of developing a science plan for ten years of research to better understand the effects of sound on marine life in our oceans. Plenary presentations addressed the history and concept of IQOE, what is known about long-term trends in ambient noise levels in relation to the global economy, and the biological effects of sound; what is already possible using existing technologies and how can these be added to observing systems in current use; what is a soundscape and how should soundscapes be quantified and characterised; and the modelling and prediction of soundscapes. This was followed by break-out discussion sessions on five main themes: Observing systems, including technology development; scientific knowledge needed for industry and regulators; ocean soundscapes; designing research relating soundscapes (cumulative effects of many sources) to effects on organisms; and experimental approaches to understanding responses of organisms to specific sources.

A primary focus was the effects of sound upon marine mammals although fish, turtles and invertebrates were also considered. A draft science plan has been developed and is currently in review before being made widely available. For further details of IQOE, see [www.iqoe-2011.org/main.cfm?cid=2473](http://www.iqoe-2011.org/main.cfm?cid=2473).

### **20-21 September 2011**

#### **Fifth Meeting of *Ad hoc* HELCOM Seal Expert Group (HELCOM SEAL 5/2010)**

##### **Attendance on behalf of ASCOBANS: Penina Blankett (Finland)**

##### HELCOM Red List work

The Meeting took note of the progress of work of the HELCOM Red List (document 2/4), agreed that the work on marine mammals of the RED LIST project needs to be organised in such a way that it can be carried out within the HELCOM SEAL group and pointed out that there is a recent IUCN assessment of Baltic Sea harbour porpoises that could be used for the HELCOM RED LIST.

Mr. Olle Karlsson, Sweden expressed his view on the need to agree on which data to use and how to divide the work between experts for the HELCOM RED LIST project and welcomed the willingness of Mr. Karlsson to take the responsibility for writing the introductory texts to the assessment on marine mammals and the responsibility of the assessment of grey seal, and thanked Mr. Ivar Jussi, Estonia, for the willingness to take the responsibility on ringed seal, Mr. Härkönen on harbour seal, and Mr. Galatius for harbour porpoise.

The Meeting agreed that preliminary drafts of the threat assessments should be submitted by e-mail to the experts of the HELCOM SEAL team and the Secretariat by the end of May 2012 with the view that the Steering Group of HELCOM RED LIST, likely to be held in June 2012, will receive information on the progress of work and that the final threat assessments should will submitted to HELCOM SEAL 6/2011 for its consideration in autumn 2012.

#### Harbour porpoise fact sheet

The Meeting discussed the need to update the harbour porpoise fact sheet of the HELCOM fact sheets on threatened and declining species, pointed out that the sheet is outdated and thanked Ms. Iwona Pawliczka, Poland and Mr. Anders Galatius, Denmark for their willingness to update the text of the fact sheet by the end of 2011 and to inform the rest of the HELCOM SEAL group and Secretariat of the needed changes.

Professional Secretary Maria Laamanen informed that the HELCOM RED LIST project will result in updated fact sheets/information sheets on threatened species by 2013.

#### Revision to HELCOM Recommendation 17/2 “Protection of harbour porpoise in the Baltic Sea Area”

The Meeting considered the proposed revisions to HELCOM Recommendation 17/2 “Protection of harbour porpoise in the Baltic Sea Area” (document 6/2), agreed on the proposed changes and decided to forward the revised Recommendation to HELCOM HABITAT 14/2011 for endorsement.

#### Reports

The Meeting took note of the report by Ms. Penina Blankett, Finland, on activities of Jastarnia Group under ASCOBANS.

#### HELCOM-ASCOBANS harbour porpoise database

The Meeting took note of the status of the harbour porpoise database (document 6/1) as presented by Assisting Professional Secretary Johanna Karhu and agreed to provide updated information to the database by sending new data to the Secretariat (johanna.karhu@helcom.fi) by 14 October 2011 by using the excel sheet contained in the Annex of document 6/1.

The Meeting also discussed the need to report observations of harbour porpoises with acoustic devices and agreed that appropriate formats and parameters to be reported and presented on the HELCOM Map Service should be discussed within the SAMBAH project. The Meeting invited the Secretariat to participate in the relevant meetings of SAMBAH to discuss these data related issues.

### **21 September 2011**

#### **European Parliament Workshop “Protecting Cetaceans in the EU: Bridging the Gap between Research, Policy and Implementation”**

**Attendance: Peter Evans (Sea Watch Foundation), Heidrun Frisch (Secretariat), Jan Haelters (Belgium), Mark Simmonds (WDCS)**

The workshop had been organized by Member of the European Parliament (MEP) Kriton Arsenis (Group of the Progressive Alliance of Socialists & Democrats in the European Parliament). Present were a.o. Kriton Arsenis (MEP, organizer), Isabella Lövin (MEP), Maria Damanaki (European Commissioner for Maritime Affairs and Fisheries), Karl Falkenberg (Director General DG Environment), Louie Psihoyos (Director of The Cove). Presentations were given by a.o. Peter Evans (Sea Watch/ECS), Mark Simmonds (WDCS), Alex Gillespie (University of Waikato/World Heritage Convention), Giuseppe Notarbartolo di Sciara (ACCOBAMS/IUCN/Tethys) and Ludwig Kramer (Client Earth/Europacollege Brugge/UCL).

During the meeting, Maria Damanaki extensively reported on the analysis of the EC Regulation 812/2004), and reported on the contents of the Communication from the Commission to the European Parliament and the Council (COM (2011)578) *on the implementation of certain provisions of Council Regulation (EC) No 812/2004 laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) No 88/98*. She stressed that studies were required for improving pingers, and a better cooperation with the fisheries sector was needed. In the framework of the reform of the CFP, amending 812/2004 was not an option – the focus would be on an integrated approach linked to local conditions. Ms Damanaki indicated she would strive towards (1) the introduction of the monitoring of cetacean bycatch into the data collection framework, (2) the harmonization of the CFP with the Habitats Directive and the MSFD and (3) the inclusion of bycatch mitigation measures into the technical measures framework. In the reform of the CFP, decisions on concrete measures would become the responsibility of Member States more than in the past. As they were partly responsible for the current problems in fisheries, Ms Damanaki indicated that she intended to cut down subsidies in fisheries, except for 'green investments'. Pingers could be subsidized, under the condition that they worked properly.

Karl Falkenberg made similar points about the need to collaborate and harmonize approaches. He also expressed the hope that the EU would become a stronger influence for conservation worldwide – from his trade days he knew how influential the body could be if the matter was considered sufficiently important. He saw Natura 2000 as an essential mechanism for the protection of species like the harbour porpoise. DG Environment did not see any conflict in having both protected areas and the offshore development of areas for renewable energy, as long as appropriate mitigation measures were taken.

Giuseppe Notarbartolo di Sciara spoke about population trends and threats within the Mediterranean, followed by Peter Evans, who reviewed the main conservation threats facing the 35 species of cetaceans occurring in Europe, with emphasis upon northern Europe. He highlighted fisheries conflicts (food resource depletion & by-catch), pollution, noise disturbance, and vessel strikes as the main threats as well as the poor state of knowledge for most species. Mark Simmonds then enlarged on threats posed by ocean noise.

Under the title "Existing gaps and implementation failures within the current policy framework for cetacean protection: a vision for effective conservation of cetaceans" Ludwig Kramer remarked that the real problem was not bridging the gap between science and policy, but translating policy into implementation. There was an immense problem with the execution of the European and corresponding national legislation by Member States. Collaboration, control and compliance needed to be improved. For instance, there were very few legal cases against Member States for not implementing the Habitats Directive. Also according to Mr Kramer, the EC has problems in the implementation of OSPAR and CMS Resolutions.

Alex Gillespie spoke on the topic "The Future of Conservation Policy for Cetaceans: The Legal, Political and Ethical Challenges" and pointed to the danger of vote-buying, as is the case currently in the IWC; it was a plague that might be dangerous if it would pop up in CMS, CITES, CBD and UNFCCC. He hoped that the EC would join Australia in its case against Japan concerning whaling.

In conclusion, Kriton Arsenis stated that there would be regular contacts between the participants and organizers about possible further initiatives.

## 7-11 November 2011

### Second International Conference on Marine Mammal Protected Areas (ICMMPA 2)

#### Attendance on behalf of ASCOBANS: Sami Hassani (France)

After a first conference on the sanctuaries of marine mammals organized in the Marine National Sanctuary for the Humpback whales of the Hawaii Islands by the NOAA (National Oceanic and Atmospheric Administration) in April 2009, a second one was organized by the French national MPA agency, in close cooperation with the "National Marine Sanctuaries" Department of the NOAA in Martinique during the "over-seas year", November 7-11, 2011 in Fort-de-France.

The aim is to share the experiments of the scientists and the managers on the knowledge and the conservation of the marine mammals.

#### Topics

The theme of this 2nd International Conference was an overview of the status and the protection of the species and the habitats at a large scale and also with a focus on local/regional examples.

It was also the opportunity to inform about the environmental and maritime actions of Martinique such as the project of sanctuary for the marine mammals in the French West Indies (Agoa) and to incite for a regional cooperation in the Caribbean.

#### The main keynote presentations were on:

- Managing MPAs for endangered marine mammals: how to solve the localised threats (by-catch, ship strikes, whale-watching, climate change, noise...).
- Refining our understanding of marine mammal critical habitat and hotspots including high seas Vs heterogeneous masses of data, the gaps and the need of densities prediction models in the unsurveyed areas.
- Delineating marine mammal critical habitat and migration routes using tools such as marine spatial planning and ocean zoning.
- Activating and enhancing regional cooperation and other legal agreements worldwide and as applied to marine conservation in the Caribbean region.

