

Agenda Item: -

**Opening Statements by Observer Organisations:
IFAW, Sailing for the Sea International, WDCS and WWF**

Submitted by: Secretariat



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

IFAW Statement

The International Fund for Animal Welfare (IFAW) is delighted to participate to the 11th ASCOBANS Advisory Committee Meeting and would like to express its strong support for the ASCOBANS political and scientific work. In particular, IFAW would like to highlight the following matters that are of particular importance to future ASCOBANS activities:

- **EU Council Regulation on incidental catches of cetaceans in fisheries**

Bycatch in fisheries presents the most acute threat to the survival of dolphins and harbour porpoises, with populations such as the Baltic harbour porpoise now heading for extinction. The EU has missed a crucial chance to protect dolphins and porpoises from dying in fishing nets. Despite the Commission Proposal on the bycatch endorsed most of the recommendations included in the Jastania Plan, all Baltic Member States, except Germany, have ignored the proposed measures. **IFAW would like to call on the ASCOBANS Parties to make sure that future commitments taken within ASCOBANS are maintained at EU level as well.**

- **Alternative fishing methods**

IFAW would like to recall that so far no valid alternative fishing method has been developed to reduce dolphins and porpoise bycatch. Recently the Irish Presidency to the EU has promoted a debate on this issue, however only focussing on alternative fishing methods for commercial stocks. Further discussion and scientific research on alternative fishing methods to avoid small cetacean bycatch are needed. Due to an indiscriminate nature, gillnets both bottom set nets and drifting gillnets (commonly called driftnets), are a major cause of by-catch and the consequent death of small cetaceans. The death of these cetaceans is not only a conservation problem but also a serious animal welfare issue: for example caught in the net and therefore unable to surface to breathe, the harbour porpoise suffocates to death. **IFAW calls on ASCOBANS to promote research on this issue**

- **Ocean noise**

Noise is a recognised form of pollution but sources of noise in the marine environment are largely unregulated. Anthropogenic sources of noise, such as shipping, oil and gas exploration and production, dredging and construction and military activities have resulted in dramatic increases in background noise levels throughout the oceans and in particular in the coastal waters of industrialised nations. Although the effects of noise on the marine environment are not well understood, many species of fish and marine mammals are known to be highly sensitive to sound. **IFAW calls on ASCOBANS to adopt a precautionary approach to underwater noise and to use its influence to promote this approach at EU level and at other Regional organisations level such as the OSPAR.**

- **Effects of high intensity active sonar on marine mammals and fish**

High-intensity active sonar propagates harmful noise in the world's oceans and is known to kill, injure, and disturb marine mammals and fish. Although the use of this technology is increasing around the world, current mitigation measures with regard to the operation, monitoring, control, and regulation of high-intensity active sonar are largely non-existent or ineffective. In the absence of good scientific data showing that high-intensity active sonar can be used safely in the world's oceans, **IFAW calls on ASCOBANS to recommend a precautionary approach on the use of high intensity active sonar because its known and potential effects on cetaceans, fish, and entire marine ecosystems are harmful and possibly irreversible.**

**Opening statement by
SFTSinternational**

at the

ASCOBANS meeting in Gdansk

from the 26th to the 29th of April 2004.

Greetings

Dear representatives of ASCOBANS, thank you for inviting us to this City that has a maritime history dating back to its roots as well as the development and membership in the HANSE organisation, that was somewhat similar to the E.U. whereof our host Country soon will be a full member.

Greetings also to the other representatives of various organisations who are present here to take part in a positive development. I sincerely hope that this meeting will take place in the positive spirit that is achieved, when people with the same intends unite to work on common goals across the boundaries of borders as well as the boundaries of single organisations.

Research activities of SFTS

SFTSinternational is this year engaged in two own research projects, and a third in co-operation with the “Danish Environment Institute (DMU)” is under negotiation..

