

REPORT OF THE  
13<sup>th</sup> MEETING OF THE  
ADVISORY COMMITTEE  
TO ASCOBANS

Tampere, Finland

25 - 27 April 2006

**ASCOBANS**  
Agreement on the Conservation  
of Small Cetaceans of the  
Baltic and North Seas

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## **Executive Summary - Points for Action**

The Secretariat in cooperation with Stefan Bräger will compile an overview of implementation measures for the Jastarnia Plan taken by Parties so far. The overview will be submitted to the next meeting of the Jastarnia Group.

The Meeting of the Parties will review information on implementation measures concerning the Jastarnia Plan provided in the annual reports.

The Advisory Committee decided that the area covered by the Jastarnia Plan should include the Belt Seas and the Kattegat up to a line running east from Skagen to Gothenburg. This definition of the area covered by the plan should be included in a draft resolution on the revision of the Jastarnia Plan, to be submitted to the 5th Meeting of the Parties. This draft resolution should contain the eight recommendations from the Jastarnia Group endorsed by the Advisory Committee. The draft should be elaborated by Stefan Bräger in cooperation with the Secretariat and circulated to the AC for consideration.

Parties should ensure that the fisheries experts attending the next Jastarnia Group meeting in 2007 will be in a position to provide information as to the availability of the data required for the fishing effort study required under the Jastarnia Plan, as outlined in the draft Terms of Reference for this study.

A one day workshop on genetics of the Baltic harbour porpoise, followed immediately by a two day workshop covering the wider ASCOBANS area should be organised in Bonn as soon as possible. The Secretariat should organise this with the help of Jonas Teilmann and Peter Evans, and also approach Ralph Tiedemann to ask for his assistance.

A one-day workshop to establish guidelines for the identification of sites of importance for the harbour porpoise should be held immediately before the next Advisory Committee meeting and a European Commission representative, a representative of IWC and Eric Hoyt should be invited to attend.

Parties are urged to copy their implementation reports required under Council Regulation (EC) 812/2004 to the ASCOBANS Secretariat: The Secretariat will produce a compilation of these reports for consideration by the Meeting of the Parties and, based on this information, possibly produce a paper on implementation for the Meeting of the Parties.

Two ASCOBANS workshops should be held to assist in the development of a European-wide bottlenose dolphin project, the output of which would be a completed research proposal for EU LIFE+ funding. The key aims and objectives include:

- 4 Identification of the fine-scale population structure and pattern of distribution and abundance throughout the European range, including the possible presence of parapatric coastal and offshore populations.
- 4 Determination of key bottlenose dolphin habitat, including the relationship between distribution, key environmental variables, and regional variation in prey choice.
- 4 Quantification and exploration of the reasons for decreases in range with a view to examining whether recovery of range is possible.

Peter Evans and the Secretariat will cooperate in producing a report on developments in high speed ferry traffic in the ASCOBANS area during the previous year for the next meeting of the Advisory Committee.

WDCS noted that collisions were one of the first issues being considered by the IWC's Conservation Committee. The Secretariat will contact the IWC Secretariat before the next meeting of the Advisory Committee to obtain the results of their discussions on collisions with cetaceans.

Windfarms should be included in the next triennial workplan. Parties and others are invited to submit suitable documents for consideration at the next meeting of the Advisory Committee, and to invite relevant experts to participate in the meeting.

The Secretariat will add an additional line to future post-mortem questionnaires so that website addresses for reports can be provided.

The Secretariat was asked to explore the option of holding the 14<sup>th</sup> meeting of the AC back to back with the annual ECS conference in San Sebastián, Spain in the spring of 2007.

# **Report of the 13<sup>th</sup> Meeting of the Advisory Committee to ASCOBANS**

## **Agenda Item 1: Introduction**

Mark Tasker, Chair of the Advisory Committee, opened the meeting and welcomed participants to the 13th Advisory Committee. He thanked Finland for hosting their first meeting of ASCOBANS.

The Chair introduced Mr. Seppo Vuolanto from the Ministry of the Environment for Finland, who welcomed delegates to Tampere on behalf of the Finnish Ministry of the Environment. He recalled that Finland signed up to ASCOBANS in 1999 and that this was the first time it had had the honour of hosting a meeting. The text of his opening address is attached as Annex 4.

Mr. Vuolanto went on to explain that in 2005, the Finnish Ministry of the Environment had commissioned a report on the historical occurrence of harbour porpoises in Finnish waters, including recent observations. Ms Heini Kujala from the University of Helsinki gave a presentation on the results of this research. This is attached as Annex 5.

The Chair thanked Heini Kujala for the very interesting presentation and congratulated her on the thoroughness of her research.

He welcomed France and Lithuania, who acceded in 2005, as new Parties to ASCOBANS. Noting the opening statement from NAMMCO (Annex 6), he acknowledged that a cooperative attitude between ASCOBANS and NAMMCO was beneficial to all.

## **Agenda Item 2: Adoption of Rules of Procedure**

The current Chair reminded the Committee that he and the Vice-Chair intended to stand down following the next Meeting of the Parties. However, Rule 5(2) of the Rules of Procedure did not state whether the new Chairpersons were to be elected at the beginning or the end of the first AC following a Meeting of Parties. This needed to be clarified. The Executive Secretary noted that in the past, the new Chair and Vice-Chair had been elected at the first meeting of the new triennium, and the outgoing Chair had opened the meeting, chaired the session until the new Chair was elected and then handed over to the new Chair. This question was discussed again under Agenda Item 8 (Any Other Business).

The Rules of Procedure (Document 5), unchanged since the last Advisory Committee Meeting, were adopted, noting the possible change needed to rule 5(2).

## **Agenda Item 3: Adoption of the Agenda**

The Draft Agenda (Document 1) was adopted.

## **Agenda Item 4: Implementation of the ASCOBANS Triennial Workplan (2004 - 2006)**

### **Agenda Item 4.1: ASCOBANS Baltic Recovery Plan ("Jastarnia Plan")**

#### **Agenda Item 4.1.1: Implementation**

Stefan Bräger, Chair of the Jastarnia Group, noted that the Jastarnia Plan would be discussed at the 5th Meeting of the Parties and suggested that it would be useful to produce a document evaluating what had been done in each country to implement the Plan. The Chair explained that the ASCOBANS triennium work plan did not require the Advisory Committee to report to the next Meeting of the

Parties, but required an annual review. This requirement was satisfied through the work of the Jastarnia Group. However, it was agreed that the Secretariat would compile an overview of implementation measures taken so far. Stefan Bräger and the Executive Secretary would discuss how to compile this document for the next meeting of the Jastarnia Group. The Meeting of the Parties would review information provided in the annual reports.

#### **Agenda Item 4.1.2: Outcome of 2<sup>nd</sup> Meeting of Jastarnia Group**

Stefan Bräger presented the report of the second meeting of the Jastarnia Group, held in February 2006 in Stralsund, Germany (Document 28). A range of topics had been discussed, including the impact and implementation of Council Regulation (EC) 812/2004, the development of the international database on opportunistic sightings, strandings and bycatch addressed at the first meeting of the Group, and the Terms of Reference for a study on fishing effort required under the Jastarnia Plan.

The Group had also been tasked with defining the points of the Recovery Plan that were to be re-evaluated by this meeting of the Advisory Committee. Consequently, Document 28 included 13 recommendations, which were considered by the Advisory Committee. The recommendations endorsed by the Advisory Committee are attached as Annex 7.

The Advisory Committee considered Recommendation 1 relating to the area covered by the Jastarnia Plan. The Executive Secretary explained that the area covered was not defined in the Jastarnia Plan itself. The meeting discussed whether the area covered by the Jastarnia Plan should be defined so as to coincide with the HELCOM area, or whether it should coincide with the fisheries areas of ICES.

After further consideration, the Advisory Committee decided that the area should include the Belt Seas and the Kattegat up to a line running east from Skagen to Gothenburg, and that this should be included in a draft resolution on the revision of the Jastarnia Plan to be submitted to the 5th Meeting of the Parties. The Chair pointed out that, if the Meeting of Parties adopted this change, the Plan as a whole would need revision to take account of the relatively high densities of porpoises and different conditions present in the Kattegat. Porpoises in this area may not need 'recovery'.

The Secretariat reported that Finn Larsen had been contacted and had agreed to provide a copy of his final report to the Secretariat as soon as it was finished.

Karl-Hermann Kock noted that technical aspects of pinger use had been considered in two recent meetings, one held in Denmark on 4 April and an EU expert meeting on pingers held in Brussels.

Members of the drafting group established at the Stralsund meeting of the Jastarnia Group to define ToR for the fishing effort study discussed the draft ToR submitted to the AC. Upon further consideration of this issue, the drafting group recommended that the matter be referred back to the Jastarnia Group. Parties should ensure that the fisheries experts attending the next Jastarnia Group meeting in 2007 would be in a position to provide information as to the availability of the data required for the study as outlined in the draft Terms of Reference.

In relation to the Jastarnia Group's recommendation 7 on the genetics of harbour porpoises in the Baltic, the Executive Secretary introduced Document 38, a letter from the Executive Secretary of HELCOM in which HELCOM suggested cooperation with ASCOBANS in a proposed joint HELCOM/ASCOBANS/ICES project to make an inventory of the genetic information of the harbour porpoise in the Baltic Sea.

The UK welcomed the proposal for genetic work on harbour porpoises and noted that it had already provided funding for an ASCOBANS-wide workshop on genetics, which had yet to take place. In response to a question by Germany as to the value of a workshop on genetics, the Chair stressed the

importance of knowing about the population structure of harbour porpoises present in the ASCOBANS area and explained that a workshop would discuss how to conduct a study. He noted that this might be of relevance to the future extension of the Agreement area. A workshop to discuss the Baltic Sea area had been agreed at a previous meeting but had not yet taken place. The meeting discussed whether to hold one workshop which would cover the Baltic Sea, or to extend its scope to cover the whole Agreement area.

Sweden stated that it might be able to provide some funding to support the Baltic part of the workshop. Germany would also investigate the possibilities of funding. The Executive Secretary would discuss funding with the Executive Secretary of HELCOM, and offered to host the workshop at ASCOBANS' new premises in Bonn.

A drafting group was established to develop terms of reference for a one day workshop on genetics of the Baltic harbour porpoise, followed immediately by a two day workshop covering the wider ASCOBANS area. This would minimise practical difficulties of organising and gathering together experts for two separate workshops. The Terms of Reference are attached as Annex 8.

The Advisory Committee agreed that the workshop should be organised in Bonn as soon as possible since funding was already available. The Secretariat agreed to do this with the help of Jonas Teilmann and Peter Evans, and to approach Ralph Tiedemann to ask for his assistance, since he had knowledge of IWC.

The NAMMCO observer informed the Advisory Committee that the IWC Scientific Committee had recently held a second workshop on "Testing of Spatial Structure Models" (TOSSM), which involved the generation and use of simulated genetic and other data to test the effectiveness of sampling designs and statistical procedures in determining stock structure. Clearly a close co-ordination with the TOSSM process would be of value to the workshop.

Concerning Recommendation 11 regarding a one-day workshop to establish guidelines for the identification of sites of importance for the harbour porpoise, the Chair noted that there was a potential overlap with the work of the EU Habitats Committee which was meeting this week.

Denmark explained that in Denmark there was an ongoing discussion on how to designate important sites for harbour porpoise under the Habitats Directive. Germany noted that the EU Commission had examined the sufficiency of Natura 2000 sites for the protection of the harbour porpoises during the meetings of the respective biogeographic regions, and a map of these sites would be useful. Peter Reinjnders noted that the designation of sites under the Habitats Directive was a matter for national authorities and therefore ASCOBANS could not dictate how individual countries designated sites. However, a workshop would be of value to facilitate an exchange of ideas on how the sites were designated by individual national co-ordinating authorities. The Executive Secretary clarified that the workshop was not intended to designate protected sites or enable ASCOBANS to do so, as this was clearly beyond the Agreement's remit. Rather, the idea was to provide guidance as to the criteria that could be applied in identifying sites of importance.

WDCS noted that one of the fundamental challenges of ASCOBANS was to add value to what was happening in other processes. Protected areas for cetaceans were an important factor in conserving cetaceans, and therefore it might be useful to bring together all the people who were involved.

Belgium suggested that a workshop could be held immediately before the next Advisory Committee meeting and a European Commission representative could be invited to attend. By this time, the results of SCANS II would be available. Although SCANS II was not designed as a tool for defining protected areas, the results may be of relevance. The Advisory Committee welcomed this suggestion.

On behalf of the drafting group established by the Meeting, Oliver Schall introduced the Terms of Reference for the workshop to establish criteria and guidelines for the identification of sites of importance for small cetaceans. The Terms of Reference are attached as Annex 9.

The Netherlands noted that the IWC had undertaken a considerable amount of work on protected areas and the meeting agreed that the IWC would be invited to send a representative to the workshop.

WDCS noted that Eric Hoyt had produced a compendium *Marine Protected Areas for Whales, Dolphins and Porpoises: A world handbook for cetacean habitat conservation*, which might be of relevance to the workshop. This was available from WDCS. The meeting agreed to invite Mr. Hoyt to participate in the workshop.

The Marine Connection stated it would enquire into the possibility of providing some funding for this workshop.

On Recommendation 13, it was agreed that there was a need to remind the European Commission that clear definitions of fishing gear used in the Baltic (particularly Polish, Finnish and Swedish waters) were needed but were missing in the relevant regulations, but the Chair noted that a resolution would need to be carefully worded in recognition of EU competency in this area.

Stefan Bräger stated that he would work with the Secretariat to produce a draft resolution containing the eight recommendations from the Jastarnia Group endorsed by the Advisory Committee. This would be circulated to the Advisory Committee for consideration.

Sara Königson confirmed that work was in progress on a document collating all the available information regarding the use of longlining, as well as an estimation of costs.

The Chair thanked Stefan Bräger and those who had participated in the Jastarnia Group.

Denmark offered to host the third meeting of Jastarnia Group in 2007 in Copenhagen, and this offer was gratefully accepted.

## **Agenda Item 4.2: ASCOBANS Recovery Plan for Harbour Porpoises in the North Sea (NSRP)**

### **Agenda Item 4.2.1: Progress report**

The Chair thanked Germany for producing the draft documents which was a major initiative. In particular he thanked Karl-Hermann Kock and Sonja Eisfeld for their hard work.

Sonja Eisfeld, the drafter of the background document to the Recovery Plan, introduced Document 18. A meeting of the drafting group established by AC12 had been held in Hamburg in January 2006 and had led to the production of a short draft plan, also taking into account comments received from others. Peter Reijnders, as Chair of the Steering Group, noted that the draft version had been sent to the Steering Group for comment. The draft plan included an implementation section which was not yet complete and Sonja Eisfeld requested assistance from each Party in order to produce a costed implementation plan which identified particular responsibilities. She noted that a significant part of the plan focused on risks and that there was a considerable amount of information on bycatch in three main areas of the North Sea, namely the northern North Sea, the central North Sea and the southern North Sea and western English Channel. However, there was an absence of adequate data on threats to the habitat of harbour porpoises and consequently it was difficult to produce precise recommendations on these topics.