#### Workshops were also organised on:

- Monk seal, sirenians, river dolphin, estuary and coastal dolphins conservation
- Whale watching management in MMPAs
- Oil disaster: experiences and policy implications
- Bilateral, multilateral agreements, regional collaboration, partnership in MMPAs, MMs conservation strategy
- By-catch and MMPAs
- Marine Spatial Planning, corridors

## 10-11 October 2011

### North Sea Regional Advisory Council: General Assembly and Executive Committee

#### Attendance on behalf of ASCOBANS: Geneviève Desportes (North Sea Coordinator)

At AC18 (may 2011) it was decided that:

*4.2.2./41 The chair of the Working Group would initiate contact with the North Sea RAC to secure a speaking slot for a 15-minute presentation at a future RAC meeting. The new coordinator would be asked to attend the North Sea RAC meeting in Boulogne-sur-Mer, France, 10-11 October 2011.*

I attended the meetings of NSRAC as part of my contract as co-ordinator for the

Conservation Plan for harbour porpoise in the North Sea, although it was decided that I would not give a presentation as I was very new in this position.

#### North Sea regional Advisory Committee

The NSRAC was established in 2004 as part of an effort to provide greater stakeholder involvement in fisheries management at a regional level. The aim of the NSRAC is to „work towards integrated and sustainable management of fisheries in the wider context of the sustainability of the marine environment,. Its main objective is to „prepare and provide advice on the management of the fisheries of the North Sea on behalf of stakeholders in order to promote the objectives of the Common Fisheries Policy. This will be done within the general aim of attaining the sustainable management of fisheries, incorporating an ecosystem based approach and based on the precautionary principle,, (www.nsrac.org).

To achieve this, the NSRAC has a two level structure with a larger General Assembly (GA) and a smaller Executive Committee (ExCom). In both, two thirds of the seats are allotted to the fisheries sector and one third to the other interest groups affected by the CFP, including conservation NGOs (a.o. WWF, Seas at Risk, Bird Life International). The NSRAC also has a number of working groups which address issues in greater detail. The current working groups are; Demersal, Flatfish, Kattegat and Skaggeak, Nephrops, Socio-economic Focus Group, Spatial Planning (including Marine Protected Areas).

#### General Assembly

The GA meets at least annually (October), back to back with an ExCom meeting in a 2-hrs meeting.

I attended only part of the GA, because of travel constraints. The meeting deals mostly with administrative issues and review of the annual report and is not considered of much relevance for ASCOBANS. However, most of the persons and organizations attending the GA also attended the ExCom, while others joined at that point.

#### Executive Committee

The ExCom meets three times (generally February/March, June and October), in 6-hour meetings. The meetings of the General Assembly/Executive Committee in 2012 will be on February 7 (London), June 27 and October 10-11.

The October 2011 meeting was a very tight meeting with a heavy agenda. Its interest resided not so much in its content or form, but in the informal contacts it allowed. A list of the organizations represented at the October 2011 ExCom is given in appendix 1 and the agenda can be found at <http://www.nsrac.org/wp-content/uploads/2011/03/2011-10-10-11-ExCom-Agenda-v2.pdf>.

The points of direct interest for ASCOBANS and the Conservation Plan for harbour porpoise in the North Sea are summarised below.

There was an update from the European Commission (Peter Hopkins), concerning in particular the status of the CFP reform. General remarks from the NSRAC were:

- Its appreciation that stakeholders were getting more involved in formulating policies, and that there were clear benefits to this involvement.
- It was very important to take account of the mixed nature of the North Sea fisheries.
- The NSRAC would like to see an immediate moratorium on effort reductions
- It recognized the need for fully documented fisheries.

The NSRAC was still discussing and working on a position paper on the CFP reform, in particular the proposed discard ban. Its position was that it would be impossible to implement such ban, although discard could and should be reduced. The NSRAC emphasized the need for a fishery-by-fishery approach to reducing discards. It was underlined that the first step was to fully document catches and then to work towards an improvement of the selectivity, so discards would not be a problem any longer. The Norwegian system, where the ban had resulted in fishing becoming more selective, was discussed. That ban comported in practice some flexibility and should be studied in detail.

There was a discussion on the Dogger Bank, and the proposed Dogger Bank SACs. It was again underlined that at the moment the Dogger Bank is under different management regimes which are not consistent, which was problematic. "Dutch, German, UK and Danish fleets, and to a lesser extent vessels from Belgium, France, and Norway, operate freely across the boundaries of the emerging Dogger Bank Natura 2000 complex, comprised of adjoining Special Areas of Conservation (SAC) designations (current status of is SCI: Site of Conservation Importance for, respectively, the Netherlands and Germany; and candidate SAC in the case of the UK)". "A major and long-standing concern of the North Sea Regional Advisory Council has been the need to arrive at common fisheries management measures for the complex to ensure a coherent and harmonised management regime for mobile fishing gears which meets the conservation objectives of the sites. From the outset, the NSRAC recognised that serious risks arose from the unilateral approach being taken by the three Member States to their respective parts of the Dogger Bank, notably in respect of the qualifying features they each recognised, the resulting conservation objectives and the ultimate fisheries management measures required to meet these. In regard to each of these elements, the different Member States have also progressed to different national timelines, adding to the difficulty of achieving a joined up approach. The NSRAC challenged the Member States to adopt, and the Commission to promote, a much-needed cooperative approach". The NSRAC, supported by the MASPNOSE (Marine Spatial Planning in the North Sea project, <https://www.surfgroepen.nl/sites/CMP/maspnose/default.aspx>), developed a "Position paper on fisheries management in relation to nature conservation for the combined area of 3 national Natura 2000 sites (SACs) on the Dogger Bank" (<http://www.nsrac.org/wp-content/uploads/2011/03/2011-10-10-11-ExCom-Paper-7-Dogger-Bank-report-FINAL.pdf>).

The position paper identifies the elements necessary for a zoning proposal, with no-take zones, areas for low-impact fishing gears and fishing effort caps in the remainder of the area, with possibility opened for other options. However, the approach is intended to be gradual and adaptive – learning by doing.

By-catch of birds or marine mammals was not a subject this year.

It was very clear during the whole meeting, that the NSRAC was very positively sensitive to any sign of bottom-up and cooperative approaches.

#### Informal discussions

Informal discussions with representatives from different countries (in particular Denmark, France, Belgium and Holland) informed that the NSRAC is aware of the issue of porpoise bycatch, but the general feeling is that:

- With the general reduction in fishing effort in the North Sea using static gear, the problem is not as serious as it was.
- Smaller inshore vessels, which represent the majority of the fleet in most countries, were the main cause of by-catch rather than the larger offshore vessels, practicing little gill-netting, which the RAC was primarily concerned with.

The NSRAC was willing to do what was in its power for decreasing the by-catch of cetacean, but also made clear that a situation like in the Baltic was not acceptable, where “few by-catches of a non-existent species led to the closure of a métier”. As far as technically practicable, gear modifications should aim at simultaneously mitigating by-catch of small cetaceans and other non-target species, such as birds.

It was strongly suggested that ASCOBANS made an effort at national levels for dealing with by-catch by smaller inshore vessels including those under the, “much less regulated and often not best practice”, recreational and semi-professional fisheries. It was clear that dealing with this would develop good will!

### Suggestions

As already mentioned, it is possible for someone from ASCOBANS to give a presentation at ExCom meeting (for example on the Conservation Plan for harbour porpoise). Such a presentation would need to be arranged with the chair and the secretariat of the NSRAC well in advance. Considering the form and usual content of the meetings, it certainly needs to deliver a very clear and concise message or very clear information or requests, which should be relevant to the fisheries represented. The best way would likely be to also send a written short background document in advance of the meeting.

This presentation could sum up the present By-Catch situation in the North Sea, replace it in a sustainability context, present the necessary management steps to be taken to insure the conservation of the harbour porpoise and open a discussion on a possible mitigation process. The aim of such discussion should be a single clear message that the representatives can then easily relay to the fishers involved.

A *psychological* prerequisite to a fruitful cooperation with the NSRAC is, however, that ASCOBANS also engage in an equivalent effort targeting inshore fisheries.

### Miscellaneous

It could be interesting to getting information on the Norwegian system implemented for reducing discard and examine whether it had any effect on the by-catch rate of marine mammals and in particular, of harbour porpoises.

A trans-national partnership is being formed through an Interreg project, the North Sea Maritime Forum, aiming at bringing together all users of the North Sea and providing an opportunity for dialogue on matters of mutual interest, leading to better integration of all marine activities. Stakeholders were invited to an inaugural meeting on 29 August 2011. Some information can be gained from <http://www.scotland.gov.uk/Topics/marine/seamanagement/nsmf> and <http://www.northseacommission.info/component/redevent/details/76-North%20Sea%20Maritime%20Stakeholder%20Forum%20-%20%2020250811.html?xref=52>.