These projects are:

- a) A 3 to 4 year survey on the nocturnal behaviour of Phocoena phocoena. The purpose is to establish data if Harbour Porpoise have preferences regarding their choice of localities they choose to stay at night as well as observations about their behaviour, that can be combined with this survey. If we can establish common denominators in the areas preferred by Porpoise to spend the night this data may be useful for further steps toward an improved protection of them. Not least by preventing collisions.
- b) An international study of the reactions of cetaceans to different colours on hulls of various types of vessels, This study has again the purpose to avoid unnecessary collisions between various types of vessels. Dr. Peter H.G. Evans is so kind to help us to proof-read the involved questionnaire's and is giving us advise about their content. This project is only possible with a widespread network of co-operation.
- c) At last we have a c-operation with the Danish Environment Institute, DMU, in the pipeline, where we may offer our divers in order to monitor the spread of eelgrass belts, and we do hope this co-operation will soon be established.

NEED FOR YOUR HELP.

SFTSinternational membership is free of charge and financing projects can be a problem. We will have to rely of partners within various state departments to spread the questionnaire's to shipping operators as well as operators of Highspeed Ferries .

From the side of other NGO`s we have to rely on their help to spread the questionnaire`s to as many sailors and sailing clubs as possible. In order to keep

costs as low as possible this must be done by sending the questionnaire`s to sailing clubs by email, urging them to spread the questionnaire`s amongst their members. We do hope that many of you will take this invitation to a multinational co-operation up and take part by contacting SFTS for the questionnaire`s and to help us spreading them.

This invitation is also extended to IGO`s and GO`s in respect of the above mentioned commercial vessel and highspeed ferry operators.

I wish you all a positive meeting in the spirit of international teamwork.

With best regards on behalf of SFTSinternational

Cand. Psych.

Christof Lytken

Chairman

**WDCS OPENING STATEMENT
TO THE 11TH
MEETING OF THE ADVISORY
COMMITTEE OF
ASCOBANS April 2004**



WDCS, the Whale and Dolphin Conservation Society is again pleased to be taking part in the ASCOBANS Advisory Committee meeting and equally pleased to have this opportunity to return to Poland, especially on the eve of a "new Europe". We thank the hosts, Chairman and the Secretariat for their kind welcome and for their facilitation of this meeting.

WDCS would like to bring two issues in particular to the attention of delegates:

Fisheries Bycatch.

It is widely appreciated that the primary threat to small cetaceans within the agreement area is bycatch (incidental capture in fishing nets) and, in fact, this threat has been known for many years. However, and most regrettably, the European Union recently missed the opportunity to properly address this vitally important issue when its Fisheries Ministers agreed a significantly weakened version of a new fisheries Regulation. The original aim of this regulation was to reduce bycatch during fishing activities in Community waters but WDCS, the Whale and Dolphin Conservation Society has been forced to express its great disappointment over the final Regulation text which was drastically watered down from the original provided by the European Commission. We believe that the EU has not done enough to prevent the unnecessary deaths of cetaceans in fishing nets, which are driving some populations towards extinction and that ASCOBANS must now come forward and make this clear.

The original Regulation text, proposed by the EU Commission in July 2003, was a response to a growing catalogue of scientific data and advice and concerted pressure from conservationists and the public for action to be taken to prevent the large numbers of whales, dolphins and porpoises dying in fishing nets. Scientific studies have recorded bycatch rates of thousands of animals per year in various fisheries in the North Sea and Celtic Sea, which suggests that the total death toll in European waters is likely to be in the order of tens of thousands of small cetaceans each year. The stranding of hundreds of dead bodies every winter on the French and British coastline is just the tip the iceberg, while most of the deaths at sea go unrecorded.

EU Member States have been obliged under the Habitats Directive for the past ten years to monitor and address the problem of incidental capture of cetaceans - but have failed to do so. Each year that they delay taking action means that thousands more animals are condemned to a needless and agonising death - and the very survival of whole populations is put at risk. While the Regulation that has been agreed still contains some important provisions - it has been greatly weakened and falls far short of what is required to protect these animals.

It is our belief that the EU has thrown away a major opportunity - compromising the survival of our marine wildlife in favour of commercial interests and we are particularly angry that the Ministers have excluded vessels using pingers (acoustic deterrents) from the requirement to carry observers. It is vital that if pingers are to be used, they must be monitored. If they are not used properly, porpoises will continue to die and if they are not being monitored, no one will know. We are also disappointed that so many vessels (under 15m in length) are to be excluded from any observer monitoring, again many, many deaths, particularly in inshore waters, are going to officially ignored.