The Advisory Committee discussed whether it would be more appropriate to call the document management plan or conservation plan, rather than recovery plan since there was insufficient evidence

that there was a need for recovery of populations in the North Sea. However, the Chair noted that the North Sea Ministers had asked ASCOBANS to produce a recovery plan. He noted that the North Sea Ministers would hold what might be their last meeting in May and the Secretariat had sent a progress report to the Ministers. The Advisory Committee agreed it would recommend that the plan should be entitled *Conservation Plan for Harbour Porpoises in the North Sea*, that a footnote would however be inserted explaining that the document had started out as a recovery plan at the request of the North Sea Ministers but that ASCOBANS now felt that this title was inappropriate. The North Sea Ministers would be able to comment on this and changes could be made if necessary.

Denmark expressed the view that there was too much duplication in the two documents and that the recommendations in the background paper were different to those in the main paper. All recommendations should be in one document. Sweden agreed with this.

The meeting discussed the status of the background document and whether the draft plan and background document should properly be regarded as one ASCOBANS document. Germany expressed the view that the plan did not exist in isolation, and the background document was necessary for an understanding of the plan. The Netherlands stated that the background document was useful as reference material, but all recommendations should be included in the plan itself. Concern was expressed that a considerable amount of time would be required to refine the background document and it might not be available in time for the Meeting of the Parties in September. The Chair agreed that there were insufficient resources to revise the background document before the Meeting of the Parties, particularly since Sonia Eisfeld's contract was due to end on 31 May 2006.

Belgium suggested that the background document could be used as a scientific basis for the development of the plan, but should not be open for discussion at the next Meeting of the Parties.

It was agreed that, as intended by the authors, the results of SCANS II should be included, particularly in view of the amount Parties had invested. However, WDCCS noted that there was a risk of over-interpreting the SCANS data.

The Advisory Committee agreed that work should focus on the shorter plan, and any time remaining could be spent on the background document. Accepting the background document as part of the plan would require substantial modifications, and it would be impossible to maintain and update the background document with the resources currently available. The background document was not the substantive document and was intended for information purposes only.

The drafting group revised the draft Conservation Plan for the North Sea, and Peter Reijnders introduced the revised draft. It was agreed that participants would send any editorial comments they had to Sonja Eisfeld, copied to Peter Reijnders by 20 May 2006.

The meeting agreed that a reference to the implementation, review and reporting schedule would be included in the relevant draft resolution (see Annex 16).

It was agreed that the costings of the tasks involved and the partner institutions should be considered by the Steering Group. However, the Chair stated that Parties should consider the costs involved and should provide the drafters with any information they had.

The Chair thanked Sonia Eisfeld, Karl-Hermann Kock, Peter Reijnders and the participants who had been involved in producing the revised draft of the North Sea Plan.

#### **Agenda Item 4.3: Possible amendment of ASCOBANS to cover all species of cetaceans (reports of ad hoc working group)**

The triennium work plan required that the AC consider a possible amendment of ASCOBANS to include all cetacean species. The 12th Meeting of the Advisory Committee had established an ad hoc

working group to produce a paper for consideration by this meeting. Peter Evans and Mark Simmonds, the members of the Working Group, introduced Documents 22a and 22b on the implications for ASCOBANS of enlarging the species coverage of ASCOBANS.

Concerning Document 22a, Peter Evans stated that it reviewed the status of all species in the extended Agreement Area. It also examined the major conservation issues and whether, by including large cetaceans, the emphasis would be altered. The legal implications of this and how it might affect other processes were also summarised.

Mark Simmonds explained that Document 22b provided an independent legal review from Daniel Owen, a British Barrister who specialised in marine matters. He apologised that the paper had not been available earlier for Parties to consider. It provided an expert opinion of the legal implications of an extension of the scope of the Agreement. As rule of thumb, where ASCOBANS had developed dialogue, there were measures in place to deal with the overlap in competencies. He noted that there was a record of good interaction with other bodies, including the European Commission.

The Chair thanked Peter Evans, Mark Simmonds and Daniel Owen for their useful contributions.

The meeting discussed the possibility of extending the Agreement to cover large cetaceans. Denmark questioned the benefits of including large cetaceans within the remit of ASCOBANS and suggested that an approach be made to the IWC to obtain their views on this. Finland also expressed doubts as to the benefits of extending the agreement in this way and noted that this might have implications for the cost and resources required for meetings.

Regarding Section 4.1. of Document 22b, Denmark questioned the reason for the sentence in brackets concerning the Faroes and Greenland. The Faroes and Greenland were not parties to ASCOBANS.

The UK explained that it needed to consult further at the national level before a decision could be reached, but stated that more information on possible conservation gains from extending the Agreement was needed.

Sweden was concerned that a change in emphasis would result in less emphasis on the harbour porpoise and stressed that IWC had exclusive responsibility for the management of large cetaceans.

Poland clarified that, contrary to the information contained in Doc. 22a, it was not a Party to the IWC. Poland was sympathetic to the inclusion of large cetaceans in the Agreement. The Polish delegate felt that the potential advantages of an extension to cover all cetaceans were clearly outlined in Docs. 22a and 22b.

Germany explained that the consultation process had not yet been finalised at the national level. Although it acknowledged that there might be advantages to extending the scope, as demonstrated by ACCOBAMS, there could also be repercussions in the IWC. Germany feared that any moves by ASCOBANS to assume responsibility for large cetaceans in the Agreement Area might reinforce the position of those within the IWC seeking to remove conservation issues from the IWC agenda.

France had not yet taken a position on this issue, whilst recognising that large cetaceans were species of interest in the Bay of Biscay, covered by the extended Agreement area.

The Netherlands noted that ASCOBANS was founded because it filled a niche for the protection of small cetaceans. They stressed that ASCOBANS already had a considerable workload and to take on any further work might negatively affect the achievement of its objectives. The Netherlands expressed the view that it was not wise to do this at the moment, but the position could be reconsidered if there were significant changes within the IWC.

The Chair reminded Parties that Spain, as a prospective party to ASCOBANS, favoured an extension to cover large cetaceans so that there was consistency with ACCOBAMS.

ECS noted that the IWC was founded to regulate the exploitation of whales and other cetaceans, and politically this was its primary concern. One of the main functions of ASCOBANS was to consider all conservation issues that were relevant to (small) cetaceans. ACCOBAMS already covered all issues for all cetaceans. For example, fin whales suffered ship strikes, sperm whales may be affected by noise disturbance, and minke whales by bycatch. ECS expressed the view that ASCOBANS should consider this extension. Whilst the additional work caused by extension would not necessarily involve a considerable amount of time, there might be substantial benefits to be gained. ECS noted that inconsistency between ASCOBANS and ACCOBAMS was undesirable.

WDCS suggested that the extension was a logical step in the evolution of ASCOBANS which would make it a more holistic body. Although concerns about the additional volume of work were understandable, this would be a significant and logical step forward and a synergy could be developed between any advice coming from the IWC and its elaboration into regional actions.

On behalf of Cetus, a recently-established cetacean NGO from Portugal, the Executive Secretary introduced Document 34, which outlined Cetus' view of the role of Portugal in ASCOBANS. This included a paragraph expressing the view that there should be continuity between ASCOBANS and ACCOBAMS in terms of both geographical and species coverage.

WDCS noted that there were obvious complexities in the inclusion in ASCOBANS of all cetaceans, that these needed fuller careful consideration before the Meeting of the Parties, and that there was not time for this at this meeting. WDCS had considered this issue carefully and could see only conservation benefits and benefits to the Agreement itself, and therefore favoured the inclusion of large cetaceans, and agreed to discuss the matter further with Parties before the Meeting of the Parties.

The observer from NAMMCO noted that there were opportunities for joint work between ASCOBANS, NAMMCO and the IWC.

The Advisory Committee agreed to recommend considering this issue further at the second triennium meeting after the next Meeting of the Parties in order to give Parties time to consider their national positions and ascertain what was happening in other fora, unless a proposal submitted by a Party in due time brought this item onto the agenda for the next Meeting of the Parties.

#### **Agenda Item 4.4: Bycatch issues**

##### **Agenda Item 4.4.1: Review of progress in bycatch mitigation and report to MOP 5**

Belgium had produced a document on bycatch from March to April 2006 which included photographs of stranded harbour porpoises showing typical external signs of bycatch. There had been 24 strandings to date, of which 15-18 were bycaught animals. It was fairly clear that most of this bycatch had happened in recreational fisheries. A meeting would be held with recreational fishermen to discuss possible measures.

As regards the implementation of pingers, WDCS recalled Germany's reference to two recent technical meetings on pingers. WDCS noted that bycatch was covered in Parties' national reports but that, although several of these referred to Council Regulation (EC) 812/2004, there had been little reporting on the implementation of that regulation. The UK noted that by 1 June, all Member States were required to report on how they were implementing Regulation 812/2004. However, it was not clear what the Commission would do with that information.

Parties were urged to copy these reports to the ASCOBANS Secretariat, who would produce a compilation of reports for consideration by the Meeting of the Parties. It was also agreed that the Secretariat would consider all annual reports that had been submitted to see what had been reported on this issue and possibly produce a paper for the Meeting of the Parties.

#### **Agenda Item 4.5: Abundance survey (SCANS II), preliminary results**

Simon Northridge introduced Document 44, which presented a progress report on the SCANS II project. He noted that SCANS had been closely linked with ASCOBANS for a number of years.

SCANS II would reanalyse the results of the SCANS project conducted in 1994. The surveys for SCANS II had been completed, but the analysis was still under way. Document 44 presented some preliminary findings for abundance of harbour porpoises, minke whales, and some dolphins. In the final analysis of numbers, the results of SCANS I and II would both be examined using novel statistical tools. Notwithstanding the preliminary nature of the results, it was very apparent that many more porpoises were present in the southern North Sea/eastern Channel than previously, with a possible decrease in abundance further north and east.

WDCS noted that it had supported the need for the SCANS II survey for some years and thanked the funders and the field scientists for making the survey possible, and for all the hard work involved. The WDCS delegate also commented that it was important to recognise the limitations of the data that had been generated. These data were unlikely to be of significant value in designating marine protected areas and should not be over-interpreted, trends in cetacean populations being very difficult to establish. He also cautioned that management based on PBR or IWC approaches needed to be considered carefully and with full stakeholder consultation.

The Chair noted that some elements of SCANS II would be of value to the North Sea Conservation Plan. The preliminary results indicated that there may have been some redistribution, but there was no way of ascertaining if or why this might have been the case.

Belgium thanked the Sea Mammal Research Unit for their hard work and remarked that in the current presentation of the preliminary results of SCANS II, Belgian waters and a large part of Dutch waters formed part of the Channel, and that porpoises in the western and eastern Channel were counted together. The Chair explained that it would be possible to obtain estimates for specific areas of the North Sea and that the modelling techniques should allow any boundaries for these to be used.

The Chair noted that the final report of SCANS II would be sent to the Commission by the end of the calendar year and population estimates would be available in the autumn. The management recommendations would be the last element of the report to be completed and would be available for consideration at the next Advisory Committee.

#### **Agenda Item 4.6: Review of new information on population distribution, sizes, structures and bycatches of small cetaceans**

Document 32, introduced by the UK, proposed that two ASCOBANS workshops should be held to assist in the development of a European-wide bottlenose dolphin project, the output of which would be a completed research proposal for EU LIFE+ funding. The key aims and objectives included:

- Identification of the fine-scale population structure and pattern of distribution and abundance throughout the European range, including the possible presence of parapatric coastal and offshore populations.
- Determination of key bottlenose dolphin habitat, including the relationship between distribution, key environmental variables, and regional variation in prey choice.

- Quantification and exploration of the reasons for decreases in range with a view to examining whether recovery of range is possible.

The Netherlands supported the proposal and noted that a workshop on bottlenose dolphins was being planned by the IWC, and recommended that the potential organiser should contact IWC to seek cooperation. For a number of years, WDCC had supported and conducted research on bottlenose dolphins around the UK, and supported the UK's proposal. The Advisory Committee expressed its support for this proposal.

Germany introduced Document 23. Starting in 2002, a public appeal was made to yachting people in the western Baltic to report opportunistic sightings of harbour porpoises. By 2005, over 2,000 sightings had been reported.

The density of sightings from these data did not directly indicate the relative abundance of porpoises, since the amount of search effort (e.g. yacht-hours) varied between areas and times of year, and there was no direct record of effort. The highest density of sightings occurred where there were most yachtspeople looking for porpoises, which was not necessarily where most of the porpoises were. Therefore a method used in fisheries analysis had been utilised to determine an index of porpoise abundance from these data, which did not require effort to be recorded. The results showed that the density of porpoises was greatest in the Great and Lesser Belts, not in the Bight of Kiel where the density of reports was highest. GSM would continue its project "Sailors on the look-out for harbour porpoises".

France introduced Document 35 on aerial surveys conducted along the coast of Brittany and noted that the preliminary results correlated with those of the SCANS II survey. Surveys had also been conducted by the CRMM and the University of La Rochelle in the Bay of Biscay. These various projects were complementary and represented significant progress in the monitoring of cetaceans in France.

The Chair reminded the meeting that Cetacean Offshore Distribution and Abundance in the European Atlantic (CODA) aimed to assess common dolphin abundance, mostly in the west of the SCANS II area. The proposal had gone to the European Commission for consideration. However, the Commission had indicated informally that less than 20% of the cost of the programme would directly influence the conservation of common dolphins and so might not qualify for funding. The Chair urged Parties to support the CODA in the Habitats Committee and any other relevant fora.

The NAMMCO observer introduced Document 37 which outlined the Trans North Atlantic Sightings Survey (TNASS) planned for 2007. It would be part of a long-term series of international North Atlantic Sightings Surveys (NASS) that had been conducted since 1987. The survey was being co-ordinated through the NAMMCO Scientific Committee, with the participation of Canada, Greenland, Iceland, the Faroe Islands, Norway and the Russian Federation. For the first time, the survey would give synoptic coast-to-coast coverage of the northern North Atlantic. The TNASS would be closely co-ordinated with the CODA (if that survey took place) and other surveys, and had been accepted as an International Polar Year project. Funding would come mainly from national governments, although other avenues were being explored. NAMMCO agreed to keep the AC updated on this project.

The meeting noted Document 25 submitted by WWF. The UK stated that it did not share the concerns expressed in this document, and would continue to work towards the existing ASCOBANS targets.

## **Agenda Item 5: Ongoing Issues**

### **Agenda Item 5.1: Pollution, noise pollution, disturbance**

#### **Agenda Item 5.1.1: High speed ferries**

The Executive Secretary introduced Document 27 on high speed ferries. The Secretariat had collated all the information submitted in the national reports. However, he stressed that as in previous years data had not been received from all Parties and no information had been submitted by non-Parties. This prevented meaningful comparison with previous years being made.