## Appendix 1

<b>List of Participants for the ExCom mtg/10th-11th Oct 2011 - Boulogne Sur Mer</b>			
	<b>Organisations</b>	<b>Participants</b>	
<b>NSRAC-Secretariat</b>		Martin Brebner	
<b>NSRAC-Rapporteur</b>		Tony Hawkins	
<b>NSRAC-Chairman</b>	<b>(Danish Fisheries Association, managing director)</b>	Niels Wichmann	
<b>AIPCE</b>	<b>European Fish Processors Association</b>	Guus Pastoor	
<b>ASCOBANS</b>		Geneviève Desportes	
<b>CME</b>	<b>Cooperative Maritime Etaploise</b>	Dominique Thomas	
<b>CNPMEM</b>	<b>Comité National des Pêches Maritimes et des Elevages Marins</b>	Caroline Gamblin	
		Pierre George Dachicourt, president	
		Oliver Lepretre	
<b>CRPMEM</b>	<b>Comité Regional des Pêches Maritimes et des Elevages Marins</b>	Antony Viera	
		Svend-Erik Andersen, chair	
		Kenn Skau Fischer	
	<b>Danish Fishermen's Association</b>	Michael Anderson	
	<b>Dutch Fish Federation</b>	Anne-Marie Kats	
<b>EAA</b>	<b>European Anglers Alliance</b>	Jan Willem Wijnstroom	
<b>EAFPA</b>	<b>European Association of Fishing Ports and Auctions</b>	Willem de Boer	
<b>ETWF</b>	<b>European Transport Workers Federation</b>	Bruno Dachicourt	
<b>EUCC</b>	<b>Coastal and Marine Union</b>	Ate Oostra	
	<b>French Ministry of Fisheries</b>	Eamon Mangan	
<b>FROM NORD</b>		Angélique Merlet	
<b>NFFO</b>	<b>National Federation of Fishermen's Association (UK)</b>	Barrie Deas	
		Arnold Locker	
<b>NSF</b>	<b>North Sea Foundation</b>	Christien Absil, vice chair of NSRAC	
<b>UAPF</b>		Antoine Le Garrec	
	<b>North Sea Women's Network</b>	Annemiek Bais-Rienstra	
	<b>Rederscentrale CV (Be)</b>	Emiel Brouchaert	
<b>RSPB</b>	<b>Royal Society for the protection of Birds / Bird Life International</b>	Euan Dunn	
<b>SDVO</b>	<b>Foundation for Sustainable Fishery Development (Be)</b>	Luc Corbisier	
<b>SFF</b>	<b>Scottish Fishermen's Federation</b>	Michael Park	
		<b>SEAFOOD CHOICES ALLIANCE</b>	Elisabeth Vallet
			Pim Visser
	<b>Stichting van de Nederlandse Visserij</b>	Andries de Boer	
		Paula den Hartog	
	<b>Swedish Fishermen Federation</b>	Fredrik Lindberg	
		Peter Olsson	
	<b>Verband der Deutschen Kutter und Kustebifischer</b>	Lothar Fischer	
<b>WWF</b>		Mireille Thom	



## 2-4 November 2011

### OSPAR workshop on MSFD biodiversity descriptors: comparison of targets and associated indicators

#### Attendance on behalf of ASCOBANS: Eunice Pinn (United Kingdom)

Note: This is a workshop report and has not been endorsed as OSPAR policy at this time.

#### Executive Summary

OSPAR has a role in coordinating the Marine Strategy Framework Directive (MSFD) (2008/56/EC) implementation process within the North East Atlantic region. Within OSPAR, this work is overseen by the Intersessional Correspondence Group on the Marine Strategy Framework Directive (ICG-MSFD) within the scope of the OSPAR Coordination Group (CoG). The Intersessional Correspondence Group for the Coordination of Biodiversity Assessment and Monitoring (ICG-COBAM) is the main delivery group within the OSPAR framework for coordination in relation to the biodiversity aspects of the MSFD. The workshop was organised as part of ICG-COBAM's programme of work on MSFD, under the lead of ICG-MSFD.

The terms of reference, endorsed by the OSPAR Coordination Group, set out the purpose of the workshop: to undertake a comparison and analysis of indicators and associated targets for MSFD biodiversity descriptors 1, 2, 4 and 6 between OSPAR Contracting Parties also involved in the implementation of the MSFD and to identify where common indicators could be identified. Hosted by the Netherlands, the three-day workshop brought together sixty-six technical and policy experts from nine Contracting Parties.

The workshop resulted in summary reports and detailed analyses per ecosystem component, with proposed indicators, associated targets, relevance to different subregions and agreement on species/metrics and targets. From the results it was concluded that there are some promising commonalities between proposed indicators, especially relating to abundance, biomass and by-catch of key species, and area and quality of predominant and listed habitats. Other potential common candidates require further investigation. During the workshop a number of actions were identified that would need to be undertaken in order to take forward the work started by the workshop. These actions relate to the facilitation of further expert discussions, the need for scientific research, and operationalisation of indicators for monitoring. These actions are presented in the report.

#### Report from the Marine Mammals and Reptile Group

##### *Key discussion points*

1. The group identified a significant number of areas of commonality across the targets/indicators put forward by Contracting Parties – including range and abundance of seals and cetaceans, number of pups, and bycatch rates. Many of the indicators and targets were combined into groups and discussed together.
2. The most significantly different approach was that proposed by Spain which focussed on targets associated with marine protected areas, speed limits for ships and distance for whale watching operations.

The output table is embedded here:



Mammals.xls

#### Bycatch

3. A significant number of Contracting Parties are proposing by-catch indicators and targets (for short-beaked common dolphin, harbour porpoise, grey and harbour seals). These

targets and indicators were grouped for discussion and it was generally agreed that there was strong potential to develop common by-catch targets/indicators at a regional level. It was acknowledged that the specific species to be used in the indicator would vary from subregion to subregion.

4. Some debate about the suitable target thresholds for bycatch – this still needs to be resolved. For porpoises there was general agreement about the approach, but debate about whether to use 1.7% or 1% of best population estimate (OSPAR uses 1.7%, ASCOBANS uses 1.7% as an interim level with the ultimate aim of reducing to 1%). It was also noted that Portugal has proposed a different approach – reducing the rate of bycatch by 30%). Similar issues in relation to common dolphins.
5. Discussion about monitoring methodologies for bycatch – some differences across Contracting Parties were identified, with UK assessment of bycatch based on observers on commercial vessels, Netherlands and Belgium based on monitoring of strandings, and Sweden based on information reported by fishing vessels. The potential to use CCTV information on vessels in the future was noted (CFP may end up requiring this).
6. It was noted that bycatch indicators are also relevant to Commission Decision indicator 4.3.1 – however it was felt that bycatch is not actually a particularly good indicator of food web status.
7. Finally – both Spain and Portugal put forward bycatch targets for turtles which did not get passed on to the group for consideration due to an administrative error. These could reasonably be added to the common regional bycatch target/indicator proposed by the group.

#### Distribution (range and pattern) and abundance of seals and cetaceans

8. Distribution and abundance of grey and harbour seals and a range of cetaceans (including harbour porpoise and short-beaked common dolphin) were also put forward as proposed targets and indicators by a significant number of Contracting Parties and these targets and indicators were discussed as a group.
9. It was generally felt that it should be possible to develop common regional targets/indicators for seals and cetaceans. However, there is a need for more work to clarify monitoring methodologies and surveys to ensure commonality (e.g. especially for seal monitoring). Distributional range will be impacted by anthropogenic activity. Considerably more work needed on development of the actual target and baseline (historical baseline thought to be most appropriate). Need a better definition for the term 'distributional range' and current data availability - pattern within range is more important for most countries than range per se.
10. It was also noted that monitoring of cetaceans and seals differs, as seals are counted on land and cetaceans at sea. For seals extensive knowledge is available for numbers on land, however a knowledge gap is behaviour and pattern of seals at sea. Some information is gathered with tagged animals although for cetaceans there is a good basis for common monitoring with international SCANS and CODA surveys.

#### Seal and cetacean population condition

11. A number of potentially common indicators for seal and cetacean condition were identified and discussed (e.g. seal pup survival, PCB contamination, condition based on post mortem analysis of strandings/bycatch) – but all of these were felt to require further work.
12. Following the meeting the Netherlands have indicated that a possible indicator of population condition could also be the pup production ratio of seals (if a population is healthy the ratio pup:adult is higher than when a population is under stress), however caution is needed in areas with recovering populations. For example, in the Wadden Sea

(NL, DE, DK) the population is increasing and as a consequence pup/adult ratios are high. When the population becomes more stable, pup/adult ratio will fall, however, this will not indicate declining status, but rather a maturing population. This will need to be taken into consideration.

#### Monitoring coordination

13. It was thought to be essential to develop coordinated international monitoring programmes to support any common regional indicators e.g. building on SCANS/CODA and the Joint Cetacean Programme work (See Annex I). Monitoring coordination – building on SCANS/CODA surveys and the Joint Cetacean Protocol (see Annex I) to facilitate the development of robust and accurate transboundary reporting.

#### Conclusions

The group made the following conclusions:

14. A number of strong candidates for common indicators/targets were identified, including:
  - a. Indicators of seal and cetacean bycatch (species would vary depending on the area).
  - b. Indicators of grey and harbour seal distribution (pattern and range) and abundance.
  - c. Indicators of cetacean distribution (pattern and range) and abundance.
  - d. Indicators of seal pup production.
15. Following the discussion during plenary, it was recognised that a bycatch indicator for turtles has been proposed by both Spain and Portugal although this did not reach the group for discussion. These proposals could reasonably be incorporated into the generic bycatch indicator (6a) and, as such, have been added to the output spreadsheet.
16. All these indicator groups need further development before specific common indicators could be put forward. In particular, more detailed expert discussion is needed in relation to baselines, targets and monitoring metrics (see follow-up actions below).
17. A number of other indicators were identified as potentially useful common indicators, but further development would be needed before they could be put forward, for example:
  - a. Indicators of seal pup survival.
  - b. Indicators of contamination in cetaceans (e.g. PCBs and other contaminants)
  - c. Other indicators of condition, based on post mortem examination of strandings.
18. It was particularly difficult to identify potential common indicators for seal and cetacean *population condition*:
  - a. Sweden and Denmark have useful proposals for seal pregnancy rates and seal and harbour porpoise blubber thickness, but these are primarily based on monitoring of *hunted* seals, which is not done in other countries.
  - b. Most countries base assessment of cetacean condition on post mortem examinations of stranded or by-caught animals - this is a biased sample and is often only done on a project basis, rather than as part of long-term monitoring programmes.
  - c. Despite the difficulties of using information from strandings/by-catch post mortems, there is potential for a more coordinated approach to this kind of assessment across different countries (using existing protocols as a basis).