WDCS believes there is much still to be done to protect these animals. The agreed measures have to be implemented, enforced and monitored, and for those fisheries where monitoring reveals bycatch problems, preventative measures will have to be introduced, including fishery closures if necessary. WDCS will continue to press for further protection measures and a formal strategic management framework within the EU to make sure that this happens and looks to ASCOBANS to fulfil its mandate in this respect.

The Species Remit of ASCOBANS

WDCS supports the notion that ASCOBANS - particularly now its geographical extent has been extended - should be revised to include all cetaceans within its remit. To this end we here provide a preliminary review of the literature illustrating which cetaceans not currently covered by the convention can be found in the agreement area:

Table 1: Occurrence of large cetaceans in the extended ASCOBANS Agreement Area

Species	Occurrence		Nature of Occurrence	References
Humpback whale, <i>Megaptera novaeangliae</i>	Southern North Sea & English Channel ^{6 & 7.}	O	Offshore / rare	Evans (1980, 1989 & 1998) & Weir <i>et al.</i> (2001).
	Northern North Sea ^{6 & 7.}	O		
	Atlantic Frontier ¹⁷	R		
	Celtic Shelf and Bay of Biscay ⁸	R		
	Spanish & Portuguese Atlantic Waters	R		
Blue whale, <i>Balaenoptera musculus</i>	Atlantic Frontier ^{6, 7, 11 & 19.}	VR	Offshore deep / very rare	Carlisle <i>et al.</i> (2001), Evans (1980, 1989 & 1998), Moscrop (1997) & Yochem (1985).
	Celtic Shelf and Bay of Biscay ^{3 & 19.}	VR		
	Spanish & Portuguese Atlantic Waters ^{8 & 18}	VR		
Fin whale, <i>Balaenoptera physalus</i>	Southern North Sea & English Channel ^{7.}	O	Offshore / quite common	Buckland <i>et al.</i> (1992), Carlisle <i>et al.</i> (2001), Evans (1989 & 1998), Gambell (1985b) Sanpera <i>et al.</i> (1996) & Weir <i>et al.</i> (2001).
	Northern North Sea ^{7.}	O		
	Atlantic Frontier ^{1, 7 & 17.}	QC		
	Celtic Shelf and Bay of Biscay ^{3, 8 & 10.}	QC		
	Spanish & Portuguese Atlantic Waters ^{8, 10 & 14.}	QC		
Sei whale, <i>Balaenoptera borealis</i>	Northern North Sea ^{7 & 11.}	O	Offshore / rare	Evans (1989), Gambell (1985a), Moscrop (1997), Northridge <i>et al.</i> (1995).
	Atlantic Frontier ^{7, 11 & 12.}	R		
	Celtic Shelf and Bay of Biscay ^{7.}	R		
	Spanish & Portuguese Atlantic Waters ^{9.}	R		
Common minke whale, <i>Balaenoptera acutorostrata</i>	Baltic Sea ^{16.}	O	Offshore & Inshore / common	Carlisle <i>et al.</i> (2001), Moscrop (1997), Evans (1980, 1989 & 1998), Northridge <i>et al.</i> (1995), Stewart & Leatherwood (1985) & Weir (2001).
	Southern North Sea & English Channel ^{6, 7, 8, 12 & 16.}	C		
	Northern North Sea ^{6, 7, 8, 12 & 16.}	C		
	Atlantic Frontier ^{11, 12, 17.}	C		
	Celtic Shelf and Bay of Biscay ^{3.}	QC		
	Spanish & Portuguese Atlantic Waters ^{16.}	QC		
Cachalot, <i>Physeter macrocephalus</i>	Southern North Sea & English Channel ^{2, 4, 6, & 15.}	O	Offshore deep / rare	Camphuysen, (1995), Carlisle <i>et al.</i> (2001), Evans (1980, 1989 & 1998), Moscrop (1997), Rice (1989) & Weir <i>et al.</i> (2001).
	Northern North Sea ^{2, 6 & 7.}	O		
	Atlantic Frontier ^{2, 6, 11 & 17.}	R		
	Celtic Shelf and Bay of Biscay ^{2, 3 & 13.}	R		
	Spanish & Portuguese Atlantic Waters ^{2, 8, & 13.}	R		

Key: O - occasional record, VR - very rare, R - rare, QC - quite common, C - common.