At the previous meeting of the Advisory Committee, Peter Evans had volunteered to do a review, but had not received the information necessary. It was agreed that he would discuss this with the Secretariat with a view to moving this forward for the next meeting of the Advisory Committee.

WDCS noted that collisions were one of the first issues being considered by the IWC's Conservation Committee. The Secretariat agreed to contact the IWC Secretariat to obtain the results of these discussions before the next meeting of the Advisory Committee.

Belgium reported that the first humpback whale for 250 years had been found on the Belgian coast, and that the cause of death had been collision with a ship. Another humpback whale had been found dead with signs of ship strike a month later in waters off England.

The Executive Secretary introduced and the meeting noted two documents on the impacts of maritime traffic on cetacean populations (Documents 7 and 8) submitted by the Spanish Ministry of the Environment.

#### **Agenda Item 5.1.2: Military**

IFAW noted that, in connection with their work on the EU Marine Strategy and work in the US on sonar, a short DVD on this issue had been produced. This would be shown to delegates during the course of the meeting.

France stated that as noted in their national report, a first meeting with the Navy had taken place at the Admiralty in Paris in November 2005. A conference on acoustics was planned in Brest and also a workshop would be held with the navy on acoustic disturbance on 11-14 September 2006 at ENSIETA, France.

#### **Agenda Item 5.1.3: Offshore extractive activities and wind farms**

Sweden expressed concern about the project for a gas pipeline from Russia to Germany. This project would be completed by 2010, but involved disturbance in shallow waters. The Chair noted that there were many pipelines in the North Sea, which had had no known effects on cetacean populations.

The UK introduced Document 33 on the offshore use of explosives by the oil and gas industry during the period 2003-2005. There had been a slight increase in the use of explosives but this was likely to be reduced in the future due to changes in technology. The UK had introduced draft guidance on explosive use, and was reviewing this in the light of experience.

The UK also introduced Document 36 on seismic activities for the period 2004-2005. The UK reminded participants that at the 12th Advisory Committee the UK had presented data for seismic survey activity in the UK maritime area for 1997-2003. During this period the number of surveys had

decreased from year to year. The size of the airguns used had, however, increased. This was thought to be due to the increased depths at which the reserves were found.

The Chair thanked the UK's Department of Trade and Industry for their report. ECS commended the UK for these initiatives and encouraged other Parties to follow its example.

WDCS noted the resolution recently adopted by the 8<sup>th</sup> Meeting of the CMS Conference of the Parties (Resolution 8.22) and its relevance to many of the issues ASCOBANS was addressing. It was noted that ASCOBANS would help the Parties to CMS to meet their commitments under this resolution (cf. Annex 10).

The Chair stressed that if reports such as the UK's were to be of maximum use, it was necessary to have information for the whole Agreement Area. He acknowledged that Germany had previously produced a report, whilst some other Parties were not involved with such activities.

Germany noted that its annual report had mentioned that seismic activities had taken place and had provided an overview of a research project on shipping and the effect on cetaceans. The Chair noted that the German report did not, however, refer to shot point density as agreed by ASCOBANS MOP4 (Resolution 5).

IFAW commended the UK for its report and looked forward to further reports from other Parties. ECS noted the difficulty of getting Norway to provide information. Denmark pointed out that information on offshore activities was also provided in other fora and that it was difficult to ask national agencies to gather data on offshore activities when no results were seen. Noise pollution was a growing problem and Denmark was willing to submit data for specific research on this issue. Information was needed on what guidelines other Parties were using.

WDCS reminded the committee that it had produced a report on noise, called *Oceans of Noise*. This was being revised and was available on the WDCS website. It was noted that the US Marine Mammal Commission recently considered noise, and that a special IWC seismic workshop in May 2006 would bring experts together to consider this issue. ASCOBANS would benefit from these discussions in the IWC.

The meeting agreed to wait for the results of the IWC workshop before considering what kind of information was needed from Parties.

The Marine Connection informed the meeting that in conjunction with a university department they were conducting a review of regulations relating to seismic surveys and would submit results to the Advisory Committee for information.

WDCS noted that there had been an expansion of windfarms across the Agreement area, particularly in coastal waters but also in offshore areas. Therefore there was a need to review this topic.

ECS explained that the workshop that was to have been held in Poland had been deferred, but would definitely take place during next year's ECS Conference in San Sebastián, Spain.

Germany stated that it had provided information in its national report about a research project concerning offshore windfarms. The idea was, where possible, not to install windfarms in the main marine mammal areas, and to minimise sound emissions for porpoises.

The Netherlands informed the Committee that the construction of a windfarm in Dutch coastal waters had recently started. In order to investigate the possible impact on harbour porpoises, a comprehensive study had begun. This consisted of a study on reference data about distribution and (relative) abundance of harbour porpoises in the area and reference areas before construction started.

After construction of the windfarm, it was planned to conduct a two-year study to investigate whether changes in habitat use (abundance and distribution) had occurred as a result.

The Advisory Committee agreed to retain the focus on windfarms, rather than to extend consideration to other renewable energy resources. Windfarms should be included in the next triennial workplan. Parties and others were invited to submit suitable documents for consideration at the next meeting of the Advisory Committee, and to invite relevant experts to participate in the meeting.

#### **Agenda Item 5.1.4: Report by Pollutants Working Group**

Mark Simmonds and Peter Reijnders introduced the Working Group's Pollution Review, which is attached as Annex 11. Mark Simmonds stated that there was a considerable amount of relevant research going on in the region. Novel pollutants featured strongly in recent reviews, including perfluorinated compounds and flame retardants. Peter Reijnders added that several of those compounds were also found in relatively high levels in marine mammals. However, basic knowledge on the toxicological capacity of these contaminants was still lacking and fundamental research was needed. Presently the toxicological significance of the levels of these contaminants with respect to exerted effects on marine mammals was therefore unclear.

The Netherlands agreed that a considerable amount of work was still ongoing on novel compounds and that this was an area that needed further investigation. He noted that the IWC was undertaking work in this area through its POLLUTION 2000+ programme, and a report would be submitted to the next Scientific Committee meeting to be held in May. A copy of this would be sent to ASCOBANS. He expressed his thanks to Mark Simmonds for compiling the review.

The Chair thanked Peter Reijnders and Mark Simmonds for their valuable work.

#### **Agenda Item 5.2: Post-mortem and stranding schemes**

The Chair introduced Document 30 and thanked everyone for completing and submitting the post-mortem research questionnaire.

France introduced Documents 39 and 40 which provided information on cetacean strandings along the French coast in 2004.

The Chair thanked France and pointed out that other countries had produced similar reports. A report by the UK would be published in the coming months and would be available on the Defra website ([www.defra.gov.uk](http://www.defra.gov.uk)).

The meeting agreed that the Secretariat would add an additional line to future post-mortem questionnaires so that website addresses for reports could be provided.

#### **Agenda Item 5.3: Publicity/PR Issues**

##### **Agenda Item 5.3.1: Parties/Range States**

The Advisory Committee noted that some Parties had provided information on these activities in the national reports.

### **Agenda Item 5.3.2: Secretariat**

The Executive Secretary presented his report on the Secretariat's public information activities (Document 26). He informed the meeting that the Polish, Swedish and German versions of the RSPCA video on pinger use, which ASCOBANS had co/funded, were now finalised, but regretted that a copy was not yet available to show to participants. The Executive Secretary also noted that 2007 had been designated by the United Nations as the International Year of the Dolphin. In recognition of this, ASCOBANS was co-operating with CMS, ACCOBAMS and WDCCS to observe this year.

### **Agenda Item 5.4: Annual National Reports**

The meeting noted the annual national reports submitted by Parties (Documents 20, 41 and 42).

Belgium introduced its national report (Document 42) and explained that a record number of harbour porpoises had been washed ashore and that the highest densities of porpoises occurred during spring. Belgium further reported that the number of gillnet fishermen active in territorial waters had increased in the second half of 2005 due to the presence of two Dutch gillnet fishing vessels. Due to ever-increasing fuel prices a relative increase in the use of this fishing technique might be anticipated.

The Netherlands pointed out that in its national report bycatch of approximately 100 animals had been reported. Recently numbers of bycaught harbour porpoises had increased, and this had led to the initiation of a study on the extent of bycatch and the type of fisheries involved.

The Executive Secretary explained that only annual national reports were required under Article 2.5 of the Agreement. The obligation to submit triennial reports to the Meeting of the Parties derived from a decision of the Meeting of the Parties that had been repealed by the 4th Meeting of the Parties in Esbjerg in 2003.

WDCCS considered that the annual reports were useful, particularly where they highlight issues of particular interest or concern. He recalled paragraph 3 of CMS Resolution 8.22 which called for CMS to collaborate with the scientific advisory bodies of CMS cetacean-related Agreements to the extent that these were addressing human induced impacts, including entanglement and bycatch, climate change, ship strikes, pollution, habitat and feeding ground degradation and marine noise. WDCCS noted that the annual reports were one mechanism for feeding information on human interactions back to the CMS Secretariat.

Sweden informed the meeting that it had not yet submitted its annual report but hoped that this would be sent to the Secretariat the following week. Sweden had conducted trials with pingers and the report, *Trials with fishing nets equipped with pingers*, was available in English\*. Sweden had also produced a report entitled *Sound propagation of signals from two pingers and acoustic harassment device in shallow waters*, which described interference at various distances.

### **Agenda Item 5.5: National legislation/protected areas**

France explained that a new law on marine protected areas had just been passed. The first marine area to be protected under this legislation would be in the Iroise Sea (West Brittany).

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\* This report is now available from the ASCOBANS Secretariat.

## **Agenda Item 5.6: Accessions of Range States; extension of Agreement area**

The Executive Secretary reported on the accession of Range States to the ASCOBANS Agreement. He welcomed France and Lithuania to the Agreement and informed the Advisory Committee that he anticipated two further countries would join soon. The Estonian Embassy in Bonn had indicated that Estonia would accede to the Agreement possibly in the second half of 2006. Spain had reiterated its intention to accede after the entry into force of the extension of the Agreement area. He expected that this would now occur relatively soon, as the UN Treaty Section in New York would circulate the amendment in all four authentic versions under cover of a ratification note to Parties shortly - or had possibly already done so. If the Russian Federation objected to any part of the translation, they could subsequently request a revision process. The Chair noted that the delays in obtaining the agreement of the Russian Federation were regrettable but acknowledged that the Secretariat had made every possible effort in trying to find a solution.

The Executive Secretary also referred to the statement the AC had received from Cetus (Document 34). Cetus would be writing to the Portuguese Ministry of the Environment to encourage Portugal to ratify ASCOBANS.

Germany noted that the national legislation required to ratify the extension of the Agreement Area had passed through the German Parliament and had been published in the official journal earlier in the year. The Secretariat would be sent official notification of this in due course.

In response to a question from WDCS, the Executive Secretary noted that, since the last meeting, there had been no progress as regards the accession of Ireland. Last year he had had the opportunity to talk to representatives of the Irish Ministry of the Environment and had been informed that internal issues prevented progress being made on this matter. The Executive Secretary confirmed that Ireland was regularly invited to send a representative to ASCOBANS meetings but had never done so. The Secretariat was also in contact with Irish NGOs.

The Chair confirmed that regular Ministerial and official meetings took place between the Governments of the UK and the Republic of Ireland and Ireland's accession to ASCOBANS had been included in the agenda.

## **Agenda Item 6: 5th Meeting of Parties**

### **Agenda Item 6.1: Preparations for MOP 5**

The Executive Secretary reported that the 5<sup>th</sup> Meeting of the Parties would be held from 18 - 22 September 2006 in Egmond aan Zee, the Netherlands. He confirmed that preparations for the 5th Meeting of the Parties were well underway, and collaboration with the Dutch Ministry of the Environment was excellent. The timetable for the meeting was not yet available.

### **Agenda Item 6.2: Draft Triennial Workplan 2007-2009**

### **Agenda Item 6.3: Draft resolutions for MOP 5**

Several of the draft resolutions were considered in plenary. The meeting endorsed the Draft Resolutions as annexed at 12 – 16.

Following on from discussions at previous meetings of the Advisory Committee, Denmark suggested that, when a new resolution reiterated or replaced an earlier resolution, the latter should be formally repealed. It was suggested that this would avoid confusion. The meeting agreed, but noted that care must be taken to ensure that relevant provisions were not lost in the process. In future, when preparing

draft resolutions that primarily reiterated earlier resolutions for consideration by the Advisory Committee, the Secretariat would identify changes to existing resolutions using track changes.

Discussing draft Resolution No. 10 on the Conservation Plan for Harbour Porpoises in the North Sea, the Meeting agreed that there would be no reference to the draft Conservation Plan for Harbour Porpoises in the North Sea in the operative paragraphs of other draft resolutions. Any references to the Plan in these other draft resolutions would be made in preambular paragraphs and would be enclosed in square brackets which could be deleted by the Meeting of the Parties.

### **Agenda Item 7: Business Session**

The business session considered Agenda Items 7.1 – 7.2.

### **Agenda Item 7.3: Meetings to be attended in 2006/2007**

A list of dates of interest was agreed (Annex 17). The meeting reiterated that anyone attending meetings on behalf of ASCOBANS should report back to the Advisory Committee.

### **Agenda Item 8: Any other business**

Regarding the election of the next Advisory Committee Chair and Vice-chair it was noted that no candidates had yet been formally nominated, but that Parties were considering possible options. The Chair remarked that the Rules of Procedure did not make clear if these elections should take place at the beginning or the end of the first Advisory Committee meeting of the triennium and reiterated his suggestion to change the Rules of Procedure to specify that the new Chair was to be elected at the end of that meeting. No Party objected to this suggestion.

### **Agenda Item 9: Date and venue of next meeting**

The Executive Secretary reported that so far no offers to host AC14 had been received. It was suggested that holding the meeting back to back with the annual ECS conference in San Sebastián, Spain in the Spring of 2007 would have several advantages. The Secretariat was asked to explore this option.

### **Agenda Item 10: Agreement on draft report**

The report was agreed.

### **Agenda Item 11: Close of meeting**

Closing the meeting, the Chair expressed the view that, despite some very difficult discussions, the atmosphere of the meeting had been friendly. He thanked the representatives of the host country Finland for their hospitality, and the Secretariat for its efficient support.