19. A number of countries had proposed using marine mammal abundance and other parameters and indicators of food web status. The group concluded that marine mammal indicators are not necessarily particularly useful in this context because most marine mammals are opportunistic feeders, and because the feeding strategy of the same species will not be the same in different areas. So although the indicators and targets proposed fit the Comm Decision criteria, they were not representative indicators of the food web.
20. The group concluded that coordinated international monitoring is essential in relation to the vast majority of marine mammal indicators. More work will be needed to develop clear international monitoring programmes and protocols. For cetaceans this can build on the SCANS/CODA surveys and work under the Joint Cetacean protocol (see annex I). For seals, more work is needed as this has tended to be done on a country by country basis. The trilateral (NL, DE, DK) Wadden Sea Seal management Plan and the Trilateral Monitoring and Assessment Programme are good examples of international cooperation in this field.
21. Further discussion needed with Spain and France in relation to the more operational indicators put forward by these countries. The group was unable to draw firm conclusions in relation to these indicators.
22. The group was also unable to conclude whether there was systematic coverage of pressures with the exception of bycatch in the proposed set of indicators. For example, no specific indicators were put forward for the impacts of noise. Contracting Parties need to cross reference bycatch objectives and other potential pressure descriptors with work being undertaken for D11

#### Actions

Key follow-up actions identified are:

What	When	Who
Further expert discussion/advice to establish appropriate baselines and targets for by-catch, distribution, abundance and pup production	By early/mid 2012?	ICES WGMME? ICES WGBYC?
Further development of potential common indicators for seal and cetacean population condition	By 2014?	ICES WGMME?
Development of clear international monitoring programmes and protocols for cetaceans and seals (building on SCANS/CODA /JCP for cetaceans, and TMAP for seals)	By 2014?	ICES WGMME?

23. The ICES Working Group on Marine Mammal Ecology (WGMME) and the ICES Working Group on bycatch and protected species (WGBYC) were suggested as the most appropriate groups to take these actions forward. The ICES WGMME is due to meet in March 2012 and already has discussion of indicators on its agenda.

24. Further discussion is needed with the OSPAR Secretariat and ICES to discuss the feasibility of WGMME and WGBYC taking this work forward in the short term, but a potential way forward is set out below:
- a. Develop a draft ToR for ICES WGMME and WGBYC in relation to this work (Eunice Pinn (UK), Naomi Matthiessen UK)
  - b. OSPAR/Contracting Parties to make a request to ICES to take these actions forward via WGMME and WGBYC (Action: OSPAR Secretariat/relevant Contracting Parties)
  - c. Establish when Joint Cetacean Protocol analysis will be available to help with the development of baselines (Eunice Pinn (UK))
  - d. Ensure appropriate coordination between national MSFD leads and national ICES representatives (all Contracting Parties)
  - e. Consider setting up an email working forum with WGMME members ahead of the WGMME meeting in March 2012 to develop thinking ahead of that meeting (Eunice Pinn (UK)).
25. It was also noted that there is a significant amount of existing information which can be used to support baseline setting – this should not be forgotten. It was also suggested that even working on this timescale, the work would come very late for national finalisation of GES targets and indicators, but would certainly still be useful for monitoring.

#### Annex I: The Joint Cetacean Protocol

JNCC is leading a collaborative project, the Joint Cetacean Protocol (JCP), which will deliver information on the distribution, abundance and population trends of cetacean species occurring in NW European waters. The project outputs will assist governmental reporting to various Directives (e.g. the Habitats Directive and the Marine Strategy Framework Directive) and will also improve the robustness of marine Environmental Impact Assessments.

Effort-related cetacean sightings data from the ACSOBANS extended agreement area have been provided for use in the JCP project analyses by governmental organisations, non-governmental organisations and from the offshore renewable energy sector. All major data sources are included e.g. SCANS I & II, CODA, European Seabirds at Sea (ESAS), SeaWatch Foundation (SWF) and other non-governmental organisations, as well as industry (e.g. in relation to potential renewable energy installations). These data, collected between 1979 and 2010, represent the largest NW European cetacean sightings resource ever collated and have been standardised to a common format, checked and cleaned.

The outputs of the project will include:

- Annual estimates of species specific cetacean abundance (with 95% confidence intervals) at a Regional Seas scale, suitable for Habitats Directive and MSFD reporting.
- Species specific summary datasets depicting cetacean distribution and relative abundance at a range of resolutions with advice on the most robust resolution. Where there is sufficient data, density surface plots will be produced for each season annually, with an assessment of trends over time (and our power to detect these trends).

A preliminary phase of the project, covering the Irish Sea and west coast of Scotland, has recently been completed. This work was used to refine the modelling techniques that had been developed in a earlier projects (Thomas, 2009; Paxman & Thomas, 2010). Figure 1 details the effort related sightings data collected for harbour porpoises whilst Figures 2 and 3 show the density surface plot for the same species in August 2010 with additional plots detailing the uncertainty around these estimates.

Further information on the project can be found at <http://jncc.defra.gov.uk/page-5657>

References:

Thomas, L., 2009. Potential Use of Joint Cetacean Protocol Data for Determining Changes in Species' Range and Abundance: Exploratory Analysis of Southern Irish Sea Data. Available at: [http://jncc.defra.gov.uk/pdf/JCP\\_Prelim\\_Analysis.pdf](http://jncc.defra.gov.uk/pdf/JCP_Prelim_Analysis.pdf)

Paxman, C. & Thomas, L., 2010. Phase One Data Analysis of Joint Cetacean Protocol Data. Available at: [http://jncc.defra.gov.uk/pdf/JCP\\_Phase\\_1\\_Analysis.pdf](http://jncc.defra.gov.uk/pdf/JCP_Phase_1_Analysis.pdf)

Paxton, C.G.M., M. Mackenzie, M.L Burt, E. Rexstad & L. Thomas. 2011. Phase II Data Analysis of Joint Cetacean Protocol Data Resource. Draft Report to Joint Nature Conservation Committee. Contract number C11-0207-0421.

Figure 1: Realised effort (grey) 1982 – 2010 and estimated density per segment of harbour porpoise. (From Paxman et al. 2011)

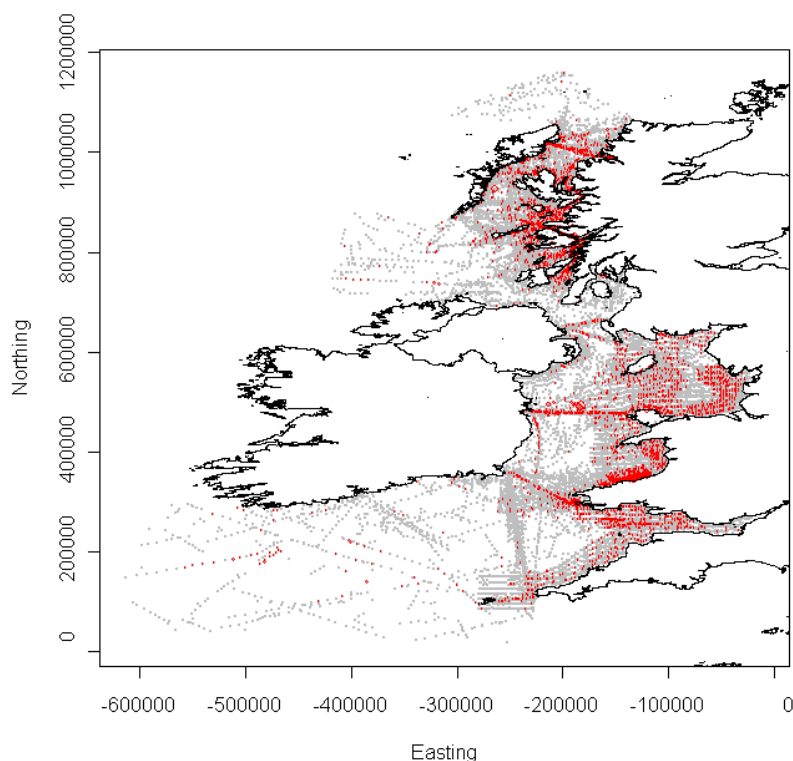


Figure 2: Predictions for harbour porpoise density for the August 2010. Colours indicate densities (animals/km<sup>2</sup>). N.B. Colour breaks are on a log scale. The red boxes indicate industry search areas. (From Paxman et al. 2010)

