

Statement by the World Wide Fund for Nature

Submitted by: WWF



ASCOBANS

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

**8th Meeting of the Advisory Committee to ASCOBANS
2-5 April 2001, Nymindegab, Denmark**

Statement by WWF

- including Appendices relating to particular Agenda Items -

1. WWF highlight the statement by the chair of the ASCOBANS Advisory Committee at MOP3 “ *Concrete reduction in by-catch in those areas where anthropogenic removal is above the ,acceptable level of interaction‘ could not be demonstrated. It was therefore to be recommended that the highest priority be assigned to the reduction of by-catch in the new work plan*” (Proceedings of the Third Meeting of Parties; 7.2 para. 2. – own emphasis added).
2. We recognise and support that while the Common Fisheries Policy has competence over fisheries management in EU waters, the work undertaken by ASCOBANS (research, collating and presenting statistics, developing benchmarks for unacceptable take, highlighting gaps in data, national progress reports, etc.) is key to integrating the protection of small cetaceans with fisheries policy and management.
3. In the light of this, we welcome the initiative by Members of the European Parliament to recall MOP3 Resolution No. 3 on Incidental Take of Small Cetaceans with a view to stressing „the need to integrate by-catch issues in sustainable fisheries practices and socio-economic considerations, particularly in the context of the Common Fisheries Policy of the European Union“ within the system of EU institutions (see **Appendix I** to this submission).
4. It is particularly timely to discuss the **integration of ASCOBANS work with EU processes** as the Commission’s draft Green Paper on CFP reform (for 31 December 2002) will be available in time for the 8th Advisory Committee. Based on the Amsterdam Treaty and the Cardiff process, the Commission are also in the process of developing an “Integration Strategy” for environmental integration and sustainable development in fisheries policy.
5. With respect to **protected areas for small cetaceans**, we also submit for information, the outcome of the experts' meeting organised by DG Environment that took place on 14 December 2000 in Brussels (**Appendix II** to this submission). WWF attended the meeting on behalf of the European Habitats Forum (EHF = European NGOs and IUCN). DG Environment's services came to a view that it is possible to identify areas representing crucial factors for the life cycle of the harbour porpoise.
6. In support of statements by DG Environment, WWF’s (and EHF’s) position on the identification and designation of **Natura 2000 sites for the harbour porpoise** is that there are European sites that are clearly identifiable areas representing the physical and biological factors essential to their life and reproduction (e.g. calving, rearing of calves and feeding)¹.

¹ Supported for example by the following information: The case for the harbour porpoise SAC in Pembrokeshire, Wales UK – Summary of the main supporting evidence; Analysis of sightings data for indications of harbour porpoise breeding off the Welsh coast. Mick Baines and Sarah Earl; The use of Welsh coastal habitats as calving and nursery grounds for the harbour porpoise (*Phocoena phocoena*). Rod Penrose and Chris Pierpoint; Interpretation of the Habitats Directive in the case of the harbour porpoise (*Phocoena phocoena*). Kelly Hughes; Statement by the Whale and Dolphin Conservation Society regarding Special Areas of Conservation for the harbour porpoise; Ecological studies of the harbour porpoise in Shetland, North Scotland. Peter Evans; The harbour porpoise (*Phocoena phocoena*) in west Wales. Chris Pierpoint, Mick Baines and Sarah Earl; Completed Natura 2000 forms

These sites should be designated in line with Article 4.1 of Council Directive 92/43/EEC (the “Habitats Directive”).