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### List of Documents

| No.      | Agenda Item | Document Title   |
|----------|-------------|--|
| Doc. 1   |             | Agenda   |
| Doc. 2   |             | Annotated Agenda   |
| Doc. 3   | -           | List of Documents  |
| Doc. 4   | -           | List of Documents by Agenda Item   |
| Doc. 5   | 2           | Rules of Procedure for the ASCOBANS Advisory Committee   |
| Doc. 6   | 4.4.1       | Differences in the response of a striped dolphin ( <i>Stenella coeruleoalba</i> ) and a harbour porpoise ( <i>Phocoena phocoena</i> ) to an acoustic alarm   |
| Doc. 7   | 5.1.1       | Reports on the impacts produced by the maritime traffic on cetacean populations in the Strait of Gibraltar (Spain). Current situation and future provisions. |
| Doc. 8   | 5.1.1       | Informe sobre impacto de las actividades de los fast ferrys en las poblaciones de cetáceos de España   |
| Doc. 9   | 7.1.1       | Budget 2005 – Summary of Income and Expenditures and Provisional Trust Fund Balance ( <b>Restricted</b> )  |
| Doc. 10  | 6.3         | Draft Resolution No. 1: Educational and Promotional Activities   |
| Doc. 11  | 6.3         | Draft Resolution No. 2a: Financial, Budgetary and Administrative Matters (Draft Budget) ( <b>Restricted</b> )  |
| Doc. 12  | 6.3         | Draft Resolution No. 3: Extension of the ASCOBANS Agreement Area   |
| Doc. 13  | 6.3         | Draft Resolution No. 4: Adverse Effects of Noise, Vessels and Other Forms of Disturbance on Small Cetaceans  |
| Doc. 14  | 6.3         | Draft Resolution No. 5: Incidental Take of Small Cetaceans   |
| Doc. 15  | 6.3         | Draft Resolution No. 6: Activities of the ASCOBANS Advisory Committee 2007 – 2009  |
| Doc. 16  | 6.3         | Draft Resolution No. 7: Further Implementation of ASCOBANS   |
| Doc. 17  | -           | -  |
| Doc. 18  | 4.2         | ASCOBANS Recovery Plan for Harbour Porpoises ( <i>Phocoena phocoena</i> ) in the North Sea and Background Document   |
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| Doc. 20  | 5.4         | Annual National Reports for 2005 submitted to the Secretariat as of 18 April 2006  |
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| Doc. 22a | 4.3<br>5.6  | Implications for ASCOBANS of Enlarging the Agreement Area and Including All Cetaceans  |
| Doc. 22b | 4.3<br>5.6  | The Interaction between the ASCOBANS MOP and the IWC, NAMMCO and EC  |

|         |            |  |
|---------|------------|--|
| Doc. 23 | 4.6        | Opportunistic sightings of Harbour Porpoises ( <i>Phocoena phocoena</i> ) in the Baltic Sea; third and Fourth Seasons 2004-5   |
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| Doc. 25 | -          | Draft Gothenburg Declaration vs EcoQO on bycatch of harbour porpoises  |
| Doc. 26 | 5.4.2      | ASCOBANS Secretariat Report on PR Activities (1/2006)  |
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| Doc. 29 | 4.4        | Fisheries Statistics: Data submitted by Parties  |
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| Doc. 39 | 5.2        | Les échouages de cétacés sur le littoral français en 2004  |
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## Agenda

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2. Adoption of Rules of Procedure
3. Adoption of the Agenda
4. Implementation of the ASCOBANS Triennial Workplan (2004 - 2006)
  - 4.1. ASCOBANS Baltic Recovery Plan ("Jastarnia Plan")
    - 4.1.1. Implementation
    - 4.1.2. Outcome of 2<sup>nd</sup> Meeting of Jastarnia Group
  - 4.2. ASCOBANS Recovery Plan for Harbour Porpoises in the North Sea (NSRP)
    - 4.2.1. Progress report
  - 4.3. Possible amendment of ASCOBANS to cover all species of cetaceans (reports of ad hoc working group)
  - 4.4. Bycatch issues
    - 4.4.1 Review of progress in bycatch mitigation and report to MOP 5
  - 4.5. Abundance survey (SCANS II), preliminary results
  - 4.6. Review of new information on population distribution, sizes, structures and bycatches of small cetaceans
5. Ongoing Issues
  - 5.1. Pollution, noise pollution, disturbance
    - 5.1.1. High speed ferries
    - 5.1.2. Military
    - 5.1.3. Offshore extractive activities and wind farms
    - 5.1.4. Report by Pollutants Working Group
  - 5.2. Post-mortem and stranding schemes
  - 5.3. Publicity/PR Issues
    - 5.3.1. Parties/Range States
    - 5.3.2. Secretariat
  - 5.4. Annual National Reports
  - 5.5. National legislation/protected areas
  - 5.6. Accessions of Range States; extension of Agreement area
6. 4<sup>th</sup> Meeting of Parties
  - 6.1. Preparations for MOP 5
  - 6.2. Draft Triennial Workplan 2007-2009
  - 6.3. Draft resolutions for MOP 5
7. Business Session
  - 7.1. Budgetary issues
    - 7.1.1. Report on Budget for 2005
    - 7.1.2. Outline of budget for 2006
    - 7.1.3. Outline of budget for 2007-2009
  - 7.2. Administrative issues
  - 7.3. Meetings to be attended in 2006/2007
8. Any other business
9. Date and venue of next meeting
10. Agreement on draft report
11. Close of meeting

**Welcoming speech from the Finnish Ministry of the Environment to participants at the  
13th Meeting of the ASCOBANS Advisory Committee  
Tampere, Finland (25th-27th April 2006)**

On behalf of the Finnish Ministry of the Environment, I would like to welcome you all to Tampere here on the shores of Lake Pyhäjärvi. We hope you will enjoy your stay in the beautiful lake scenery of southern Finland – even if we obviously won't be able to see porpoises or any other cetaceans here.

Finland signed up to ASCOBANS in 1999, and this is the first time we have had the honour to host an ASCOBANS meeting. Until recently, issues related to cetaceans were not very prominent in Finland, even though dolphins have been kept here in Tampere – at Finland's one and only dolphinarium – for more than twenty years. Indeed for many years it was widely believed that harbour porpoises could no longer be found in Finnish waters, although it was known that in the past they had been a more regular sight around our coasts. This species is not included in our Red Data Book on threatened animals.

In 2001 the Ministry of the Environment launched a campaign to encourage people to inform about any observations, whether porpoises really had disappeared from our part of the Baltic. This campaign also involved Tampere's Särkänniemi Dolphinarium, the Game and Fisheries Research Institute, the Finnish Museum of Natural History, and WWF Finland. A special leaflet was distributed among fishing organisations, and at harbours, natural history museums, visitor centres and other suitable locations, informing the public how to report any porpoise sightings.

To everyone's surprise, a considerable number of reliable observations were reported, revealing that porpoises have not vanished altogether from Finnish waters. Most of these sightings occurred along the south coast, especially around the Åland islands and in the Turku Archipelago – and the reports were mainly submitted by people who are often at sea, and can reliably distinguish porpoises from seals.

The campaign has subsequently been continued, and awareness of porpoises in Finland has greatly increased. Sightings have attracted considerable media interest, and the sight of a triangular dorsal fin breaking the surface is no longer such a mystery as it would have been a few years ago. Although doubts have been cast over some sightings, the Finnish Navy have been able to provide information from their submarine monitoring stations and vessels indicating that at least some of the observations are almost 100% certain to have been harbour porpoises.

In 2004 the Ministry went on to set up a working group to determine how Finland can help to protect the porpoises of the Baltic Sea; and then last year we also commissioned a report designed to give an overall picture of the occurrence of the harbour porpoise in Finnish waters on the basis of all recent observations. We will shortly be able to hear about the results of this report from Heini Kujala of the Biology Department of the University of Helsinki.

In that working group, every representative of a stakeholder is ready to contribute to the recovery of the Harbour Porpoise in our waters. However, lack of general acceptance of the porpoise observers on the Finnish fishing vessels is easily recognised in the Finnish media.

However, Finland recognised the importance of ASCOBANS as a special agreement covering the protection of small cetaceans. Many of the factors that threaten small cetaceans, related to fishing, pollution, eutrophication and marine traffic, remain outside the legal scope of the ASCOBANS Agreement. This makes it especially important for us to work closely with organisations responsible for these issues, such as HELCOM and OSPAR, to help promote more concrete and general improvements in the marine environment.

I would like on behalf of the Ministry of the Environment to wish you every success both in this meeting, and in the vital work of protecting our small cetaceans, including the harbour porpoises of the Baltic.

Do not cite without permission of the author!

Harbour porpoise (*Phocoena phocoena*) sightings in Finland  
– a historic view

Heini Kujala

25. – 27. April 2006  
ASCOBANS  
13<sup>th</sup> Advisory Committee Meeting  
Tampere, Finland

Presentation structure

- § The aims
- § Resources used
- § Results
  - Sightings – when ? where? how much?
  - By-catches
  - Juveniles

Main Questions

- 1) Has there been porpoises in Finland before?
  - When? Where? How much?
- 2) If, how many of those are by-catches?
- 3) If, are there any sightings of juveniles?

Data

- § Archives and collections of zoological museums
- § Zoological literature
- § The Finnish Historical Newspaper Library (1771-1890)
  - (<http://digi.lib.helsinki.fi>)
- § "Porpoise in sight?" –campaign
  - launched in 2001 by the Finnish Ministry of the Environment
- § Newspapers from the 20th century
- § Game and fishery papers

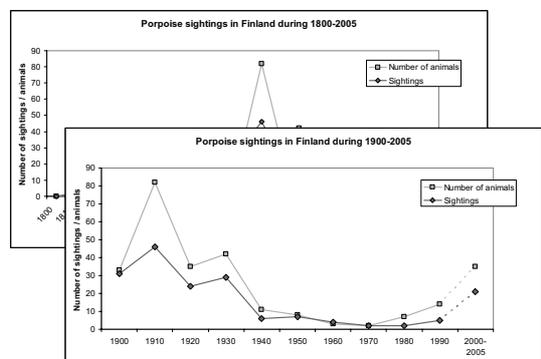
Results: Sightings

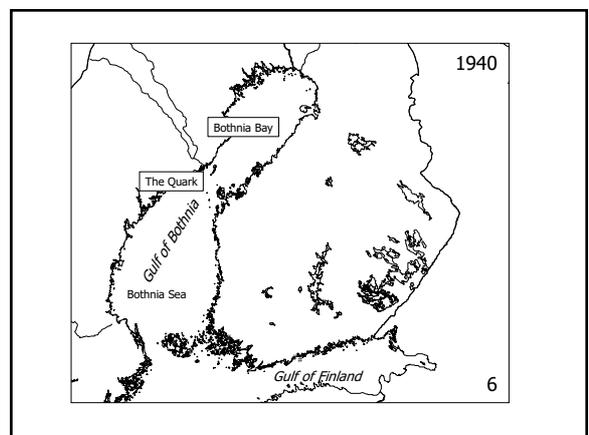
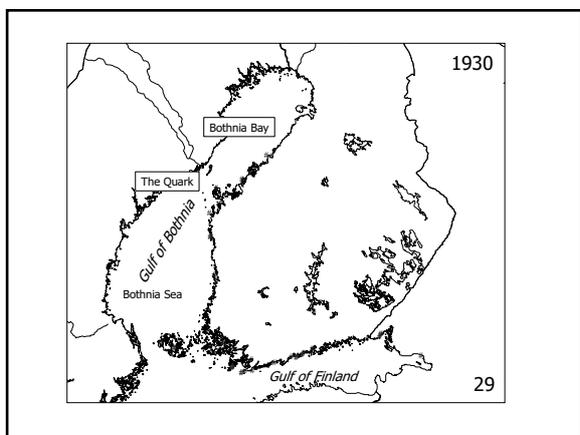
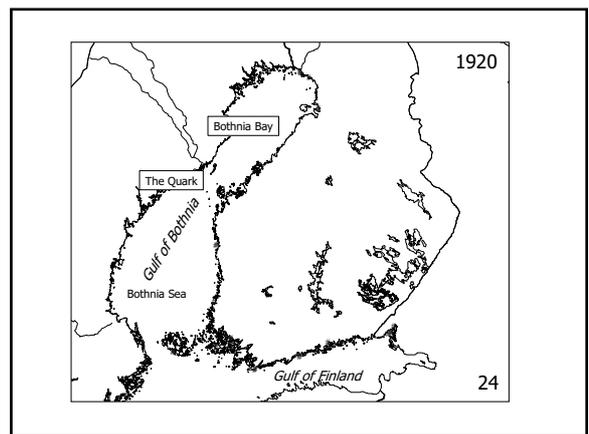
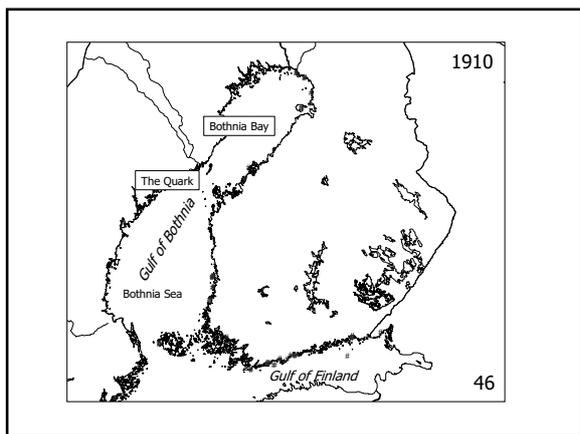
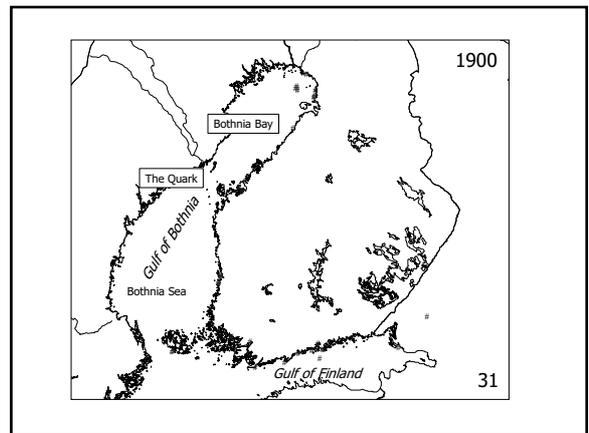
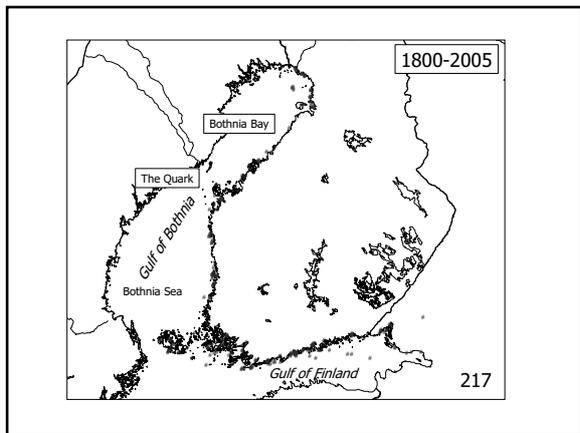
§ 217 sightings from the year 1815 to 2005