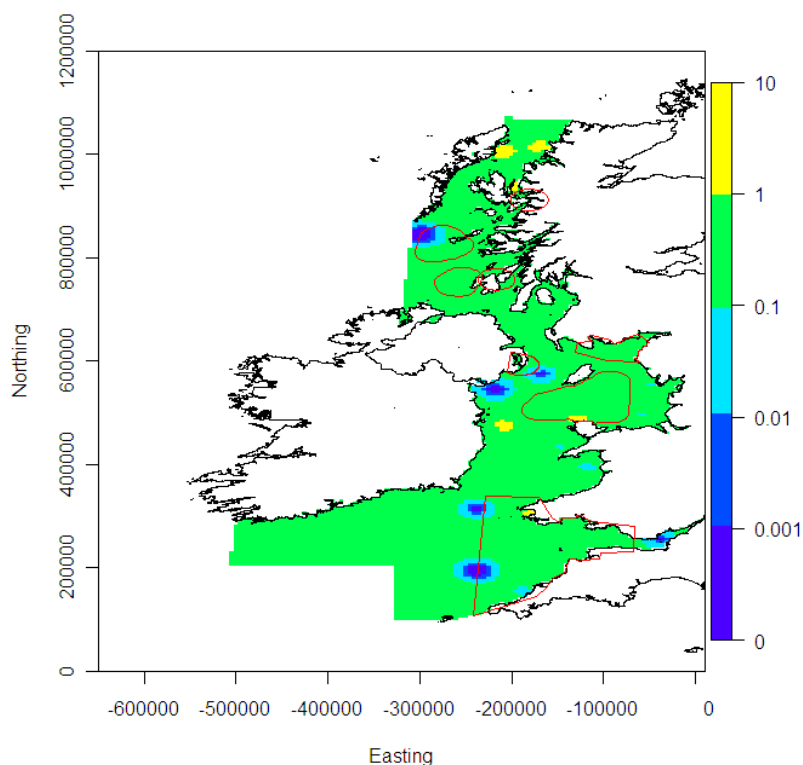
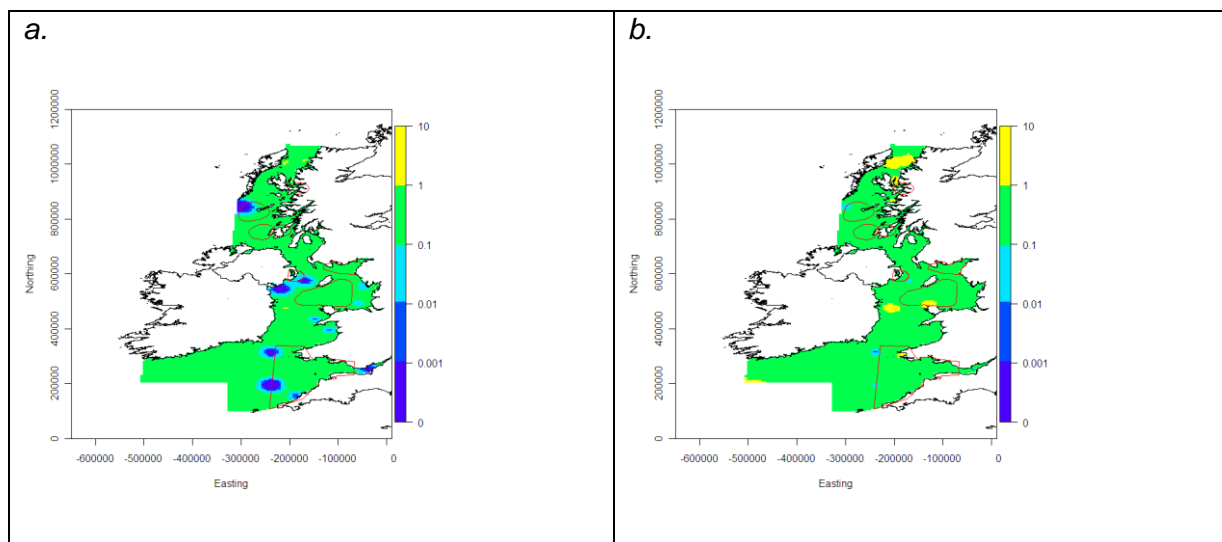


Figure 3. Uncertainty in the per cell density estimates for harbour porpoise August 2010, a. the 2.5% confidence limit on each prediction grid cell. b. 97.5% confidence limit on each prediction grid cell. Colours indicate densities (animals/km<sup>2</sup>). N.B. Colour breaks are on a log scale.



14 November 2011

## Marine Strategy Framework Directive (MSFD) Meeting of the Marine Strategy Coordination Group (MSCG)

### Attendance on behalf of ASCOBANS: Penina Blankett (Finland)

Joachim D'Eugenio (DG ENV) acted as the chair of the meeting.

This meeting was a preparatory meeting for the Water and Marine Directors' meeting in December 2011. The meeting mainly discussed outcomes from the different MSFD groups, which the Marine Directors have to decide on at their next meeting. The main documents were "Common understanding on Articles 8-10" from WG GES and "Concept paper on reporting" from WG DIKE. The documents were regarded as useable and useful. The Meeting supported the continuation of the work that has been done in the *Common understanding* group, led by Germany. Concerning the reporting format, it was viewed that it still needs to be more focused. Especially the reporting for 2012 should be focused on essential issues.

#### 1. Preparation for Water and Marine Directors' meeting

The meeting will be held in Warsaw on 7–9.12.2011. The meeting will be in three parts: 1. Marine Directors' meeting; 2. Water and Marine Directors' meeting; and 3. a second Marine Directors' meeting (to adopt the minutes of the meeting). The Marine Directors' meeting during the Danish Presidency will be in Copenhagen on 4–6.6.2012. The items will be, inter alia, monitoring (coordinated monitoring), GES, MPA (coherence and representativeness) and cooperation between the Marine and Nature Directors.

#### 2. Legal and implementation issues of the Marine Strategy Framework Directive, including Art. 12

DG ENV is preparing a short report on the Commission's announcements and assessment processes. Member States should report to the Commission by 15.10.2012. The Commission will evaluate the uniformity between sea areas in Europe and after the evaluation will give the necessary instructions and recommendations. The key criteria are "consistency" and "coherence".

For DG ENV the important date is 15.10.2012 and not 15.7.2012. Not to report, will not be an option. DG ENV regards that an essential part of the reporting is to present lack of results (OR data? OR 'lack of results and data') and how this will be handled and what targets will be defined after a given time. After 15.10.2012 the Commission will do a quick analysis of the completeness of the reporting, and after that the Commission can ask for more information. The Commission aims to have Article 12 ready during 2013.

#### 3. Commission activities

There was no time to discuss this issue.

#### 4. Working Group activities (Progress Working Groups GES, DIKE and ESA — Outcome of the informal workshop and the WG GES meeting, Outcome of the WG DIKE meetings, and Outcome of the WG ESA meeting)

##### a) Discussion on cross-cutting issues — Common Understanding Document

The meeting felt that the document could be adopted and stated that the document is "living" and the work must go on.

##### b) Reporting sheets and concept paper on reporting

The concept for reporting is ok, but full reporting is impossible in 2012 and it will also be very challenging in the next phase. Therefore, it is important that those parts which are essential and compulsory should be indicated. The Commission said that the "high priority" fields are those that will be the basis for the evaluation by the Commission.



The reporting format is for comments by(?) WG DIKE by the end of the week (19.11.2011). It was stated that it is important to separate what should be done in the 2012 reporting and what can be done in later reporting.

*c) Economic assessment of policy measures for implementing the MSFD*

The work of the consultant steered by DG ENV was presented to the meeting. The aim of this work was to develop a working tool for the use of Member States. The closing report will be finished soon.

*c) Progress of technical subgroups on underwater noise and marine litter*

There was no time to discuss this issue.

5. Elements for the 2012 work plan and beyond, thematic meetings, linkages between ESA, DIKE and GES

The Commission aims to define the CIS composition in the near future. DG ENV said that the work in WG GES should be concrete and should focus on targets and indicators.

The work in WG ESA should be coordinated with biological elements.

DG ENV recommends that:

- the work in WG GES should be organized by themes (biodiversity, harmful substances, nutrients)
- the part on biodiversity needs more attention

6. Public consultation processes and information sharing

There was no time to discuss this issue.

## **17-18 November 2011**

### **17th Meeting of the Scientific Council of the Convention on Migratory Species**

#### **Attendance on behalf of CMS & ASCOBANS: Heidrun Frisch (Secretariat)**

The Agenda contained several items of interest to ASCOBANS Parties, both when relevant threats and work programmes were discussed, and when debating matters relating to species listing or emergency responses:

9. *Modus operandi* in cases of emergencies for CMS species
10. Critical sites and ecological networks for migratory species
12. Climate change impacts on migratory species and implications for adaptation
13. Impacts of bycatch on migratory species and best practice mitigation measures
14. Impacts on marine debris on migratory species
15. Small Grants Programme (SGP)
16. Conservation status of CMS Appendix I Species
17. Scientific Council tasks arising from resolutions, recommendations and other decisions of the Conference of the Parties:
  - 17.1 Concerted actions for selected Appendix I species/groups
  - 17.2 Co-operative actions for Appendix II species/groups
  - 17.3 Other resolutions and recommendations (not already covered under other agenda items):
    - 17.3.3 Implementation of Res.9.9 on Migratory Marine Species/Conservation Status of Arctic marine species/Programme of Work for Cetaceans

17.3.4 Implementation of Res.9.19 on Adverse Anthropogenic Marine/Ocean Noise and new Resolution on Underwater Noise Pollution

19. Progress on other matters requiring Scientific Council advice:

19.2 Criteria for listing Appendix II species

19.4 Survey of expertise of Scientific Council members

20. Presentation of the reports of the taxonomic and thematic working groups

As new chair was elected Mr Fernando Spina (Italy) and as vice-chair Ms Malta Qwathekana (South Africa).

The official report of the meeting can be accessed [here](#), including the reports of the [Aquatic Mammals Working Group](#), chaired by Bill Perrin, and the [Bycatch Working Group](#), chaired by Barry Baker.

## 20-25 November 2011

### 10th Meeting of the Conference of the Parties of the Convention on Migratory Species

#### Attendance on behalf of CMS & ASCOBANS: Heidrun Frisch (Secretariat)

##### OVERVIEW OF THE PROCESS REGARDING THE "FUTURE SHAPE" OF CMS (ITEM 9)

41. Mr Olivier Biber, Switzerland, Chair of the Future Shape Working Group, referred to document UNEP/CMS/Conf.10.20 *Future Strategies and Structures of the CMS Family* and drew special attention to its Executive Summary, as well as other information documents which provided further details (UNEP/CMS/Inf.10.14.1-10.14.11).

42. He recalled that the process had been launched at COP9 with a mandate set out in Resolution 9.13 and its addendum containing terms of reference for a Working Group to explore possibilities for strengthening the contributions of the CMS and the CMS Family to worldwide conservation, management and sustainable use of migratory species over their entire range.

43. The intersessional process was shaped in three phases:

- Phase 1 had assessed the concerns in detail and reviewed the organization and activities of the CMS and its instruments. The aim was to produce a critical analysis of the current situation, focusing on advantages and disadvantages of the present arrangements, and identifying issues where improvements could and should be envisaged. This work was done with the help of a consultant, the Environmental Regulation and Information Centre (ERIC).
- Phase 2 was dedicated to identifying measures that could improve the current arrangements in the CMS Family.
- Phase 3 had developed three options:

Option 1 – essential measures that could be largely accomplished in a single intersessional period if commenced immediately after COP10.