Table 2: Occurrence of large cetaceans in the extended ACSOBANS Agreement Area - Summary

Species	Baltic Sea		Southern North Sea & English Channel		Northern North Sea		Atlantic Frontier		West Ireland (Porcupine Bank)		Celtic Shelf and Bay of Biscay		Spanish & Portuguese Atlantic Waters	
	Record	Occur	Record	Occur	Record	Occur	Record	Occur	Record	Occur	Record	Occur	Record	Occur
Humpback whale, <i>Megaptera novaeangliae</i>	-	-	Y	O	Y	O	Y	R	Y	R	Y	R	Y	R
Blue whale, <i>Balaenoptera musculus</i>	-	-	-	-	-	-	Y	VR	Y	VR	Y	VR	Y	VR
Fin whale, <i>Balaenoptera physalus</i>	-	-	Y	O	Y	O	Y	QC	Y	QC	Y	QC	Y	QC
Sei whale, <i>Balaenoptera borealis</i>	-	-	Y	O	Y	O	Y	R	Y	R	Y	R	Y	R
Minke whale, <i>Balaenoptera acutorostrata</i>	?	?	Y	QC	Y	C	Y	C	Y	C	Y	C?	Y	C?
Cachalot, <i>Physeter macrocephalus</i>	-	-	Y	O	Y	O	Y	R	Y	R	Y	R	Y	R

Key: Y - yes, O - occasional record, VR - very rare, R - rare, QC - quite common, C - common.

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April 2004

WWF Opening Statement to ASCOBANS 11th Advisory Committee, Jastrzebia Gora, Poland, 27 -29 April 2004

Taking action for small cetacean bycatch reduction - making the case

In 1992 the Parties agreed to establish ASCOBANS because of their concern for the status of small cetaceans in the Baltic and North Seas and aware that populations of harbour porpoises had drastically declined in the Baltic Sea.

Since 1992 Parties have gone on to identify specific gear types that adversely affect small cetaceans, in particular bottom set gill nets in relation to harbour porpoises throughout their range. Parties have also established what constitutes unsustainable levels of bycatch and some Parties, to their credit, have even gone as far as assessing levels of bycatch in some of their fisheries and elaborated national plans (in some cases including legislation) to reduce the bycatch of harbour porpoises. Some Parties however have failed to undertake the most basic step of trying to assess the levels of bycatch associated with their fisheries.

The opportunity for action

In the early 1990s the United Nations (UN) passed a resolution asking for a moratorium on the use of large driftnets because of the recognised indiscriminate nature of these nets. The EU Council of Ministers, with the backing of the European Parliament, decided to impose a maximum limit of 2.5km on driftnets used by EU vessels (this measure did not include the Baltic Sea).

In 1998, the Council of Ministers banned the use of drift gillnets for the capture of tuna fish in the Atlantic and the Mediterranean from 1 January 2002. This decision was taken on account of a number of biological, economic and social factors.

In 2003 the European Commission published a draft regulation aimed at reducing the levels of small cetacean bycatch in European fisheries. This was in response to a building number of pressures, in part due to the work of ASCOBANS, in part to the work of ICES, in part the obligations that members of the European Union have under the Directive 92/43 EEC (Habitats and Species), growing public pressure, but also the revised Common Fisheries Policy (CFP) which is intended, through the implementation of an environmental integration Action Plan, to have an improved focus on the wider marine environment. This should include the development of a long-term strategy to promote the protection of vulnerable species, such as cetaceans.

Whatever the reason the Regulation was on the table and offered those Parties to ASCOBANS who were Member States (and candidate Member States) the opportunity to realise some of their fundamental commitments under both ASCOBANS and the European Habitats and Species Directive.

What went wrong?

In March 2004 the Council Regulation laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) 88/98 was agreed. It is hard however to imagine quite what impact this regulation will have in effectively reducing the bycatch of small cetaceans. In summary:

- Acoustic deterrents (“pingers”) were only agreed for vessels over 12 meters. Effective monitoring and the use of observers will only be applicable for vessels over 15 metres.**
- The scheme for onboard observers was significantly reduced from the original Commission’s proposal.**
- The commitment to ban drift nets in the Baltic Sea was delayed by one year until 2008**
- No agreements were made on developing alternative fishing gear: this means that there are no alternative solutions to reduce dolphin and porpoise bycatch.**

At last years advisory committee WWF encouraged the Advisory Committee to take the opportunity to respond formally to this consultation to ensure that the most effective mitigation measures form part of the regulation and that funding is made available for the trialling of alternative gear specifically targeted at reducing small cetacean bycatch.