7. While welcoming this progress on site-specific, spatial protection schemes for small cetaceans at EU level, WWF believes that the caveat „*Given the dispersal of this species throughout marine waters, DG Environment recognises that it may not be feasible to achieve a high level of representation of this species within the N2000 ecological network*“ will remain a continued reason for concern. This is aggravated as long as operational targets for the reduction and mitigation of by-catch are absent from EU fisheries regulations which have a key influence on the overall environmental conditions within their population range. Given the conclusion that designating enough space to ensure “favourable conservation status” of the harbour porpoise will not be feasible, the network of Natura 2000 sites for the harbour porpoise must be supplemented by general management measures (e.g. for minimising and working towards zero by-catch) as also required by Article 12 of the “Habitats Directive”.
8. In line with the recognition at ASCOBANS MOP3 that “*priority should be given to work on the **Harbour Porpoise Conservation in the Baltic Sea**, by-catch and population structure and abundance estimates*” (Proceedings of the Third Meeting of Parties; 12 para. 5- own emphasis added), WWF continue to offer our full support, as appropriate, in drafting a recovery plan and implementing the plan at the earliest possible date - while at the same time recalling the unresolved problems in the Celtic, North and Baltic Seas as addressed under point 4 – 7 above.
9. Following our joint statement at MOP 3 with the Scottish Fishermen’s Federation, WWF continue to seek operational solutions to minimise and reduce towards zero the incidental capture of small cetaceans in European Union waters. With this respect we look forward to discussing the report by Andy Read at the 8th Advisory Committee meeting (re. ASCOBANS Triennium Work Plan for 2001-2003, 1a.).
10. WWF are calling for a socio-economic cost benefit analysis of fishing practices that ensure the sustainability of commercial fish stocks and non-target marine wildlife in European Union fishing regions such as the North Sea and the Baltic Sea. The analysis would seek to assess the reallocation of funds and economic incentives required for the fishing industry in order to enact radical 5-10 year recovery plans. We request the opportunity to present a summary of a draft project proposal that addresses this call at the 8th Advisory Committee of ASCOBANS (**Appendix III** to be submitted). The project will require buy-in from all sectors.

by WWF, for example, for Mousa and Noss Sound and the Pembrokeshire Islands (extension) in the UK and Figueira da Foz- Aviero, Portugal; Information on the protection area for the harbour porpoise in the waters in front of Amrum and Sylt in German National Park in Schleswig – Holstein. There is an “extraordinary high” density of mother/calf groups; Comments on the UK JNCC Harbour Porpoise Conservation Strategy -Various UK Conservation NGOs represented by the umbrella group Wildlife and Countryside LINK.

EUROPEAN PARLIAMENT

28 November 2000

20/2000

WRITTEN DECLARATION

pursuant to Rule 51 of the Rules of Procedure

by Charles TANNOCK, Chris DAVIES,

Jean LAMBERT, Torben LUND and

Theresa VILLIERS

for entry in the register on the protection of dolphins and porpoises

Deadline 28.02.2001

The European Parliament

- recognising that certain fisheries in European waters are killing, as a result of incidental by-catch, many thousands of dolphins and porpoises;
- acknowledging that EU legislation requires that by-catch of cetaceans be monitored and addressed;
- expressing concern that despite clear evidence of the incidence of by-catch, particularly in pelagic trawls and gill net fisheries, there has been very little action on either a national or EU level to effectively reduce the mortality of cetaceans in fisheries;
- noting that by-catch of some species greatly exceeds levels that could be sustained by the populations;
- noting the parties to (ASCOBANS) have called on the Commission to include action to reduce the annual death toll in its current review of the Common Fisheries Policy;

therefore:

1. Calls upon the national governments of the Member States and the European Commission to take immediate action to:

- monitor and manage fisheries effectively to prevent dolphin and porpoise deaths occurring;
- press for the institutional and policy changes necessary to achieve these ends through the current review of the EU Common Fisheries Policy.

2. Instructs its President to forward this declaration to the Council of Ministers and The European Commission.

INTERPRETATION NOTE

Selection of sites for the species of Annex II *Phocena phocena*.

Article 4 of the Habitats Directive requires for aquatic species which range over wide areas, that sites will be proposed only where there is a clearly identifiable area representing the physical and biological factors essential to their life and reproduction.

Given the dispersal of this species throughout marine waters, DG Environment recognises that it may not be feasible to achieve a high level of representation of this species within the N2000 ecological network.

However, following the outcome of the experts' meeting which took place on 14 December 2000 in Brussels, DG Environment's services come to a view that it is possible to identify areas representing crucial factors for the life cycle of this species (see below).

These areas would be identifiable on the basis of:

- the continuous or regular presence of the species (although subjected to seasonal variations)
- good population density (in relation to neighbouring areas)
- high ratio of young to adults during certain periods of the year.

Additionally, other biological elements are characteristics of these areas, such as a very developed social and sexual life.

Therefore, DG Environment advocates an approach based on the above mentioned characteristics and suggests that this be applied with a view to site selection for this species.

MAIN POINTS DISCUSSED AT THE HARBOUR PORPOISE INFORMAL MEETING, BRUSSELS 14 DECEMBER 2000.

Range of the species.