Option 2 – Option 1 activities plus additional, highly desirable, measures that could be implemented within the existing structures of the CMS Family, but which would need longer to implement, and have some additional cost implications.

Option 3 – Option 1 & Option 2 activities plus additional measures that would require more profound, long-term changes, which might require amendments to the legal texts of instruments within the CMS Family. There would also be additional cost implications.

44. Mr Biber emphasized that the Future Shape Working Group was not recommending a preferred Option, and that this was for the COP to decide. He thanked the Chair and Vice Chairs of the Standing Committee, ERIC, the CMS Secretariat and the support unit provided by the Secretariat for facilitating the Working Group's assessment. The work had taken place in a positive spirit and friendly atmosphere throughout. He thanked the Governments of Finland, France, Germany and Switzerland for their financial and in-kind contributions.

45. He closed by expressing the hope that Parties would use the information compiled and the conclusions tabled in a constructive, far-sighted way, keeping in mind that the Convention and its instruments had a vision, mission and goal, formulated in the current Strategic Plan, that should lead beyond the figures of a budget. Investing in biodiversity meant investing in mankind's future – for the air we breathed and the water we drank, we depended on functioning ecosystems and thus on biodiversity.

46. The Chair introduced the consultant from ERIC, Ms Begonia Filgueira, who made a presentation titled *Future Shape of CMS and the CMS Family*.

47. Ms Filgueira began by thanking the Governments of Finland, France, Germany and Switzerland, whose support had allowed four meetings of the Future Shape Working Group to take place, with reports produced in the three Convention languages. She also thanked the members of the Working Group, in particular the Chair, Mr Biber, for their hard work.

48. The remit of ERIC covered institutional organization, integration, strength across regions, synergies, technical data, finance and capacity building. Work had been carried out in three phases (as outlined earlier by Mr Biber) and a number of benefits had already been felt in the areas of responsiveness, improvements to resolutions, focus on cross-cutting issues, partnerships and itemizing, all of which would improve transparency.

49. Ms Filgueira then looked at the considerable challenges faced by CMS and the CMS Family and outlined the three options identified by the Working Group and ERIC to address them (see above under Mr Biber's report). Ms Filgueira concluded that there were many possible ways forward but it was up to the COP to decide. She suggested that the COP should focus on prioritizing the challenges and deciding how much it was willing to invest in activities. If improvements were chosen wisely, the conservation activities of CMS on behalf of migratory species could be greatly enhanced.

50. The Chair invited short comments and questions, noting that longer interventions should be reserved for the Working Group.

51. The representative of Pakistan asked for clarification as to whether an additional scientific institution was envisaged under Option 3. Ms Filgueira replied that this was not the case; the proposal was for a single, centralized body merging scientific expertise for all CMS instruments, rather than for creation of a new layer of expertise.

52. The representative of Egypt expressed concern in four areas: (i) the need for enhanced capacity building; (ii) the burden of reporting, which had become very heavy; (iii) the continuing gap between North and South with regard to data availability and management; and (iv) the difficulty in ensuring that decision makers accepted what was agreed by the COP. He also commented that the options presented were not really alternative choices, but rather represented a process along a timeline. The representative of Mali expressed his support for the intervention of Egypt, particularly with regard to reporting

53. Ms Filgueira responded that, with regard to the timeline, some important activities were fully implemented within Option 1. She deferred responses to the other points to Working Group discussions.

54. The representative of Poland, on behalf of the EU, welcomed the result of the Future Shape process, especially the Phase III Future Shape report. However, the EU was of the opinion that the outcome, in its current form, did not provide a basis to create a long-term efficient organization for the future, especially given that the options presented in the Phase

III report would require additional funding; funding that in the opinion of the EU would be difficult to secure. At this time serious consideration could only be given to activities and short-term time frames that were outlined in Option 1 and that resulted in cost-neutral outcomes. The EU and its Member States proposed that key decisions regarding the Future Shape should be taken through the development of a new Strategic Plan.

55. The representative of Norway welcomed the Future Shape process and expressed agreement with Egypt about the burden of reporting, and with the EU about the need to link the Future Shape process to the Strategic Plan. She asked how CMS fulfilled its mandate in relation to other MEAs and whether this was dealt with in the ERIC report.

56. Ms Filgueira responded that the report did look at synergies between the MEAs and showed that the best possibilities for synergy lay with reporting and with management of technical data. The existing Joint Work Plans with the Ramsar Convention on Wetlands and CITES, and the development of IPBES were steps in the right direction.

57. The representative of Switzerland responded to the interventions made by Egypt and the EU. He agreed that the options represented a process and were not really either/or options. They had been produced after consideration by many experts in the Working Group and in ERIC. It had been a considerable task to address the recommendations in Resolution 9.13, and short-term savings had not been a primary consideration. It was important to bear in mind that many of the proposed short-term activities would result in savings in the medium and long term.

## II. REPORTS AND STATEMENTS ON THE IMPLEMENTATION OF CMS

### REPORTS FROM CONVENTION AND AGREEMENT BODIES AND UNEP (ITEM 10)

#### (c) Article IV Agreements/MOUs

72. Ms Heidrun Frisch (ASCOBANS Coordinator/CMS Marine Mammals Officer) introduced document UNEP/CMS/Inf.10.18.2 *Report of the joint CMS/ASCOBANS Secretariat*. During the triennium the extension of the ASCOBANS area entered into force and the Agreement's title was amended accordingly to the Agreement on the Conservation of Small Cetaceans of the Baltic, North-East Atlantic, Irish and North Seas (the acronymn ASCOBANS was however retained). The Sixth Meeting of the Parties took place 16-18 September in Bonn. The effect of the extension of the ACCOBAMS Area into waters covered by ASCOBANS and the evaluation of the Agreement's Secretariat functions are covered in greater detail under Agenda Items 13 (b) and 13 (c).

## III. CURRENT STATUS AND "FUTURE SHAPE" OF THE CONVENTION

### PROCESS REGARDING THE FUTURE SHAPE OF CMS (ITEM 13)

#### (b) Extension of the ACCOBAMS area

112. The Executive Secretary reported that the 4<sup>th</sup> Meeting of Parties to ACCOBAMS, held in November 2010, had extended the geographical scope of the Agreement in response to a request from the Governments of Spain and Portugal (both Parties to ACCOBAMS, but non-Party range states under ASCOBANS), to include all the continental waters of both countries. The effect of this extension was an overlap with the geographical scope of ASCOBANS. The MOP had called upon the two instruments to work closely to avoid any overlap or duplication in activities. Ms Mrema advised that the amendment would only enter into force when ratified by a sufficient number of Parties.

113. The Secretariat had received notification only after the amendment proposals had been officially submitted to ACCOBAMS. The ASCOBANS Advisory Committee, after reviewing the matter, had asked ACCOBAMS Parties to defer a decision until the outcome of the Future Shape process was determined; this had however not been done. Ms Mrema recalled paragraphs 119 to 127 of the report of CMS COP8, which had called for CMS Parties to be

involved in any discussions regarding extension of an Agreement's geographical scope and noted that this had not happened in this particular case.

114. The ACCOBAMS Secretariat and the representatives of Spain and Monaco (Depositary) provided further background clarification. The representative of Egypt expressed support for the process and noted his country's interest in the potential extension of ACCOBAMS to the Red Sea.

115. The representative of India reported on his country's activities at national, regional and international levels for the conservation of cetaceans, and indicated that he would be pleased to share information with other Parties.

116. The observer from ACCOBAMS emphasized that the extension had provided a wonderful opportunity to collaborate with ASCOBANS and that cooperative initiatives had already been put in place, very much in the spirit of the Future Shape.

#### (c) Merger of CMS and ASCOBANS Secretariat functions

117. The Executive Secretary drew attention to documents UNEP/CMS/Inf.10.32 *Evaluation of the Merger of the ASCOBANS Secretariat with the CMS Secretariat* and UNEP/CMS/Conf.10.34 *The Merger of CMS and ASCOBANS Secretariat Functions*. She summarized the benefits and limitations of the arrangement and spoke positively of the good working atmosphere achieved. In noting that COP10 would confirm the organizational arrangements for the coming triennium, Ms Mrema said that the lessons learned so far needed to be taken into account as the Future Shape process evolved.

118. The representative of the Netherlands, as Chair of the Working Group that had evaluated Secretariat arrangements, reported that the CMS Secretariat had started to serve as provisional Secretariat of ASCOBANS for a trial three-year period starting in 2007. A UNEP evaluation in 2008 had concluded it was too early to assess progress, so the 2009 MOP had decided to continue the arrangement for another three years, during which a second evaluation was to be completed by a working group consisting of Belgium, Denmark, Germany and the Netherlands. This review had been completed earlier this year and the findings presented as document Inf.10.32. While the general conclusion was positive, arrangements for the longer-term depended on Future Shape outcomes.

119. The Chair asked for comments and as none were forthcoming, he declared that the COW had taken note of the outcome of the evaluation and endorsed the documents.

### CONSERVATION ISSUES (ITEM 19)

#### (a) Critical Sites and Ecological Networks for migratory species

176. Mr Borja Heredia (CMS Secretariat) introduced documents UNEP/CMS/Conf.10.39/Rev.1 *Critical Sites and Ecological Networks for Migratory Species* and UNEP/CMS/Resolution 10.3/Rev.1 *The Role of Ecological Networks in the Conservation of Migratory Species*, as well as UNEP/CMS/Res.10.3/Rev.1/Annex Rev.1 *Amendments recommended by the Scientific Council at its 17<sup>th</sup> meeting*.

177. Amendments to draft Resolution 10.3/Rev.1 and its Annex Rev.1 were proposed by the representatives of Argentina, the EU, Kenya, Norway, the observers from IUCN and the Ramsar Convention, and by the Appointed Scientific Councillor for Asiatic Fauna, speaking also in his capacity as Chair of the Flyways Working Group.