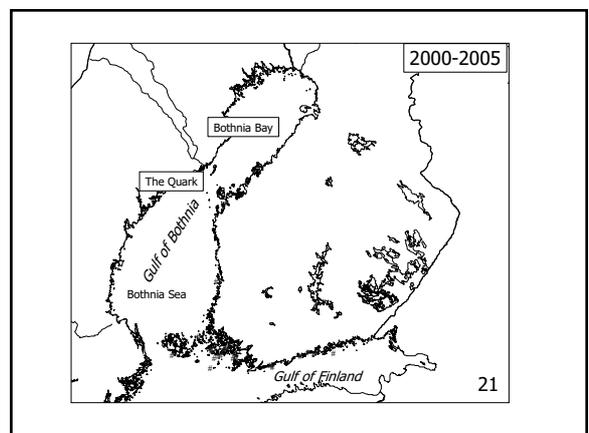
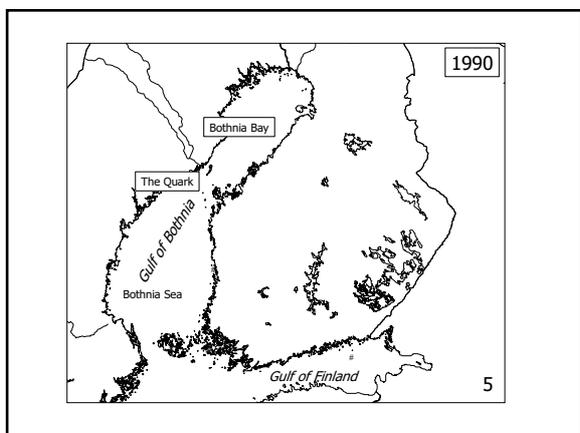
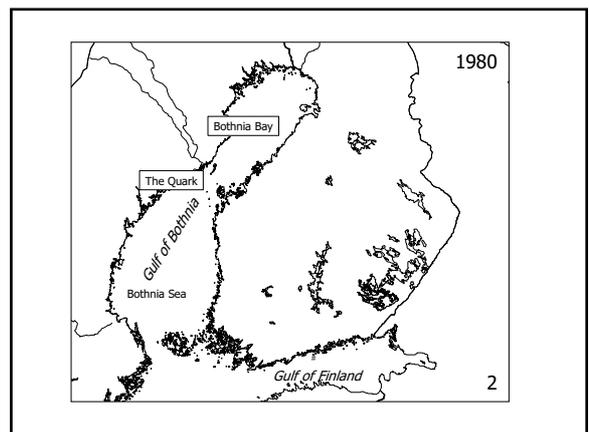
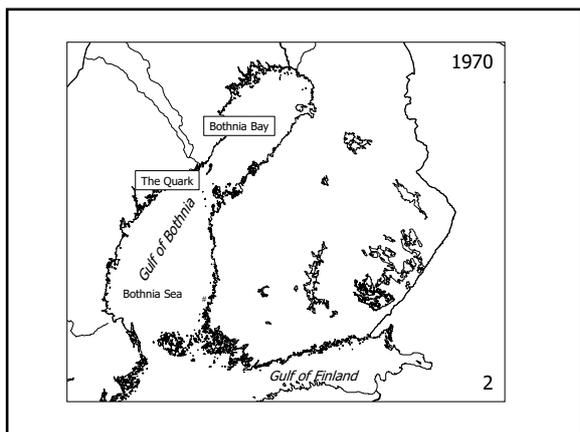
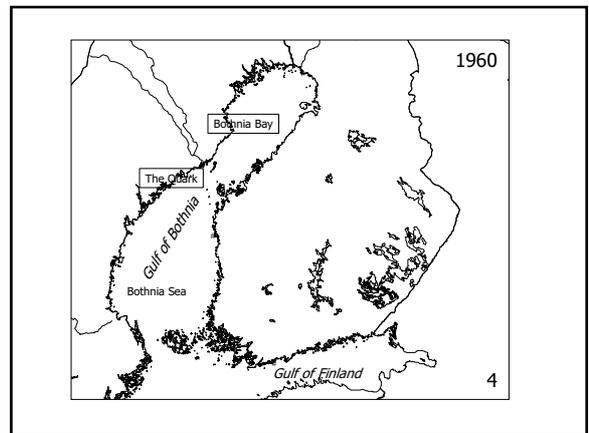
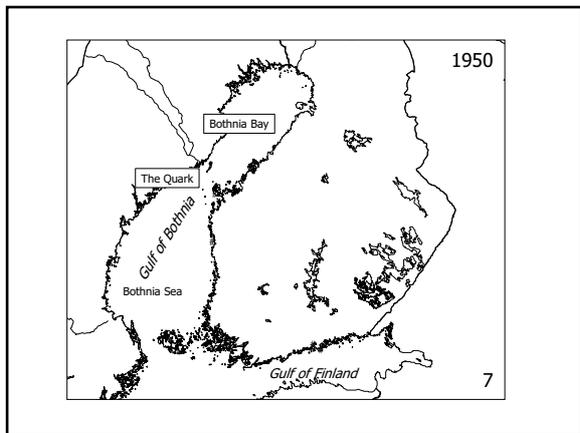
- 19th century: 40 records
- 20th century: 156 "
- 21th century: 21 "

§ 314 animals

- visual 56,0 %
- bycatch 22,9 %
- unknown 7,6 %
- stranded 6,7 %
- killed 6,7 %







## Results: Sightings

§ Another survey made by Määttänen (1990)

- 1870 - 1989
- **255** records of **423** animals  
(Kujala (2006): **179** records of **252** animals)

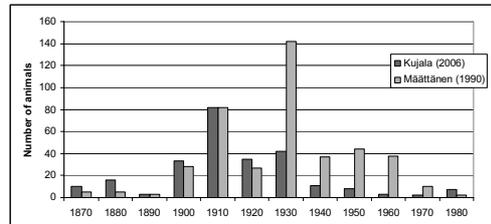
§ Museum, literature and press data – 133 records

§ Questionnaires to professional fishermen  
– 122 records

## Results: Sightings

§ Differences from the 1930's to the 1970's

§ Another peak in records in the 1930's



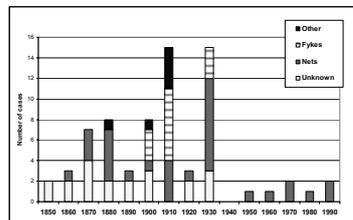
## Results: Bycatches

§ 70 cases of 72 animals

- Määttänen (1990): 87 animals between 1870 - 1989

§ Cases occurred all over the coast line

No specific fishing gear could be identified as extremely harmful to porpoises!

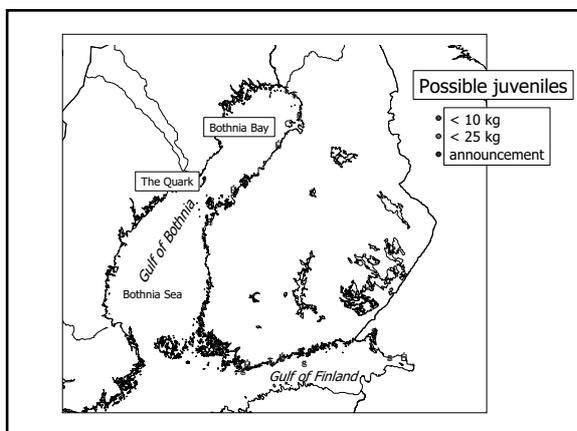


## Results: Juveniles

§ 19 cases of possible juveniles

- 5 indiv. under 10 kg
- 4 indiv. under 25 kg
- 10 announcements  
(+ 10 indiv. between 25 – 30 kg)

§ Time span 1854 - 1938



## Summary

§ Harbour porpoise has occurred in all sea areas in Finland

- Never as abundant as in southern parts of the Baltic

§ Number of records decreased significantly during 1940's - 1970's (ice winters, pollution)

- Changes in distribution

§ Number of bycatches has stayed fairly low

§ Results indicate, that porpoises might have bred in Finland before 1940's

- Harbour porpoise a member of the Finnish fauna?

## Acknowledgements:

Torsten Stjernberg, Penina Blankett, Kai Mattsson  
The Finnish Museum of Natural History, Helsinki  
Zoological Museum of Oulu  
Zoological Museum of Turku



## NORTH ATLANTIC MARINE MAMMAL COMMISSION

### OPENING STATEMENT TO THE

### 13<sup>TH</sup> MEETING OF THE ASCOBANS ADVISORY COMMITTEE

NAMMCO - the North Atlantic Marine Mammal Commission - is pleased to be able to be present as an observer at the 13th meeting of the ASCOBANS Advisory Committee.

NAMMCO is an international body for co-operation on the conservation, management and study of marine mammals in the North Atlantic. The NAMMCO Agreement was signed in Nuuk, Greenland on 9 April 1992 by Norway, Iceland, Greenland and the Faroe Islands, and focuses on modern approaches to the study of the marine ecosystem as a whole, and to understanding better the role of marine mammals in this system.

NAMMCO provides a mechanism for cooperation on conservation and management for all species of cetaceans (whales and dolphins) and pinnipeds (seals and walruses) in the region, many of which have not before been covered by such an international agreement. Through regional cooperation, the member countries of NAMMCO aim to strengthen and further develop effective conservation and management measures for marine mammals. Such measures should be based on the best available scientific evidence, and should take into account both the complexity and vulnerability of the marine ecosystem, and the rights and needs of coastal communities to make a sustainable living from what the sea can provide.

NAMMCO has a Scientific Publications series that focuses on different topics of concern to NAMMCO member countries. These publications include peer-reviewed scientific papers by international experts, and the most recent publication - Volume 5 - *Harbour Porpoises in the North Atlantic*, was the result of an International Symposium on Harbour Porpoises in the North Atlantic that was held in September, 1999. In the coming year two new volumes will be published: volume 6 on grey seals, and volume 7 on the North Atlantic Sightings Surveys. This year NAMMCO published the proceedings of a conference held in 2003, on *User Knowledge and Scientific Knowledge in Management Decision-Making*.

NAMMCO held its 15th meeting 14 -16 March 2006 in Selfoss, Iceland. Among issues discussed and decisions taken at the fifteenth meeting that are of interest to ASCOBANS were the following:

***Ecosystem-based management*** - Cooperation through NAMMCO is based firmly on the importance of considering the role of marine mammals in the marine ecosystem and developing multi-species approaches to management. The NAMMCO Scientific Committee is reviewing ongoing work to develop multi-species models suitable for use in management. In 2005 NAMMCO hosted a workshop on Enhancing Ecosystem-Based Management (EBM), in co-operation with ICES, with the general objective of examining the role of NAMMCO in implementing EBM approaches to the management of marine mammals.

***International observation of whaling and sealing*** - NAMMCO has since 1998 had a fully operational international scheme for the observation of whaling and sealing activities in member countries. In 2006 observation effort will be concentrated on whaling in Norway and Greenland.

***West Greenland Narwhals and belugas*** - This year the Scientific Committee provided similar advice to that given previously for these stocks, that substantial reductions in catches will be required to halt the apparent declines in numbers. This conclusion was reached in a joint meeting with the Canada/Greenland Joint Commission on Conservation and Management of Narwhal and Beluga (JCNB) Scientific Working Group, using the best scientific advice available. While commending Greenland for the recent introduction of quotas and reduction in the harvest, NAMMCO expressed serious concern that present quotas are not sustainable and will lead to further reduction of the stocks. While accepting that the JCNB would provide management advice for these stocks, NAMMCO strongly urged the JCNB and the Government of Greenland to take action to bring the removal of narwhals and belugas in West Greenland to sustainable levels.

***North Atlantic Sightings Surveys (NASS)*** - NASS, which are internationally co-ordinated cetacean sightings surveys covering a large area of the Northeast and Central Atlantic, have been conducted in 1987, 1989, 1995 and 2001. Planning is presently underway for another survey in 2007, to be co-ordinated by the NAMMCO Scientific Committee. Canada, Greenland, Iceland, the Faroes, Norway and the Russian Federation will participate in the survey, and it will be the first to extend across the North Atlantic (hence Trans-NASS or TNASS). The survey will also be co-ordinated with the CODA and American surveys to the extent possible.

***By-catch*** – NAMMCO accepted a series of recommendations from its Working Group on By-catch to improve the monitoring of marine mammal by-catch in NAMMCO member countries.

***Assessment of dolphins*** - At the request of the Council, the Scientific Committee is planning an assessment of white-sided, white-beaked and bottlenose dolphins, to be carried out in 2008, when sufficient information should be available on dolphin distribution and abundance, catches, life history and ecology in NAMMCO member countries.

***Workshop on “Struck and lost”*** – NAMMCO will host a workshop on “struck and lost” in marine mammal hunts, 14-16 November 2006 in Copenhagen. The workshop will bring together hunters, managers and scientists from several jurisdictions, with the objective of providing recommendations to reduce struck and lost in small and large whale, seal and walrus hunts.

The next annual meeting of NAMMCO will be held in Norway in the spring of 2007.

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**Recommendations of the Jastarnia Group  
endorsed by the 13<sup>th</sup> Meeting of the Advisory Committee to ASCOBANS**

1. The area covered by the Jastarnia Plan should be defined as the whole of the Baltic Sea , including the Belt Seas and the Kattegat up to a line running eastwards from Skagen to Gothenburg, thus including several populations of harbour porpoises that may be endangered to varying degrees;
2. The reduction of fishing effort called for in the Jastarnia Plan must remain the top priority for Parties;
3. Parties and non-Party Range States are encouraged to intensify interim research on pingers and to continue trials of alternative gear and methods;
4. Parties and non-Party Range States are encouraged to ensure the at-sea enforcement of pinger use and the monitoring of its efficiency;
5. Parties and non-Party Range States are encouraged to re-evaluate pinger use at the latest in 2009 in the light of current findings (Art. 7 of EC Regulation 812/2004).
6. It is recommended that a one-day workshop on the genetics of the Baltic Sea harbour porpoise, followed by a two day workshop covering the wider ASCOBANS area, should take place at the seat of the Secretariat in Bonn, Germany, as soon as possible;
7. It is recommended that the Secretariat cooperate with Parties or non-governmental organisations to find funding for the continuation beyond the year 2007 of the web-based, international database on opportunistic sightings, strandings and bycatch established by Germany, in seeking further assistance from Parties and other sources;
8. Parties are encouraged to continue to provide additional funds for the production of information material in the languages of the Baltic Sea region;
9. It is recommended that Parties remind the European Commission that clear definitions of fishing gear used in the Baltic were needed but missing in the relevant legislative acts such as EC Regulation 812/2004, and encourage the Commission to rectify this situation.



***SUGGESTED TERMS OF REFERENCE  
FOR  
GENETICS WORKSHOPS***

**1) BALTIC SEA HARBOUR PORPOISE WORKSHOP**

***Preamble***

Arising from the Jastarnia Plan is a management need to identify and agree upon appropriate population units for harbour porpoises in the Baltic Sea. To date, there have been a number of independent studies using samples obtained from different locations and time periods, and using different methodological approaches. These require synthesizing and evaluating. Several Parties and the Secretariat offered to explore options to support such a workshop.