WWF also made the point that as one of the only international institutions dealing exclusively with small cetacean conservation ASCOBANS has an obvious role to play in such a consultation. Indeed the Committee are mandated under Resolution 8 from MOP3 to offer advice on such matters. So what happened?

Baltic Driftnet ban

“Change fishing methods away from gear known to be associate with high porpoise bycatch (ie. driftnets and bottom set gill nets) and towards alternative gear that is know to be less harmful.”

“There is little prospect of recovery unless the probability of bycatch for individual porpoises is substantially reduced.....There is consensus that porpoises are likely to disappear from the Baltic unless a major effort of some kind is made quickly to achieve byatch reduction.”

Both statements lifted from the ASCOBANS Baltic Recovery Plan agreed in 2002.

In 2004 Parties were presented with results from a 2003 survey of Baltic porpoises which indicated a further decline in numbers, making the urgency for immediate action all the more acute.

The Regulation however calls for action by January 1, 2008, a year later than the original proposal and with no immediate reduction to 2.5km as originally proposed. Instead effort reduction will be introduced in 2005.

Mandatory use of acoustic deterrent devices

The Regulation calls for mandatory pinger use on vessels over 12metres. According to Eurostat figures for 2002 this means that in addition to an unknown number of Polish and Russian vessels the following under twelve metre vessels would be excluded:

Netherlands	266 vessels
Sweden	1475 vessels
Germany	1817 vessels
Denmark	2924 vessels
UK	5979 vessels
Total	15,831 vessels

It is difficult to see how this measure will significantly reduce the numbers of porpoises known to be caught year on year in bottom set gill nets throughout European waters. Moreover, the time scale for any action also slipped on this from the original proposal with action now scheduled for 2007 instead of 2005.

“It is essential that any pinger implementation be accompanied by an observer programme to verify that pingers are being used properly at sea” ASCOBANS Baltic porpoise recovery plan (Jastarnia Plan).

There is no requirement for pinger implementation to be accompanied by onboard observers. This means that there will be no means of monitoring the effectiveness of the pingers that will be deployed on what few vessels are bound by the terms of the regulation.

The role of ASCOBANS

WWF would be keen to learn whether the representatives who attend ASCOBANS, and their country colleagues who attend the negotiations of the Commission communicated effectively throughout the process of negotiating the Regulation? If so, how could Parties who make such commitments in one arena, promote and agree decisions such as those which led to the Regulation being taken? If not, are there ways in which this situation can be formally improved?

WWF would also be keen to learn whether the ASCOBANS Secretariat tracked the progress of the Regulation and provided comment on behalf of ASCOBANS. In particular did they make clear the views of ASCOBANS as reflected in the Jastarnia plan, action from which was identified as urgent if we are to avoid possible extinction of the Harbour porpoise population in the Baltic?

WWF is aware that the Member States who are not Parties to ASCOBANS outnumber those who are and as a result they could have out-negotiated Parties to ASCOBANS on some of the issues. However in the case of the Baltic it is difficult to see that this would be the case. Instead the key Baltic Member States whom one would assume to be in the driving seat on the final decision were also Parties to ASCOBANS. How then could the Baltic driftnet ban be deferred as it was and with no commitment for immediate action as originally proposed by the Commission?

Where to now?

In short, WWF believes that the EU Regulation reflects badly on Parties to ASCOBANS.

If ASCOBANS is to address this then Parties need to ensure that there are clear lines of communication between the different delegations attending Council of Fisheries meetings and those attending conservation meetings such as ASCOBANS. That what is agreed to in one set of meetings is reflected in another.

There will be an opportunity to review the Regulation once Member States have made their second progress report. ASCOBANS should make some representation to the Commission regarding any amendments that will be necessary in order to meet current nature conservation commitments held by Parties to ASCOBANS and Member States given that all current Parties to ASCOBANS will, after 2004, be Members of the EU.

WWF believes that there is a strong case for the Secretariat to play an active role in promoting the views of the Parties and to make active contributions to Commission discussions.

If such action is not forthcoming then surely questions must be asked about the role and usefulness of ASCOBANS in the international arena.