178. The representative of India underlined the importance of enhancing existing ecological networks for migratory species in his region.

179. The representative of Ethiopia called on Parties and the Secretariat to place stronger emphasis on the mass migration of the White-eared Kob (*Kobus kob leucotis*), which was the second largest migration of terrestrial mammals in Africa and possibly the world.

180. Following discussion, the Chair ruled that the draft Resolution 10.3 on ecological networks should be generic in its scope, with specific site networks mentioned as examples. He asked those who had proposed amendments, as well as the Secretariat, to take this into account when preparing a further revision of this document. The Chair requested those who had made proposals relating to marine areas, to meet informally together and to bring forward a joint proposal in due course.

(e) Migratory aquatic species

*ii. Assessment of bycatch in gillnet fisheries*

199. Mr Barry Baker, Appointed Scientific Councillor for By-Catch and Chair of the COP Working Group on Marine Issues, introduced the following documents:

- UNEP/CMS/Conf.10.33 *Executive Summary: Assessment of Bycatch in Gill Net Fisheries*
- UNEP/CMS/Inf.10.30 *Assessment of Bycatch in Gill Net Fisheries*
- UNEP/CMS/Resolution 10.14 *Bycatch of CMS-listed Species in Gill Net Fisheries*
- UNEP/CMS/Resolution 10.14/Annex *Amendments recommended by the Scientific Council*

200. The representative of Ecuador described a number of factual inaccuracies in document Inf. 10.30 and requested the Secretariat to take note of more accurate information. The representative of ACCOBAMS also referred to inaccuracies in the report with regard to the Mediterranean; she would be providing corrections to the Secretariat in due course.

201. Mr Baker reported that both the Scientific Council and the COP Working Group on Marine Issues had some concerns about the consultant's report (Inf.10.30), which due to the timing of delivery had not been peer-reviewed before submission. This would necessitate an intersessional review of its findings prior to COP11. Ecuador had indicated it would cooperate closely in the intersessional review process.

202. Mr Baker confirmed that draft Resolution 10.14 had been reviewed by the Scientific Council and by the COP Working Group on Marine Issues, which had recommended it for endorsement by the COW.

203. The representative of the EU stated that the EU was broadly supportive of draft Resolution 10.14. He referred to the EU's new Common Fisheries Policy and its more sustainable approach to fisheries management. Proposed amendments to the draft Resolution would be provided in writing to the Secretariat.

*iii. Implementation of Resolution 8.22 on human-induced impacts on cetaceans and iv. Programme of work for cetaceans*

204. Mr William Perrin, Appointed Scientific Councillor for Marine Mammals introduced the following documents:

- UNEP/CMS/Conf.10.35 *Implementation of Resolution 8.22 on Human-Induced Impacts on Cetaceans*
- UNEP/CMS/Resolution 10.15/Rev.1 *Global Programme of Work for Cetaceans*
- UNEP/CMS/Inf.10.31 *Towards a CMS Global Programme of Work for Cetaceans*

205. The Chair of the COP Working Group on Marine Issues noted that the Group had worked hard to prepare a revised version of draft Resolution 10.15, which was rather lengthy and complex. The revised draft Resolution would be posted on the CMS website as UNEP/CMS/Resolution 10.15/Rev.1 for participants to review. Those who wished to propose further amendments were invited to liaise with the Chair of the COP Working Group. Ms Heidrun Frisch (CMS Secretariat) provided an overview of the amendments contained in the

document. The Chair invited the COW to recommend draft Resolution 10.15/Rev.1 for consideration by the COP Plenary.

206. The representative of Egypt queried the cost of implementing the Programme of Work for Cetaceans and stressed the importance of capacity building and resources for implementation.

207. The Secretariat clarified that the work programme was advisory in nature and would not necessarily have a direct additional cost implication.

*v. Underwater noise*

208. The representative of the EU introduced UNEP/CMS/Resolution 10.24/Rev.1 *Further Steps to Abate Underwater Noise Pollution for the Protection of Cetaceans and Other Migratory Species*. The resolution was principally a response to noise generated by pile driving during the rapid development of wind turbine complexes in European offshore waters.

209. Ms Heidrun Frisch (CMS Secretariat) presented the amendments contained in Resolution 10.24/Rev.1 as a result of the deliberations of the COP Working Group on Marine Issues.

210. The representative of Egypt commented that developing countries were often faced with conflicts between development and environmental protection. The draft Resolution was good, but there was a need to consider the challenges of implementation, especially in developing countries. It was important to consider simpler, less expensive solutions.

211. The representative of Argentina suggested inserting reference to the United Nations Convention on the Law of the Sea (UNCLOS) in operative paragraph 6. The acceptability for this would need to be checked by the Working Group.

212. The Chair invited the COW to recommend draft Resolution 10.24/Rev.1 for consideration by the COP Plenary.

*vi. Marine Debris*

213. Mr Nigel Routh (Australia), gave a presentation on the threat posed for marine species by marine debris and introduced document UNEP/CMS/Resolution 10.4 *Marine Debris*.

214. The representatives of Cameroon, Congo (Brazzaville), the EU, Guinea and Senegal supported the draft Resolution. The representative of Congo (Brazzaville) described marine debris as a serious and significant problem for coastal countries, especially with respect to marine turtles in Congo. Congo urged the use wherever possible of biodegradable materials to help overcome the problem.

215. The representative of the EU said the EU was still working on proposed amendments to draft Resolution 10.4 and would provide the amendments in writing to the Secretariat and COP Working Group on Marine Issues in due course.

216. The representative of Guinea suggested expanding the draft Resolution to cover freshwater habitats. Guinea invited development partners to support the efforts of Parties in the implementation of their national management plans for marine and freshwater debris.

217. Ms Heidrun Frisch (CMS Secretariat) introduced the changes to the draft Resolution proposed by the COP Working Group on Marine Issues. The main change was adoption of the widely used definition of marine debris used in the Honolulu Strategy.

(j) Guidelines for Small Grants Programme

283. Mr Borja Heredia (CMS Secretariat) introduced document UNEP/CMS/Conf.10.43 *Revised Guidelines for the Operation of the Small Grants Programme*. He confirmed that this document had been discussed at the 17<sup>th</sup> meeting of the Scientific Council, which had endorsed it for presentation to COP10, as noted in the draft report of the Council's meeting

contained in document Inf.10.22. The proposal before the COW was for the Revised Guidelines to be endorsed by the COP for use in the coming triennium.

284. The representative of Congo (Brazzaville) was concerned that limiting the Small Grants Programme (SGP) to countries that were CMS Parties might be too restrictive, while the representative of Paraguay supported the endorsement of the Revised Guidelines and recommended that the SGP should provide support to projects in the scope of CMS MOUs in particular.

285. Mr Borja Heredia (CMS Secretariat) confirmed that the Revised Guidelines were not the subject of a COP10 Resolution and that their endorsement would be reflected through the report of the COP. The Plenary duly endorsed the Guidelines.

#### INSTITUTIONAL ISSUES (ITEM 22)

##### (b) Other institutional issues

345. The Executive Secretary, Ms Elizabeth Maruma Mrema, recalled that, in accordance with Article IX of the Convention, the Executive Director of UNEP provided Secretariat services for CMS and related Agreements and MOUs. In the past, the relationship between the UNEP Executive Director and the Executive Secretaries of CMS and its daughter Agreements had been *ad hoc*. Ms Mrema explained that the Executive Director had, in August 2011, decided to delegate in writing part of his authority to the Executive Secretary of CMS, who was also acting Executive Secretary to ASCOBANS and to the Gorilla Agreement, and to the Executive Secretaries of the other two CMS Agreements based in Bonn, namely AEWA and EUROBATS. The purpose of this Delegation of Authority was to clarify accountability, authority and responsibility, especially in the areas of programme management, financial and physical resources management and human resources management.

346. The Chair requested that a copy of the Delegation of Authority be circulated and the Executive Secretary confirmed that this would be arranged. A copy of the Delegation of Authority appears as Annex X to this report.

#### REPORTS OF SESSIONAL COMMITTEES (ITEM 24)

350. Mr Barry Baker, Chair of the COP Working Group on Marine Issues, reported that the Group had reviewed four draft Resolutions 10.4 (Marine Debris), 10.14 (Bycatch), 10.15 (Programme of Work for Cetaceans) and 10.24 (Underwater Noise), which had also been reviewed by the Scientific Council and by the Committee of the Whole. Amended texts were now ready for approval by Plenary.

#### ADOPTION OF RESOLUTIONS (ITEM 27)

##### *Resolution 10.4 Marine Debris*

376. Draft Resolution 10.4 Rev.2 was introduced by the Chair of the COP Working Group on Marine Issues, who confirmed that the Working Group was commending this version to the Plenary for adoption. There were no proposals from the floor for further amendments and the Resolution was adopted as presented.

##### *Resolution 10.14 Bycatch of CMS-listed Species in Gillnet Fisheries*

392. Draft Resolution 10.14 Rev.2 was introduced by the Chair of the COP Working Group on Marine Issues, who noted that earlier drafts had been reviewed by the Scientific Council and by the COP Working Group. Resulting amendments had been included in Rev.2, which was now recommended for adoption by the Plenary Session.

393. The representative of Ecuador expressed support for the draft Resolution but re-emphasized the position taken by Ecuador during the COW discussion of this issue, particularly in relation to document UNEP/CMS/Inf.10.30. The information relating to



Ecuador that was contained in this report was inaccurate and should be discounted. Ecuador would be providing updated information in due course.

394. Draft Resolution 10.14 Rev.2 was adopted subject to the incorporation of a further amendment tabled by the representative of the EU.