***Terms of Reference***

- 1) Review genetic evidence for separate porpoise populations in the Baltic Sea (including Kattegat and Belt Sea, as recommended by the revised Jastarnia Plan)
- 2) Review other lines of evidence (e.g. metrical and non-metrical skeletal variation, contaminant & parasite burdens, fatty acid signatures, diet, variation in life history parameters, results of telemetry studies, etc.) for separate Baltic Sea populations
- 3) Agree upon biologically meaningful boundaries for conservation management of the species in the Baltic Sea
- 4) Identify the characteristics of identified populations within the Baltic Sea in terms of a) genetic variability; b) population history; c) life history parameters; and d) movement patterns and seasonality, including any gender differences
- 5) Identify gaps in our knowledge of evidence for distinct populations, and recommend research programmes to address any such gaps

This meeting should be small, but it is suggested that at least the following persons are invited: Liselotte Andersen, Per Berggren, Carl Kinze, Iwona Kuklik, Linda Laike/Nils Ryman, Christina Lockyer, Anna Roos, Ralph Tiedemann, Jonas Teilmann, and Krystal Tolley.

## 2) SMALL CETACEAN POPULATION STRUCTURE WORKSHOP

### *Preamble*

A pre-requisite to effective conservation management of small cetaceans is an understanding of how best to define populations in a biologically meaningful manner. There are substantive challenges to overcome since rarely do physical boundaries exist, and a variety of approaches has been used that have different implications. Furthermore, there are both methodological and analytical issues that need addressing. The proposal is to draw together persons with appropriate expertise for a workshop on this topic. The United Kingdom has provided financial support for this.

### *Terms of Reference*

- 1) Establish a definition of population units of interest to management
- 2) Identify the strengths and limitations of different criteria available for discriminating between populations; these would include both genetic techniques (e.g. microsatellite, mtDNA, isozyme studies) and other approaches (e.g. metrical and non-metrical skeletal variation, contaminant & parasite burdens, fatty acid signatures, diet, variation in life history parameters, results of telemetry studies, etc.)
- 3) Establish an agreed set of criteria for investigating population structure
- 4) Review a) sampling protocols (sample sizes, spatial and temporal intervals between sampling points, etc.); b) methodologies for sample collection; and c) standardization of laboratory techniques
- 5) Review statistical techniques for identifying population units (e.g. hypothesis testing versus clustering/other approaches)

This meeting should have a larger scope covering the entire ASCOBANS Agreement Area, and the target species would be small cetaceans only. A wider set of biologists should be invited than the Baltic Sea Harbour Porpoise Workshop, with possible input from outside Europe.

The two meetings would take place back to back.

**Expert workshop to establish criteria and guidelines for the identification of sites of importance for small cetaceans in the ASCOBANS area**

General framework:

A one-day workshop back to back with the Advisory Committee meeting in 2007.

Terms of reference:

Cetaceans are covered under different conventions or similar legal acts, e.g. HELCOM, UN Law of the Sea, OSPAR, the EU Habitats Directive, CMS and ASCOBANS. Under certain of these international commitments one of the means to protect small cetaceans is the establishment of protected areas.

Specific criteria/guidelines for the identification of sites important for small cetaceans are so far lacking.

The purpose of the foreseen workshop is therefore to analyze and discuss the development, the scope and appropriateness of possible criteria such as:

- - high-density areas
- - feeding sites or breeding sites
- - migration patterns

including methods to identify those sites.

The workshop will explore the efficacy of Marine Protected Reas in conserving small cetaceans.

The workshop should for this purpose consider the following information:

- information on the criteria applied for indicating sites designated for the protection of small cetaceans (Natura 2000, Baltic Sea protected areas or [respective sites under OSPAR]) for applied reasons of designation/sufficiency
- results of existing research indicating important areas (SCANS, PODs, bycatch/national monitoring programmes)

The final goal is a draft guideline (to be endorsed by the Advisory Committee) giving the guidance – including criteria - for the identification of sites important for (small) cetaceans.

Tasks to the Secretariat:

- Contact European Commission DG/Environment (ETC/NC)/HELCOM/OSPAR to investigate the possibility to make it a joint workshop
- Explore the options for obtaining a map of Natura 2000 sites specifically designated for small cetaceans.



## **ADVERSE HUMAN INDUCED IMPACTS ON CETACEANS**

Adopted by the Conference of the Parties at its Eighth Meeting (Nairobi, 20-25 November 2005)

*Recognising* that, under Article II paragraph 1 of the Convention, Parties acknowledge the importance of Range States agreeing to take action for the conservation of migratory species whenever possible and appropriate, paying special attention to migratory species the conservation status of which is unfavourable, and taking individually or in cooperation appropriate and necessary steps to conserve such species and their habitats;

*Recognising* that, under Article II paragraphs 2 and 3 of the Convention, Parties acknowledge the need to take action to avoid any migratory species becoming endangered and, in particular, to endeavour to provide immediate protection for migratory species listed in Appendix I to the Convention;

*Acknowledging* Resolution 8.13 (Climate Change and Migratory Species) and Resolution 8.14 (By-catch) also adopted by the 8<sup>th</sup> Meeting of the Conference of the Parties;

*Recognising* that Article III paragraph 4 (b) of the Convention requires Parties to endeavour *inter alia* to prevent, remove, compensate for or minimise, as appropriate, the adverse effects of activities or obstacles that seriously impede or prevent the migration of migratory species listed in Appendix I;

*Recalling* several resolutions and recommendations adopted in the framework of CMS, the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS), the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS) and the International Whaling Commission (IWC), that recognized ship strikes, marine noise, entanglement and by-catch, and pollution, as well as habitat and feeding ground degradation, as potential threats to the conservation of cetacean populations and recognizing the particular competence of ACCOBAMS and ASCOBANS in their respective regions;

*Recalling* the Convention on Biological Diversity (CBD), 1992, and the Jakarta Mandate on Marine and Coastal Biological Diversity adopted by the CBD Conference of the Parties in 1995;

*Recalling* that the Parties to the CBD committed themselves to achieve by 2010 a significant reduction of the current rate of biodiversity loss (decision VI/26 adopted by CBD CoP6), and that this target has been endorsed in the Plan of Implementation adopted at the 2002 World Summit on Sustainable Development (paragraph 44);

*Noting* that the CBD has recognized CMS as the lead partner in the conservation and sustainable use of migratory species over their entire range (decision VI/20 adopted by CBD CoP6);

*Recalling* the obligation of States Party to the United Nations Convention on the Law of the Sea (UNCLOS) to protect and preserve the marine environment (cf. art. 192 ff) and to cooperate on a global and regional basis to conserve marine mammals (cf. art. 65 and 120), paying special attention to highly migratory species, including cetaceans listed in Annex I of UNCLOS;

*Taking into account* the lack of data on the distribution and migration of some populations of migratory cetaceans and the adverse human-induced impacts on cetaceans;

*Acknowledging* that human induced impacts on cetaceans are increasing; and

*Underlining* that other marine migratory mammals, reptiles, birds or fish species will also benefit from this resolution;

*The Conference of the Parties to the  
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Urges* Parties and non-Parties which exercise jurisdiction over any part of the range of cetacean species listed on the appendices of CMS, or over flag vessels which are engaged outside national jurisdictional limits to cooperate as appropriate with relevant international organizations; and to promote the integration of cetacean conservation into all relevant sectors by coordinating their national positions among various conventions, agreements and other international fora;
2. *Encourages* the further use of CMS existing and future cetacean-related agreements by all relevant stakeholders;
3. *Requests* the CMS Secretariat and Scientific Council to:
  - a. Cooperate with the IWC which also has competency for the conservation and management of cetacean populations, working through the Memorandum of Understanding between the two bodies, by collaborating with the IWC work programmes which address human induced impacts to cetaceans, and by working with the organisation's Scientific and Conservation Committees to further identify priority impacts and regions requiring urgent attention;
  - b. Review, in collaboration with the scientific advisory bodies of CMS cetacean-related Agreements, the extent to which CMS and CMS cetacean-related Agreements, are addressing the following human induced impacts through their threat abatement activities:
    - i. entanglement and by-catch;
    - ii. climate change;
    - iii. ship strikes;
    - iv. pollution;
    - v. habitat and feeding ground degradation;
    - vi. marine noise;

- c. Prioritise the impacts and regions requiring most urgent attention and develop recommendations for how these priorities can be addressed by CMS;
  - d. Liaise with other relevant international bodies including the International Maritime Organization (IMO), the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR), the Cartagena Convention and the UNEP Regional Seas Programme, the United Nations Informal Consultation on Protection of the Oceans and the Law of the Sea (UNICPOLOS) to determine their work programmes on these issues and to ensure that there is a full exchange of information and collaboration with CMS and its Scientific Council and that there is no duplication of effort or gaps between these bodies;
  - e. Make this information readily available to Parties and report progress to the CMS Standing Committee at its 2007 meeting; and
  - f. Propose a work programme to the ninth meeting of the CMS Conference of the Parties of further strategic action that considers the work of the following organizations: CMS cetacean-related Agreements, IMO, IWC including its Scientific and Conservation Committees, OSPAR, UNICPOLOS, the UNEP Regional Seas Programme, and promotes collaboration and synergies between them;
4. *Instructs* the Secretariat and, where appropriate and feasible, the Chairperson and members of the Standing Committee and Scientific Council to draw this resolution to the attention of other relevant intergovernmental organizations, such as the United Nations Environment Programme (UNEP), namely its Governing Council and Regional Seas Programme, UNICPOLOS, IMO, United Nations Food and Agricultural Organisation (FAO) and its Committee on Fisheries Industries (COFI) and Regional Fisheries Management Organisations (RFMOs), for the purpose of information and co-operation, and to keep the Parties informed of progress on this Resolution; and
5. *Invites* the Contracting Parties, without prejudice to their obligations under the Convention, to strive to ensure wherever possible that their activities within the scope of this resolution avoid harm to cetaceans.

## Report of Pollution Working Group

### Recent Literature with regard to Chemical Pollution compiled by ASCOBANS advisory committee Pollutants Working Group.

Andersen, G; Føreid, S; Skaare, J.U; Jenssen, B.M; Lydersen, C. & K.M. Kovacs. 2006. Levels of toxaphene congeners in white whales (*Delphinapterus leucas*) from Svalbard, Norway. *Science of The Total Environment* **357**(1-3): 128-137.

A study of toxaphene (CHB) levels in beluga whales from Svalbard. Data on these contaminants in this species had been lacking from this region. Total CHB (CHB-26, -50 and -62) concentration by lipid weight was calculated for ten male whales from blubber biopsies. High levels, compared to other Arctic populations, were found in these whales and it is suggested that, because CHBs in these whales were found at levels of greater relative proportion to DDTs and PCBs than whales from other regions, that the whales in this study are exposed to locally higher concentrations of CHBs.

Beineke, A.; Siebert, U.; Mclachlan, M.; Bruhn, R.; Thron, K.; Failing, K.; Muller, G. & W. Baumgartner. 2005. Investigations of the Potential Influence of Environmental Contaminants on the Thymus and Spleen of Harbor Porpoises (*Phocoena phocoena*). *Environmental Science & Technology* **39**(11): 3933-3938.

Contaminant burdens (PCB, toxaphene, PBDE, DDT & DDE) for by-caught (N=50) and stranded (N=11) harbour porpoises, from the German North Sea and Baltic Sea, were determined from samples of their blubber. These values, when compared to the results of complete post mortem examinations, were used to investigate the immunosuppressive effects of these contaminants which may cause disease susceptibility in porpoises from this region. In the analysis the confounding effect of age, health status, nutritional state, geographical location and sex were taken into account. Thymic atrophy and splenic depletion were significantly correlated to increased PCB and PBDE levels, providing evidence for contaminant-induced immunosuppression.

Borrell, A. & A. Aguilar. 2005. Differences in DDT and PCB Residues Between Common and Striped Dolphins from the Southwestern Mediterranean. *Archives of Environmental Contamination and Toxicology* **48**: 501-508.

A comparative study of contaminant burdens between common and striped dolphins in the Alboran Sea, west Mediterranean. Blubber samples from by-caught (24 common; 20 striped) dolphins and biopsies (two common; seven striped) were analysed for a range of PCBs and DDTs. Levels were found in excess of threshold levels for adverse effects. Striped dolphins generally had higher levels which could be explained by their higher trophic level as illustrated by stable isotopes.

Bossi, R; Riget, F.F; Dietz, R; Sonne, C; Fausera, P; Damb, M. & K. Vorkamp. 2005. Preliminary screening of perfluorooctane sulfonate (PFOS) and other fluorochemicals in fish, birds and marine mammals from Greenland and the Faroe Islands. *Environmental Pollution* **136**: 323-329.

A study that investigates perfluorooctane sulfonate (PFOS) levels in a number of species from different trophic levels from Greenland and the Faroe Islands. Tissue from polar bear (*Ursus maritimus*), minke whale (*Balaenoptera acutorostrata*), ringed seal (*Phoca hispida*), black guillemot (*Cephus grylle*) and shorthorn sculpin (*Myoxocephalus scorpius*) was sampled from Greenland and pilot whale (*Globicephala melas*) and fulmar (*Fulmarus glacialis*) from the Faroe Islands. The results illustrate that PFOS bioaccumulates in marine ecosystems and it has a similar geographical distribution to that of OHCs

Breuer, E; Stevenson, A.G; Howe, J.A; Carroll, J. & G.B. Shimmield. 2004. Drill cutting accumulations in the Northern and Central North Sea: a review of environmental interactions and chemical fate. *Marine Pollution Bulletin* **48**: 12-25.

A literature review that focuses on contaminants (Ba, Cd, Cr, Cu, Hg, Ni, Pb, V, and Zn), hydrocarbons and radionuclides within drill cutting accumulations in the northern and central North Sea. These substances exist in higher concentrations in drill cuttings piles than in the surrounding sediments. The authors state that considerable proportions of these contaminants and related radionuclides are likely to remain within the cuttings pile unless disturbed. Natural, physical and biogenic, reworking of the sediments is a possible pathway by which contaminants may become available and lead to exposure for organisms. No published data on metal flux rates exists for North Sea drill cuttings piles.

Das K; Siebert U; Fontaine M; Jauniaux T; Holsbeek L. & J.M. Bouquegneau. 2004. Ecological and pathological factors related to trace metal concentrations in harbour porpoises *Phocoena phocoena* from the North Sea and adjacent areas. *Marine Ecology Progress Series* **281**: 283-295.

Concentrations of Zn, Cd, Cu, Fe, Se and Hg are determined in liver, kidney and muscle tissue for 132 harbour porpoises from northern France, Belgium, Germany (North and Baltic Seas), Denmark, Iceland and Norway. Stable isotope values for <sup>13</sup>C and <sup>15</sup>N were also found. The authors investigate the body condition, toxicology and trophic position of the harbour porpoise sample and find that trace metal exposure may influence marine mammal health status. The data show that Zn and Hg concentration were significantly higher in the southern North Sea compared to Baltic and Norwegian waters. Increased Zn and Hg levels combined with poor body condition are of concern considering the fact harbour porpoises in this area also face other threats, including the effects of other contaminant burdens such as PCBs.