This species is widespread throughout the cold and temperate seas of Europe, including the North Sea (except in the south), the Skagerrak, Kattegat, Irish Sea, the seas west of Ireland and Scotland, northwards to the Orkney and Shetland Islands and off the coasts of Norway. There is a population in the southern Baltic Sea, but the species is scarce in the remainder of the Baltic Sea, and infrequent in the Channel, Bay of Biscay, and off the Atlantic coasts of Spain and Portugal. There is a population in the Aegean sea, mainly in Turkish waters. The species appears to favour the continental shelf and may make seasonal movements to the coast.

The information available.

The group worked on the map provided by Dr. P. Evans, representing the individuals' range, based on reported sightings corrected for effort and sea state conditions.

It is not easy to collate information on the distribution of the species coming from different sources, given the dependence of the results on the "research effort," as well as on the techniques and methodologies used and, finally, on the conditions in which the survey techniques are applied. One must therefore be very careful in making extrapolations from the data obtained by various research works.

Data for North Sea come primarily from a database, which derives from the Sea Watch Foundation, Joint Nature Conservation Committee and European Seabirds at Sea Projects as well as SCANS project. Data on certain other areas are very scant (e.g. this appears to be the case for the west of Ireland).

Other data, such as those based on by-catch or stranding data also have limitations, given their dependence on the fishing effort. For this reason, they are not used in any distribution map.

Some of the entries at the Data Base Natura 2000 have to be modified.

The individuals' seasonal behaviour.

For reasons not yet fully understood, individuals of the North and Celtic seas population appear to concentrate in some areas close to the coast, between June and September. A portion of the population remains in those regions year-round. The west of Wales, the west of Scotland and the Shetland Islands may be good examples of this behaviour. This inshore movement appears to be connected with the feeding of calves in shallow waters.

During this time they have a very intense "social" life. The highest number of births occurs during June and July (even if there is, as yet, limited evidence concerning where the calves are actually born). The sexual activity is reinitiated afterwards. The young to adult ratio is at its highest level during this period.

This patterns is not repeated everywhere, however. In the Kattegat, the porpoises seem to move out into the North Sea in the Summer.

As the end of the summer approaches, young and adults individuals appear to travel further together.

Other concentration areas do not appear to present this seasonal variation so markedly. They provide however the conditions for both the social life and feeding (it is the case of the Portuguese areas).

Characteristics of the concentration areas.

They generally involve areas close to the coast, presenting in certain cases major bathymetry variations. There are often in areas where there is a high degree of water mixing, sometimes associated with strong currents. For France, they are often in proximity to estuaries and bays. These areas have high biological productivity, and are often associated with important concentrations of small prey fish. Other species also use these areas. There appears to be a correspondence with important areas for marine birds. However, the coincidence is not so good for other marine vertebrates although the presence of other mammals is also observed.

In the case of Germany (Wadden Sea) it turns out that these areas are not subject to major fishing efforts.

Most of the identified important areas have been observed in coastal areas. There may be offshore areas with similar concentrations as well. However, little is known about these, because of the lack of research effort.

There is some DNA evidence to support the conclusion that there are distinct populations of porpoises in the Irish Sea, northern North Sea, southern North Sea and Baltic Sea.

Site designation for the protection of the species.

The group arrived at the conclusion that it is possible to identify areas like those previously described, which would provide for crucial factors in the life cycle of the species. On this basis, a "pragmatic" approach would become appropriate, which eventually could lead to protecting these areas.

This approach is most easily identifiable in the case of the area protected by Germany in the Wadden Sea, on the basis of the continuous presence of the species (although subjected to seasonal fluctuations). There is a good population density in this area and the ratio of young to adults is high.

This said, the members of the group acknowledged that criteria (even quantified) used until now for designating Natura 2000 areas may be more difficult to apply.

An approach on a case by case basis would therefore appear to be necessary, within a national framework.

The population.

The population values currently known are reasonable estimates.

For example, for the North Sea (excluding the Irish Sea), the SCANS project estimated a total of 341 000 individuals. The United Kingdom's waters were estimated to include

approximately 150.000 individuals. If the percentage to be covered in NATURA 2000 should be at least 20% to be accepted, the total number of individuals to be protected in the United Kingdom proposed network would have to be 30 000.

The lack of more detailed information and estimates for all related countries may certainly be a problem.

The size and the limits of protected areas.

In coming to a view on this subject other questions appear. How large should proposed areas be to include the number of individuals corresponding to the required level of protection for a given country? The experience of Sweden concerning the Baltic Sea suggests that the total area to be protected to cover the yearly life cycle becomes very large.

