

Agenda Item 6: Matters related to Parties and Range States

**Report on the meeting between representatives of the European Commission and
ASCOBANS, Brussels, 26 January 1999**

Submitted by Secretariat

Comment: This document has been approved by the Commission.

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

Meeting between Representatives of the European Commission and ASCOBANS Brussels, 26 January 1999

by Holger Auel, ASCOBANS Secretariat

A meeting between representatives of the European Commission and ASCOBANS was held at the offices of the European Commission in Brussels on 26 January 1999. Mr. Bruno Julien, J. Weissenberger, B. Marchant, Carmen Ochoa and Olle Hagström attended the meeting as representatives of the EC. ASCOBANS was represented by the Chairman and Vice-chairman of the Advisory Committee, Dr. Peter Reijnders and Mark Tasker, and by the Secretary.

Dr. Reijnders pointed out that the main aim of the meeting was to establish good working relations between both organisations and to discuss possibilities for mutual assistance in order to meet the respective objectives.

1) Contact person and co-operation between ASCOBANS and the European Commission

As head of the unit which deals, inter alia, with Nature conservation issues in DGXI, Mr. Julien is the focal point for all issues related to the Bonn Convention (CMS) and its regional Agreements. With respect to ASCOBANS, he acts as the central contact person and distributes relevant information within the Commission, so that DG XIV, the Directorate General responsible for fisheries, and other possibly interested services (e.g. research) are involved as appropriate.

Mr. Julien pointed out that the EU Commission primarily concentrates on the implementation of Council Directive 92/43/EEC, known as the "Habitats Directive" and the establishment of a network of protected sites (Natura 2000). He emphasised that the implementation of this instrument would certainly contribute to some of the ASCOBANS' objectives. All cetaceans are afforded strict protection under this Directive (Annex IV). In addition, Bottlenose dolphins, *Tursiops truncatus*, and harbour porpoises, *Phocoena phocoena*, are listed in Annex II of the Habitats Directive and benefit from additional measures to conserve their habitats. ASCOBANS could support the work of the Commission by providing scientific information regarding the important areas identified for these species, and by motivating Parties and Range States to propose these areas under the Natura 2000 framework.

2) Participation of Commission representatives at Advisory Committee meetings

Mr. Julien pointed out that the Commission was in principle interested in taking part in Advisory Committee meetings, depending on the agenda items under consideration. However, financial and personnel restrictions prohibit attendance at all meetings. In any case, the agenda and documents for discussion should be received by the Commission at least 90 days in advance of a meeting in order to allow co-ordination within the Commission and between all 15 Community Member States as appropriate.

3) Current and future Community-funded projects relevant to marine mammal protection

All participants at the meeting agreed that research is an important issue to improve conservation measures. Mr. Olle Hagström emphasised that sound knowledge was important if fishing practices were to be changed. Key research issues should include population structure and suitable management criteria in order to assess the effect of by-catch and mitigation measures. Principally, DG XI does not have a research budget at its disposal. As it is the case for the LIFE II regulation, the Life III proposal (which should be adopted by the Council and the Parliament before end of 1999) will focus on management rather than on research. However, the research funds available within DGXIV could also, in the future, be used to support relevant studies on marine mammals, as it has already been the case for some research projects dealing with by-catch.

Concerning the 5th Framework Programme of the European Community for Research and Technological Development, which might offer the opportunity to fund several research studies, the Commission representatives had no information about whether or not the programme had been published (Comment by the ASCOBANS Secretariat: In the meantime the 5th Research Programme has been published (JO L/26)).

4) Reduction of by-catch

Mark Tasker argued that by-catch of harbour porpoise was most problematic outside "territorial waters" (maximum 12 nm) and was therefore an issue for the Common Fisheries Policy.

The Commission explained that the Common Fisheries Policy, being an exclusive Community competence, needs appropriate co-ordination in an international framework. Nevertheless, EU Member States are entitled to impose on their "national" fleets additional national fisheries regulations adopted in compliance with the provisions of the Community law. Such measures could apply within their territorial waters, or in the Exclusive Economic Zone (maximum 200 nm) as well as outside.

The idea was developed that ASCOBANS could prepare a report describing the by-catch problem for submission to the European Commission. A well-documented case study based on reliable scientific facts could address the scale of the problem and propose practicable mitigation measures. The document could summarise convincing evidence on the current by-catch level and on possible consequences for their conservation status (e.g. medium to long term effects of such removal rates from the affected populations). If possible, the report should discuss various mitigation strategies, such as different time scales or the size of temporarily closed fishing areas in relation to their likely effects. The representative of the European Commission explained the internal procedures and the need for appropriate co-ordination before a possible proposal could be submitted to the Council of Ministers for a decision. This process can be very time-consuming and the institutional procedure could easily take one year or more.

In addition to any official procedure, the Co-ordinating Authorities of ASCOBANS could work towards a broad consensus within their Parties and among other Community Member States.

5) Planned revision of the Common Fisheries Policy

It was stated by DGXIV that a revision of the Common Fisheries Policy was currently under discussion. A questionnaire distributed to relevant organisations has opened the discussion to the public. If considered necessary, ASCOBANS could send a letter to DG XIV explaining its ideas and concerns.

6) Any other business

Mr. Olle Hagström suggested establishing a formal publication series that would publish relevant scientific work conducted within ASCOBANS, and the results of Advisory Committee Meetings, in order to disseminate its ideas and objectives more rapidly and to a wider audience. This would not only raise public awareness, but would also improve the exchange of information with other organisations, e.g. ICES and IWC, that have already initiated a similar publications series.