Das, K; De Groof, A; Jauniaux, T. & J.M. Bouquegneau. 2006. Zn, Cu, Cd and Hg binding to metallothioneins in harbour porpoises *Phocoena phocoena* from the southern North Sea. *BMC Ecology* **6**: 2-22.

From liver and kidney samples for 14 harbour porpoises found stranded along the Belgian coast the authors determined the concentrations of Zn, Cu, Cd and Hg in different tissue cell fractions including and insoluble fraction and soluble fractions differentiated by protein molecular weight (high, low and metallothioneins). The role of metallothioneins (MTs) and cell processes in the homeostasis and detoxification mechanisms of each heavy metal is discussed. In both the liver and kidney an increased total Zn concentration led to more Zn linkage with MTs suggesting that MTs serve to take up excess Zn freed by its redistribution from other tissues in emaciated harbour porpoises.

Hall, A.J., B.J. McConnell, T.K. Rowles, A.Aguilar, A. Borrell, L. Schwacke, P.J.H. Reijnders and R.S. Wells. In press. An individual based model framework to assess the population consequences of polychlorinated biphenyl exposure in bottlenose dolphins. *Environmental Health Perspectives*.

Kalantzi, O.I; Hall, A.J; Thomas, G.O. & K.C. Jones. 2005. Polybrominated diphenyl ethers and selected organochlorine chemicals in grey seals (*Halichoerus grypus*) in the North Sea. *Chemosphere* **58**: 345-354.

PCB and PDBE contaminant levels were found in blubber samples from 110 grey seals in the North Sea between 1998 and 2000. Because sampling was conducted as part of a mark-recapture study paired data between seasons were gathered for 13 individuals. Concentrations of the main congeners of each contaminant type are presented and relationships between season and age classes are explored.

Muir, D.C.G; Backus, S; Derocher, A.E; Dietz, R; Evans, T.J; Gabrielsen, G.W; Nagy, J; Norstrom, R.J; Sonne, C; Stirling, I; Taylor, M.K. & R.J. Letcher. 2006. Brominated flame retardants in polar bears (*Ursus maritimus*) from Alaska, the Canadian Arctic, East Greenland, and Svalbard. *Environmental Science & Technology* **40**(2): 449-455.

Adipose fat was sampled for contaminants in polar bears from nine locations: Bering-Chukchi Sea (Alaska), Amundsen Gulf, Western Hudson Bay, Foxe Basin/Gulf of Boothia, Lancaster Sound/Jones Sound, Northeastern Baffin Island, Southeastern Baffin Island (Canada), Scoresbysund (East Greenland), and Svalbard (Norway) area. Significantly higher total PDBE concentrations were found in the bears from Svalbard and east Greenland compared to Alaska and Canada. Biomagnification was evident for all four major congeners (BDE47, 99, 100, and 153) between ringed seals and polar bears. PDBEs show similar geographical trends in occurrence to PCBs and hexabromocyclododecane (HBCD) hinting at similar transport mechanisms and accumulation pathways to polar bears in the regions sampled.

Ross, P.S. 2006. Fireproof killer whales (*Orcinus orca*): Flame-retardant chemicals and the conservation imperative in the charismatic icon of British Columbia, Canada. *Canadian Journal of Fisheries and Aquatic Sciences* **63**(1):224-234.

The author presents a background history of the uses of persistent organic pollutants and highlights the new problem posed by flame retardant chemicals of the PBDE family. The spread and now omnipresence of PCBs in the global environment exist as a poignant illustration of the potential problem posed by PBDEs. Exponentially increasing PBDEs levels are found in British Columbia's marine mammals. Killer whales in British Columbia are used as a case study to show that extremely high concentrations of POPs accumulate in long lived marine mammals. Adverse health effects from contaminant burdens in these killer whales are discussed and global regulatory framework to limit and ultimately reduce the further contamination of the killer whale food chain is seen as central aim with regard to conservation efforts.

Tornero, V.; Borrell, A.; Aguilar, A.; Forcada, J. & C. Lockyer. 2006. Organochlorine contaminant and retinoid levels in blubber of common dolphins (*Delphinus delphis*) off northwestern Spain. *Environmental Pollution* **140**: 312-321.

The use of retinoids as a biomarker for organochlorine pollutant exposure was investigated from contaminant concentrations, age, sex and blubber lipid content data from 74 (48 males and 26 females) by-caught common dolphins caught off northwestern Spain. The effects of a range of pollutants (*p,p'*-DDT, *o,p'*-DDT, *p,p'*-DDE, *o,p'*-DDE, *p,p'*-DDD and *o,p'*-DDD and PCBs IUPAC #28, 52, 95, 101, 151, 149, 118, 153, 105, 138, 187, 183, 128, 174, 180, 170, 201, 195, 194) on retinoid concentrations differed between males and females. Variation in retinoid concentration could not be confidently assigned either to pollutant levels or to the other factors tested.

Tornero, V., A. Borrell, A. Aguilar, R.S. Wells, J. Forcada, T.K. Rowles and P.J.H. Reijnders. 2005. Effect of organochlorine pollutants and individual biological traits on blubber retinoid concentrations in bottlenose dolphins (*Tursiops truncatus*) Journal of Environmental Monitoring **7**(2): 109-114

Tornero, V., A. Borrell, Pubill, E., Koopman, H., Read, A., Reijnders, P.J.H. and A. Aguilar 2005 Post-mortem stability of blubber retinoids in bycaught harbour porpoises (*Phocoena phocoena*): implications for biomarker design studies. Journal of Cetacean Research and Management **7**(2):147-152.

Van de Vijver, K.I.; Hoff, P.T.; Das, K.; Van Dongen, W.; Esmans, E.L.; Siebert, U.; Bouquegneau, J.M.; Blust, R. & W.M. De Coen. 2004. Baseline study of perfluorochemicals in harbour porpoises (*Phocoena phocoena*) from Northern Europe. *Marine Pollution Bulletin* **48**(9-10): 992-997.

Levels of a range of perfluorochemicals (PFOA, PFNA, PFOS, PFDA, PFUA, PFDoA) were determined in 41 by-caught harbour porpoises from coastal waters around Iceland (8), Norway/Barents Sea (11), southwest Norway (8), Denmark (7) and in the German Baltic Sea (7). The most predominant compound was perfluorooctane sulfonic acid (PFOS). Geographical trends were found in all detected PFOCs. There was a decreasing trend in contaminant levels from south to north. Porpoises from the German Baltic Sea showed significantly higher PFOS levels than porpoises from Norway and Iceland. The results along with stable isotope data support currently recognized population demarcations in the region.

Van de Vijver, K.I.; Hoff, P.; Das, K.; Brasseur, S.; Van Dongen, W.; Esmans, E.; Reijnders, P.; Blust, R. & W. de Coen. 2005. Tissue Distribution of Perfluorinated Chemicals in Harbor Seals (*Phoca vitulina*) from the Dutch Wadden Sea. *Environmental Science & Technology* **39**: 6978-6984.

Concentrations of a range of perfluorinated compounds are determined in the liver, kidney, blubber, muscle, and spleen tissues of harbour seals from the Wadden Sea. Perfluorooctane sulfonate (PFOS) was the most prominent of the fluorinated chemicals found. Differences in tissue distribution and accumulation patterns are discussed based on observed results. Seals were sampled from those seals that succumb to the phocine distemper epizootic in 2002. Between 1 and 24 individuals were sampled depending on the tissue.

Wells, R.S., V. Tornero, A. Borrell, A. Aguilar, T.K. Rowles, H.L. Rhinehart, S. Hofman, W.M. Jarman, A.A. Holn and J.C. Sweeny. 2005. Integrating life history and reproductive success data to examine potential relationships with organochlorine compounds for bottlenose dolphins (*Tursiops truncatus*) in Sarasota Bay, Florida. *Science of the Total Environment* **349**:106-119.

Wolkers, H.; Lydersen, C.; Kovacs, K.M.; Burkow, I. & B. van Bavel. 2006. Accumulation, Metabolism, and Food-Chain Transfer of Chlorinated and Brominated Contaminants in Subadult White Whales (*Delphinapterus leucas*) and Narwhals (*Monodon monoceros*) from Svalbard, Norway. *Archives of Environmental Contamination & Toxicology* **50**: 69-78.

Contaminant levels from blubber biopses of four white whales and three narwhals (all subadults) live captured from Svalbard, Norway. PCBs, DDTs, chlordanes, toxaphenes, HCB, HCHs, and PBDEs are presented for these animals and for polar cod and halibut. Very high levels of a wide range of chemical species were found. Accumulation rates and metabolic indices of different chemicals are discussed. Narwhals had higher levels than white whales.

WWF. 2005. Clean Baltic within reach? How can a new chemical policy contribute to the protection of the Baltic? WWF DetoX Campaign Report, 36 Avenue de Tervuren, 1040 Brussels, Belgium.

This is a review of pollution in the Baltic Sea and the failure of existing legislation to protect this vulnerable ecosystem. Particular reference is made to new hazardous substances including perfluorochemicals (PFCs), polybrominated flame retardants (BFRs), musks, phthalates and short chained and middle chained chlorinated paraffins. PFCs and BFRs have been found in a range of species in all trophic levels including harbour porpoises. Levels of OCs are often significantly higher than other more open bodies of water. Despite knowledge of their potentially harmful effects to wildlife and

human health legislation has not curtailed the use of these hazardous chemicals. The forthcoming EU chemical law REACH (Registration, Evaluation and Authorisation of Chemicals) is discussed as an essential means to putting a stop to continued pollution.

### **Other Relevant Literature**

Addison, R.F; Ikononou, M.G & T.G. Smith. 2005. PCDD/F and PCB in harbour seals (*Phoca vitulina*) from British Columbia: response to exposure to pulp mill effluents. *Marine Environment Research* **59**(2): 165-176.

Aguilar, A & A. Borrell 2005. DDT and PCB reduction in the western Mediterranean from 1987 to 2002, as shown by levels in striped dolphins (*Stenella coeruleoalba*). *Marine Environmental Research* **59**: 391-404.

Blubber tissue samples collected from striped dolphins by remote dart biopsy carried out from 1987 to 2002 in the offshore waters between continental Spain and the Balearic Islands were analysed for a range DDT and PCB congeners. Reductions in total PCB and total DDT concentrations are evident with time, with the trend being more marked for PCBs. This leads the authors to state that, using striped dolphins as a bio-indicator, organochlorine levels in oceanic areas of the Mediterranean Sea are less than they were. However, nothing can be said about coastal regions from the data. The authors also offer a discussion of global trends in organochlorine contaminant levels as the levels found in this study constitute one of the highest in the world.

Arai, T; Ikemoto, T; Hokura, A; Terada, Y; Kunito, T; Tanabe, S & I. Nakai. 2004. Chemical Forms of Mercury and Cadmium Accumulated in Marine Mammals and Seabirds as Determined by XAFS Analysis. *Environmental Science and Technology* **38**(24): 6488-6474.

The authors present a study that uses a technique known as X-ray absorption fine structure (XAFS) to investigate the constituent states in which Hg, Cd and Se exist in the livers and kidneys of the northern fur seal, black-footed albatross and Risso's dolphins.

Borrell, A. & A. Aguilar. 2005. Differences in DDT and PCB residues between common and striped dolphins from the south western Mediterranean. *Archives of Environmental Contamination and Toxicology* **48**: 501-508.

Broeg, K; Westernhagen, H; Zander, S; Korting, W. & A. Koehler. 2005. The "bioeffect assessment index" (BAI) A concept for the quantification of effects of marine pollution by an integrated biomarker approach. *Marine Pollution Bulletin* **50**: 495-503.

Endo, T; Haraguchi, K; Hotta, Y; Hisamichi, Y; Lavery, S; Dalebout, M.L. & C.S. Baker. 2005. Total Mercury, Methyl Mercury, and Selenium Levels in the Red Meat of Small Cetaceans Sold for Human Consumption in Japan. *Environmental Science & Technology* **39**: 5703-5708.

Ferber, D. 2006. Sperm Whales Bear Testimony to Worldwide Pollution. *Science* **239**: 1166.

Environmental science news article that reviews some preliminary results of a global survey by the Ocean Alliance which has sample contaminants and bioindicators in the blubber of 424 sperm whales from across the globe. The results, when published, promise to give a unique insight into contaminant levels and their geographical distribution in this species from across the world.

Ikemoto, T; Kunito, T; Anan, Y; Tanaka, H; Baba, N; Miyazaki, N. & S. Tanabe. Association of heavy metals with metallothionein and other proteins in hepatic cytosol of marine mammals and seabirds. *Environmental Toxicology and Chemistry* **23**(8): 2008-2016.

Kubota, R; Kunito, T; Fujihara, J; Yang, S.J. & N. Miyazaki. 2005. Placental transfer of arsenic to fetus of Dall's porpoises (*Phocoenoides dalli*). *Marine Pollution Bulletin* **51**: 845-849.

Describes the first evidence of the placental transfer of various species of arsenic between mother and foetus for marine mammals.