In addition to this, the possibility of protecting highly important areas (hot spots) instead of the large areas was also discussed.

It was also mentioned that the size of the area to be protected would strongly influence the type of management of the site.

The problem of by-catches.

Some of the participants at the meeting expressed their concern about the threats that fishing activities are having on the survival of the species.

The Commission officials at the meeting took note of this concern. They referred to possibilities that will be opened after the adoption of the Action Plan for the Biodiversity in the fisheries sector, as well as other preparatory actions currently ongoing within the Commission to deal with this issue.

However, while recognising the importance of the by-catch problem, participants were requested to address the issues of proposing sites for NATURA 2000 and of dealing with by-catch in a separate way, as they are two distinct duties under the Habitats Directive.

WWF-UK summary briefing to develop the project:

Economic, Social and Ecological Cost Benefit Analysis of EU Fishing Regions.

INTRODUCTION

The Problem

Fisheries have progressively slipped into a state at ease with crisis management. Until now, although all agree that there needs to be drastic change, the discussion has become stuck on generalities, and generated conflict between interest groups.

Relevance to ASCOBANS

Medium term (5 year) recovery plans are being to develop for specific EU fish stocks in specific EU regions (North Sea, Irish Sea and West of Scotland cod and Northern hake). It is timely to start specific strategic planning to integrate wider environmental requirements such as commitments to meet EU Policy and Directives and regional agreements such as ASCOBANS.

This summary is provided for information. WWF welcome input from experts involved in the implementation of the ASCOBANS agreement. Further information on the details and proposed structure of the project in its current draft form and as it develops can be obtained from WWF on request. Funding for the project has yet to be identified.

OBJECTIVE

To evaluate the potential economic, social and ecological costs and benefits of a fisheries policy re-oriented around medium and long-term goals. The project will produce an unbiased evaluation of proposals from all relevant sectors: scientists, economists, fishing industry (including land-based industries relying on fish) and nature conservation.

SUMMARY

Hypothesis

The project research and analysis aim to prove that fishing can be sustainable (by integrating social and environmental goals) and profitability improved; also that a robust overarching policy that will deliver sustainable development and an ecosystem-based approach requires the injection this bottom-up action and strategic planning.

Legal framework

The integration of fisheries into wider marine management by strategic planning, is key to delivering stock recovery programs, wider environmental protection and long-term sustainability for the fisheries sector. The planning will involve economic, social, ecological

indicators and targets and pre-agreed action as reflected in the 1996 The UN Fish Stock Agreement, the FAO Code of Conduct for Responsible Fisheries and international and regional work programmes to implement the Declaration of Rio in 1992 and Agenda 21. Relevant EU Policy/Directives include the Common Fisheries Policy and the EC “Habitats and Species” Directive. On a regional level with particular relevance to the European Community, statutory agreements include the new Annex V to the OSPAR Convention, and the Agreement on Small Cetaceans of the Baltic and Northern Seas.

Choose or Lose 2000

WWF-UK's report *Choose or Lose*, published in December 2000, outlined the economic, social and environmental case for a switch in policy to medium and long-term (5-10 year) recovery programmes. *Choose or Lose* argued that, if we invest in the industry now, there is good reason to expect stocks to recover, as will the fortunes of some of our most far-flung coastal communities. There is general agreement that a well managed fishery in Europe could generate vastly more income than now, as well as producing social and environmental gains. The next steps for “Choose or Lose” will include the integration of “wider environmental planning”, for example, to meet commitments for the protection of non-target species.

Why this research and analysis need to happen

The potential for increased profitability for fisheries is widely accepted. But to turn this into concrete policy, detailed proposals for recovery programmes need to be evaluated, and these need to be broken down into the annualised stream of costs and returns. Because the specific, relevant applied economic information is so poor, and because the options for the most effective way of achieving strategic 5-10 year recovery programmes have never been explored in detail, it is at present impossible to quantify.

Aim

Assess the annual financial investment/cost streams that alternative proposals for recovery programmes for fish stocks, essential fish habitat and non-target marine wildlife and their habitats (including from human activities other than fishing). It will include land-based industries relying on fish. It will include a sensitivity analysis as to how “acceptable” the proposals are between interest groups and the potential increase in profitability for the fishing industry in social and economic terms when recovery is achieved. As part of this, it will also address how funding for recovery plans can be redirected from subsidies that are fuelling over-capacity in the fishing industry.