*Resolution 10.15 Global Programme of Work for Cetaceans*

395. Draft Resolution 10.15 Rev.1 was introduced by the Chair of the COP Working Group on Marine Issues.

396. The representative of Norway referred to the announcement made earlier by the State Secretary for Environment, Ms Heidi Sørensen, that Norway had lifted its reservations relating to all species of cetaceans included in CMS Appendix II and to Great White Shark (*Carcharodon carcharias*) in CMS Appendix I. The lifting of these reservations had been made possible by the best available science – the key element for Norway in management of all living marine resources.

397. The representative of Denmark, speaking on behalf of the Kingdom of Denmark including the Faeroe Islands, confirmed that the draft Resolution was acceptable to both Denmark and the Faeroe Islands.

398. Draft Resolution 10.15 Rev.1 was adopted without further substantive amendment and subject only to the inclusion of minor editorial corrections pointed out by the representatives of the EU and South Africa.

*Resolution 10.24 Further Steps to Abate Underwater Noise Pollution for the Protection of Cetaceans and Other Biota*

414. Draft Resolution 10.24 Rev.2 was introduced by the Chair of the COP Working Group on Marine Issues. The text was adopted subject to the inclusion of further amendments tabled by the representative of the EU.

STATEMENT BY GOVERNMENT OF NORWAY

315. At the invitation of the Chair, Ms Heidi Sørensen, State Secretary, Norwegian Ministry of the Environment made a statement to the Plenary Session on 25 November announcing the lifting of Norway's reservations relating to all species of cetaceans listed in CMS Appendix II and to Great White Shark (*Carcharodon carcharias*) listed in CMS Appendix I. This announcement was marked by applause from participants.

The resolutions adopted at COP10 are available [here](#). The official draft report of the meeting will be uploaded [here](#) shortly.

**7-10 February 2012**

**ICES Working Group on Bycatch of Protected Species**

**Attendance on behalf of ASCOBANS: Marije Siemensma**

The Working Group on Bycatch of Protected Species of the International Council for the Exploration of the Sea met in Copenhagen, Denmark from 7 to 10 February 2012 to deal with the following six terms of reference (ToR):

ToR A Review annual national reports submitted to the European Commission under Regulation 812/2004 and other published documents to collate bycatch estimates of protected species (birds, mammals, reptiles, fish);

ToR B Evaluate the impacts of bycatch on each relevant species and where possible at a population level, furthering the approach adopted by WKREV812 to assess likely conservation level threats;

ToR C Collate and review information from National 812 reports and elsewhere relating to the implementation of bycatch mitigation measures and ongoing bycatch mitigation trials, compile recent results and coordinate further work on protected species bycatch mitigation;

ToR D Working with the ICES DataCentre, continue to develop a database on bycatch monitoring and relevant fishing effort in European waters; review attempts made intersessionally to populate the existing database with monitoring and effort data for the relevant fleets for 2008–2010;

ToR E Continue to collaborate with PGCCDBS/SGPIDS on integrating protected species bycatch data with relevant discard survey data; specifically to collate information collected under the DCF on protected fish species for 2012;

ToR F Continue to develop, improve and coordinate methods for bycatch monitoring and assessment.

Fourteen Experts from nine ICES Member States (Norway, Germany, Ireland, the Netherlands, the United Kingdom, Denmark, Spain, Sweden and the United States) met for four days at the premises of ICES, chaired by Bram Couperus (IMARES), who took over as chair from Simon Northridge (SMRRU). A representative of the European Commission attended as well.

During the meeting the terms of reference as mentioned above were dealt with. The National reports of the Member States under EC 812/2004 were reviewed. (new) Developments regarding bycatch mitigation and monitoring were discussed as well as the collaboration with other working groups and the continued development of a database on bycatch monitoring and relevant fishing effort.

On the agenda of the next meeting of this working group in 2013 will be the specific task under ToR B - Evaluate the impact of bycatch – to assess sustainability of harbour porpoise bycatch in the North Sea and adjacent waters (Skagerrak – Inner Danish Waters).

The current EC 812/2004 and its future were discussed with the representative of the European Commission. Based on two reviews of the Regulation by the Commission it could be concluded that the current Regulation did not fulfill the initial goal, to monitor and reduce bycatch of small cetacean in European waters. There was no intention of the European Commission to amend EC 812/2004. The report of the meeting reflected the discussion on a future management framework for cetaceans and how to bridge a transitional period.

Although the focus lay on small cetacean bycatch, monitoring and reducing the impact of fisheries on other protected species (birds, turtles, several fish species), the importance of data collection on these species was discussed as well.

The official report of the meeting is currently under preparation and will be published soon when it will become available on the ICES website. WGBYC will report early March 2012 for the attention of the Advisory Committee (ACOM).

## **5-8 March 2012**

### **ICES Working Group on Marine Mammal Ecology**

The Chair, Eunice Pinn (United Kingdom), will give an oral report of key points of interest to ASCOBANS during the 19<sup>th</sup> Meeting of the Advisory Committee.

## 29 February 2012

### NABU-Dialogforum “Müllkippe Meer – Mehr Verantwortung für Produzenten!” (Workshop on Marine Litter)

#### Attendance on behalf of ASCOBANS: Heidrun Frisch

On the invitation of NABU, Heidrun Frisch was requested to deliver a talk to the approx. 50 participants of this workshop, giving an overview of the biodiversity we have in the North and Baltic Sea, as well as the human activities that pose threats to these species and habitats. The workshop then went on to explore the additional threat posed by marine debris and inform about ongoing initiatives to address the problem, such as clean-ups, changes in design and production of materials and recycling.

The most relevant presentations were:

David Fleet introduced the problem of marine debris. From regular beach litter monitoring required under OSPAR and from several similar projects run by NGOs it was known that in the North Sea ¾ of beach litter was plastics and Styrofoam, ca. 30% were from fisheries, and 28% were packaging. The PhD thesis of Helena Herr on distribution of marine mammals offshore had also taken note of floating debris and had found a clear correlation with shipping lanes. The North Sea received an estimated 20,000 tons of debris per year, mostly from fisheries and shipping; there were no reliable estimates for the Baltic Sea.

Johannes Fuchs of the University of Kiel next looked at relevant international law. Pollution from Ships was mainly regulated through:

- UNCLOS (1980s) – „Constitution of the Seas“, very abstract language, Part 12 deals with Environmental Protection, Art. 210-211 requires all flag-, port- and coastal states to regulate waste disposal and conform to international standards
- MARPOL Annex 5: prohibits plastic waste disposal at sea, port states have to offer suitable collection facilities, requires keeping of records about waste, but inadequate controls
- Regional Agreements

Pollution from Land was regulated through:

- UNCLOS Art. 207 – obligation to prevent, reduce and monitor waste sources, „taking account of“ international standards – leaves more room for interpretation, reflecting more complex situation and interests than at sea
- EU has strict rules compared to other regions and „more teeth“, but still major implementation problems – other regions far behind with much higher obstacles preventing cooperation and negotiation of joint standards
- 1995 Global Programme of Action (soft law)
- Regional Agreements

He stressed that the problem in general was not a lack of laws and regulations, but a lack of implementation: the key to success was the involvement of all of society, including manufacturers, municipalities and consumers.

Stefanie Werner of the German Federal Environment Agency spoke about the activities under OSPAR and the EU Marine Strategy Framework Directive. Descriptor 10 for GES stated that litter and its decomposition products do not have negative impacts on marine life and habitats. In order to determine how to monitor this, a Technical Subgroup for “Marine Litter Technical Recommendations for the Implementation of MSFD Requirements” had been established. They would only start looking at ways to improve the situation in the seas at later stages in the MSFD process.

Kim Detloff of NABU then introduced their “Fishing for Litter” project. Fishing for Litter is a cooperative project originally started by KIMO in Scotland – bringing in litter was a passive by-product of the fishing activity. Instead of having to dispose of waste at their own costs (prompting many to dump back into the ocean what they brought up), fishers were encouraged to bring waste to port and were given options to dispose of it for free. The objectives of the project were to remove marine debris, raise awareness, and collect data. This project served as an effective bridge between fishermen and conservationists – with respect to this issue both had the same interests and therefore all of a sudden found themselves on the same side!

Georg Mehlhart presented the results of a literature study on land-sourced litter (LSL). The objectives of this study were to identify sources and mitigation measures, not verify the problem, which was clearly established. Figures for the total contribution of LSL to marine debris (sometimes given at 80%) were not verified, but it was clear that plastics dominated the debris both on beaches and in the water. He did not see illegal activities as the main problem relating to LSL, but poor waste management systems in many countries.

Dirk Jepsen of the Ökopol Institut stressed that efforts to reduce the quantity, toxicity and resource-use for waste had to be made with each step, by means of reducing transport packaging, avoiding surplus quantities, product design for longevity, reparability, collection and deposit systems and effective disposal.

Benjamin Bongardt of NABU spoke about communication strategies for improved recycling quotas and the need to address and involve all parts of society.

The last part of the symposium consisted of a panel discussion among a representative of the environment ministry, a politician, a representative of the industry and a senior NGO representative. Key points made were:

- ➔ The problem cannot be addressed adequately in the water – action has to be taken to prevent litter from entering the oceans, clean-ups are only an additional measure
- ➔ Politics should ensure free waste disposal in all ports – the costs for that could e.g. be covered by slightly higher general port fees; one should stop charging for disposal based on weight or quantity, as this encouraged illegal disposal at sea
- ➔ Seek to gain tourism sector as partners – they also have an interest in keeping the ocean and beaches clean
- ➔ The general public needs to be educated everywhere and confronted with the results of careless disposal, e.g. pictures of entangled animals
- ➔ The people deciding about packaging, i.e. product designers and brand owners, need to take responsibility for less wasteful design; this is where awareness raising should focus
- ➔ Deposit systems for fishing gear as a way to reduce discard of gear at sea? Or „Net-Sharing“, i.e. fishers do not own the nets, they get the right to use them but need to return them (advantage: they always get fully functional nets, don't need to invest by purchasing gear)?