- Lahaye, V; Bustamante, P; Spitz, J; Dabin, W; Das, K; Pierce, G.J. & F. Caurant. 2005. Long-term dietary segregation of common dolphins *Delphinus delphis* in the Bay of Biscay, determined using cadmium as an ecological tracer. *Marine Ecology Progress Series* **305**: 275-285.
- Leung, C.C.M; Jefferson, T.A; Hung, S.K; Zheng, G.J; Yeung, L.W.Y; Richardson, B.J. & P.K.S. Lam. 2005. Petroleum hydrocarbons, polycyclic aromatic hydrocarbons, organochlorine pesticides and polychlorinated biphenyls in tissues of Indo-Pacific humpback dolphins from south China waters. *Marine Pollution Bulletin* **50**: 1713-1744.
- Levin, M; Morsey, B; Mori, C; Nambiar, P.R. & S. De Guise. 2005. PCBs and TCDD, alone and in mixtures, modulate marine mammal but not B6C3F1 mouse leukocyte phagocytosis. *Journal of Toxicology and Environmental Health, Part A*, 68:635–656,  
Investigation of immunotoxic effects of PCBs and TCDD by testing the variability of phagocytosis in cells exposed to different contaminants. Results lead the authors to question the reliability of both TEQs and the mouse model in risk assessment of OC mixtures.
- Lockhart, W.L; Stern, G.A; Wagemann, R; Hunt, R.V; Metner, D.A; DeLaronde, J; Dunn, B; Stewart, R.E.A; Hyatt, C.K; Harwood, L. & K. Mount. 2005. Concentrations of mercury in tissues of beluga whales (*Delphinapterus leucas*) from several communities in the Canadian Arctic from 1981 to 2002. *Science of the Total Environment* **351–352**: 391-412.
- Hardy, M.L. 2005. Comment on “Global assessment of polybrominated diphenyl ethers in farmed and wild salmon”. *Environmental Science & Technology* **39**: 377–378.
- Hites, R.A; Foran, J.A; Schwager, S.J; Knuth, B.A; Hamilton, M.C. & D.O. Carpenter. 2004. Global Assessment of Polybrominated Diphenyl Ethers in Farmed and Wild Salmon. *Environmental Science & Technology* **38**: 4945-4949.  
Concentrations of a range of PDBEs (congeners #1, 2, 3, 7, 8, 10, 11, 12, 13, 15, 17, 25, 28, 30, 32, 33, 35, 37, 47, 49, 66, 71, 75, 77, 85, 99, 100, 105, 116, 119, 126, 138, 140, 153, 154, 155, 166, 181, 183, 190, 206, 207, and 208) were determined from 700 farmed and wild salmon from Norway, Chile, Scotland, British Columbia, Eastern Canada, the Faroe Islands and Maine and the state of Washington in the United States. Three composites of three wild or farmed fish from each location were used in analysis across the different regions. Total PDBE concentrations were significantly higher in farmed salmon than in wild salmon. Highest concentrations existed in fish reared in Europe followed by North America and then Chile. These trends have also been shown for PCBs and other chlorinated pesticides in farmed and wild salmon.
- Hites, R.A., Foran, J.A., Schwager, S.J., Knuth, B.A., Hamilton, M.C., and Carpenter, D.O. 2005. Response to comment on “Global Assessment of polybrominated diphenyl ethers in farmed and wild salmon”. *Environmental Science & Technology* **39**: 379–380.
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PCDD/F, PCB, PBDE and PCN concentrations were determined from fat of cleaned, freeze dried, commercially caught herring from the Bothnian Sea. The results were investigated in relation to herring size categories and age groups.
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**5<sup>th</sup> MEETING OF THE PARTIES TO ASCOBANS**

**Egmond aan Zee, The Netherlands, 18 - 22 September 2006**

**Draft Resolution No. 1**

**Educational and Promotional Activities**

*Recalling* Resolution No. 2 of the 4th Meeting of the Parties and related resolutions of previous Meetings of the Parties;

*Reiterating* that public support of the aims of ASCOBANS continues to be critical to its success;

*Acknowledging* the continuous successful efforts of the ASCOBANS Secretariat to initiate and implement promotional and educational activities, such as the increasingly successful International Day of the Baltic Harbour Porpoise and the ASCOBANS Award;

*Noting*, however, that despite the ongoing activities, public awareness of ASCOBANS and the issues of cetacean conservation still needs to be increased in the original ASCOBANS area;

*Mindful of* the extension of the ASCOBANS Agreement area as decided by the Fourth Meeting of the Parties, and the need to launch promotional activities specifically geared to the needs of the regions covered by the newly extended Agreement area;

*Reiterating* that a particular emphasis of future promotional work will need to be on new Parties and non-Party Range States, on the implementation of the ASCOBANS Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan), [on the Conservation Plan for Harbour Porpoises in the North Sea] and on the regions covered by the extended Agreement area;

*Acknowledging* the valuable contribution made by NGOs to ASCOBANS to date;

*The Meeting of the Parties to ASCOBANS*

*Recommends* that the Secretariat continue and step up its activities to raise awareness of issues related to cetacean conservation in the Agreement area and to promote the Agreement itself especially with non-Party Range States, *inter alia* by continuing to translate ASCOBANS information material and to undertake promotional activities in both Party and non-Party Range States;

*Recommends* that the Secretariat continue to develop the ASCOBANS website, aiming to meet the needs of a wide range of target audiences and including educational material;

*Recommends* that host Parties of Meetings of the Parties and of the Advisory Committee, in co-operation with the Secretariat, continue to consider ways by which the Agreement and its aims might be best promoted using the opportunity afforded by these meetings;

*Encourages* Parties and non-Party Range States to continue to co-operate with the Secretariat in these endeavours and to support this work through voluntary contributions throughout the triennium;

*Recommends* that the Secretariat, taking appropriate advice, produces targeted information material on conservation issues facing small cetaceans in the region. In particular, it is recommended that the Secretariat, in consultation with appropriate fishermen's organisations, RACs and others develop material to distribute to fishermen, especially with respect to bycatch issues;

*Encourages* NGOs to support the educational and promotional activities of the Secretariat and the Parties if and when possible;

*Encourages* institutions or individuals to share the use of their intellectual property free of charge for use in non-profit information and education campaigns in support of ASCOBANS objectives;

*Encourages* Parties, non-Party range States and NGOs to nominate candidates for the ASCOBANS Award for 2007 and 2009.

*Repeals* Resolution No. 2 of the 4<sup>th</sup> Meeting of the Parties.

**5<sup>th</sup> MEETING OF THE PARTIES TO ASCOBANS**

**Egmond aan Zee, The Netherlands, 18 - 22 September 2006**

**Draft Resolution No. 3**

**Extension of the ASCOBANS Agreement Area**

*Recalling* Resolution No. 4 adopted by the Fourth Meeting of the Parties;

*Noting* the unforeseen delays in ratification of the extended Agreement;

*Noting*, moreover, that these delays were beyond the control of ASCOBANS Parties and of the ASCOBANS Secretariat;

*Recalling* the obligation of States Parties to the United Nations Convention on the Law of the Sea (UNCLOS) to cooperate through the appropriate international organizations for the conservation and management of marine mammals (Articles 65 and 120);

*Reiterating* that the conservation of small cetaceans in the current ASCOBANS Agreement Area and in European waters as a whole will benefit from the extension of the ASCOBANS Agreement Area to the parts of the North Eastern Atlantic covered by the aforementioned Resolution and from the establishment of the direct geographical link between the Agreement Areas of ASCOBANS and ACCOBAMS implicit therein;

*Guided* by a common will to further strengthen the Agreement and the conservation of small cetaceans in European waters as a whole;

*The Meeting of the Parties to ASCOBANS*

*Urges* Parties to the Agreement that have not yet done so to ratify the amendment contained in MOP 4 Resolution No 4 as soon as possible;

*Calls* on the Executive Secretary to ASCOBANS, Parties to the Agreement and the Secretariat of the Convention of Migratory Species of Wild Animals to continue to encourage non-Party Range States to accede to the Agreement.

**5<sup>th</sup> MEETING OF THE PARTIES TO ASCOBANS**

**Egmond aan Zee, The Netherlands, 18 - 22 September 2006**

**Draft Resolution No. 4**

**Adverse Effects of Noise, Vessels and Other Forms of Disturbance on Small Cetaceans**

*Recalling* that the Conservation and Management Plan Annexed to the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas stipulates that ASCOBANS work towards "the prevention of other significant disturbance, especially of an acoustic nature";

*Recalling* Resolution No. 5 of the 4th Meeting of the Parties and previous related Resolutions and recommendations adopted within the framework of ASCOBANS and *welcoming* progress within Parties to implement that Resolution;

*Recalling* Resolution 8.22 adopted by the Eighth Conference of the Parties to the Convention on Migratory Species (CMS) on adverse human induced impacts on cetaceans, Resolution 7.5 of the Seventh Conference of the Parties to the Convention on the Conservation of Migratory Species on wind turbines and migratory species, and previous related Resolutions and Recommendations adopted within the framework of CMS;

*Recalling* the obligation of States Parties to the United Nations Convention on the Law of the Sea (UNCLOS) to cooperate through the appropriate international organizations for the conservation and management of marine mammals (Articles 65 and 120);

*Recalling* the results of the ASCOBANS study (MoP4/Doc.17) on the effects of noise and of vessels on cetaceans, which range from disturbance to potential lethal consequences from some military sonars and from ship strikes;

*Reaffirming* that the difficulty of proving the detrimental effects of acoustic disturbance on cetaceans necessitates a precautionary approach in dealing with this issue;

*Recognizing* the commitment of Parties to a change to using renewable sources of energy;

*Recognizing* the potential disturbance caused by offshore extractive industries and other activities including those associated with renewable energy;

*Recognizing* the political sensitivities in relation to military activities;

*The Meeting of the Parties to ASCOBANS*

*Requests* Parties and non-Party Range States that have not yet done so to introduce guidelines on measures and procedures for seismic surveys to *inter alia*

- (1) alter the timing of surveys or to minimise their duration;
- (2) reduce noise levels as far as practicable;
- (3) avoid starting surveys when cetaceans are known to be in the immediate vicinity;
- (4) introduce further measures in areas of particular importance to cetaceans;
- (5) develop a monitoring system that will enable adaptive management of seismic survey activities;

*Reiterates* its invitation to Parties and non-Party Range States to

- (1) develop, with military and other relevant authorities, effective mitigation measures including environmental impact assessments and relevant standing orders to reduce disturbance of, and potential physical damage to, small cetaceans;
- (2) conduct further research into the effects on small cetaceans of:
  - (a) vessels, particularly high speed ferries;
  - (b) acoustic harassment devices, such as those used in fish farms and elsewhere;
  - (c) offshore extractive and other industrial activities, including windfarms;
  - (d) other acoustic disturbances. This should include research on physical and behavioural effects, and be at the individual and population level;
- (3) conduct research and develop appropriate management measures and guidelines to minimise any adverse effects on small cetaceans of the above factors;
- (4) develop and implement procedures to assess the effectiveness of any guidelines or management measures introduced;
- (5) report on high energy seismic surveys.

*Invites* Parties and non-Party Range States to cooperate with the Secretariat in developing and implementing the measures recommended in the Annex to Resolution 8.22, adopted by the Eighth Meeting of the Parties to CMS, insofar as these are applicable and relevant to ASCOBANS;

*Repeals* Resolution No. 5 of the 4<sup>th</sup> Meeting of the Parties.

**5<sup>th</sup> MEETING OF THE PARTIES TO ASCOBANS**

**Egmond aan Zee, The Netherlands, 18 - 22 September 2006**

**Draft Resolution No. 5**

**Incidental Take of Small Cetaceans**

*Recalling* the Annex to the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas, according to which "... management measures shall be applied ..." to develop, in the light of available data indicating unacceptable interaction, modifications of fishing gear and fishing practices in order to reduce by-catches and that in the waters of EU Member States, Article 2 of Council Regulation (EC) No. 2371/2002 of 20 December 2002 stipulates that the common fisheries policy shall ensure exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions;

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

*Recalling* that Council Regulation (EC) No. 812/2004 lays down measures concerning incidental catches of cetaceans in fisheries; to make use of pingers mandatory in specified fisheries and to require observer monitoring in specified fisheries and amending Council Regulation 88/98 [namely to phase out driftnets in the Baltic Sea];

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

*Recalling* the Ministerial Declaration of the Fifth International Conference on the Protection of the North Sea of 20-21 March 2002 (The "Bergen Declaration"), where Ministers agreed on a precautionary objective to reduce bycatch of marine mammals to less than 1% of the best available population estimate and called for "the development and adoption, as soon as possible and in cooperation with the competent authorities, of a recovery plan for harbour porpoises in the North Sea";

*Recalling* the Joint OSPAR-HELCOM "Statement on the Ecosystem Approach to the Management of Human Activities" where the need for "minimising by-catch of species which are not the intended object of commercial fishing" is highlighted (Bremen, Germany, 25-26 June 2003);

*Recalling* the Resolutions on Incidental Take of Small Cetaceans adopted by the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Meetings of the Parties (ASCOBANS/MOP2/DOC. 4, MOP 3 Resolution 3, MOP 4 Resolution No. 6);

*Recalling* Resolution 6.2 on bycatch adopted by the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) at its Sixth Meeting (Cape Town, November 1999), Recommendation 7.2, adopted by the Conference of the Parties to CMS at its Seventh Meeting (Bonn, September 2002) and Resolution 8.14 adopted by the Conference of the Parties to CMS at its Eighth Meeting (Nairobi, November 2005);

*Recalling* the obligation of States Parties to the United Nations Convention on the Law of the Sea (UNCLOS) to cooperate through the appropriate international organizations for the conservation and management of marine mammals (Articles 65 and 120);

*Recalling* the commitment of Parties to the CBD to achieve, by 2010, a significant reduction of the current rate of biodiversity loss (CBD COP 6, Decision VI/26) and the endorsement of this target in the Plan of Implementation adopted by the World Summit on Sustainable Development (WSSD) in 2002;

[Noting an abundance estimate of .... in 2005 .... as established by the SCANS II survey...]

*Recalling* the findings of the 1996 Northridge Review of Marine Mammal Bycatch Observer Schemes (JNCC Report No. 219), which found that a properly designed observer scheme is the best way of acquiring reliable information on by-catch, but that extrapolation from existing information on comparable gear types and areas may be necessary when an observer scheme is logistically difficult;

*Noting* that the ASCOBANS Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan) (MoP4/Doc.23), following the final report of the ASCOBANS Baltic Discussion Group, states that with respect to Baltic harbour porpoises the available evidence clearly points to a population that is in serious danger and that as a matter of urgency, every effort should be made to reduce bycatches towards zero as quickly as possible;

*Noting* the outcomes of the first and second meetings of the Jastarnia Group, held in Bonn, Germany, in March 2005 and Stralsund, Germany in February 2006 and the recommendations adopted on the basis of the work of the Jastarnia Group by the 12<sup>th</sup> Meeting of the Advisory Committee (Brest, France, April 2005) and the 13<sup>th</sup> Meeting of the Advisory Committee (Tampere, Finland, April 2006);

*Noting* the ASCOBANS report on "Potential Mitigation Measures for Reducing the Bycatches of Small Cetaceans in ASCOBANS Waters" (2000) (AC8, Doc. 5.1);

*Appreciating* the ongoing efforts made to reduce bycatch and noting the measures taken by the Parties which have led to a reduction in bycatch in certain fisheries in the North Sea;

*Noting* that efforts to reduce bycatch require close co-operation between managers, scientists and fishermen;

*Recognizing* the need to further integrate bycatch reduction measures into sustainable fisheries practices and socio-economic considerations, particularly in the context of the Common Fisheries Policy of the European Union;

*Regretting* that the recommendations set out in the relevant Resolutions of previous MOPs to reduce bycatch to below ‘unacceptable interaction’ levels have probably not been fulfilled;

*Welcoming and noting* that ASCOBANS has elaborated the Jastarnia Plan;

[*Strongly supporting* the conservation plan for harbour porpoises in the North Sea, called for in the Bergen Declaration adopted by the Fifth International Conference on the Protection of the North Sea (Bergen, 20-21 March 2002) and elaborated within the framework of ASCOBANS, *urges* Parties in the North Sea region to proceed with the implementation of the Plan, and *invites* non-Party Range States to do likewise;]

#### *The Meeting of the Parties to ASCOBANS*

*Without prejudice to the exclusive competence of the European Community for the conservation, management and exploitation of living aquatic resources,*

*Requests* that Parties and Range States continue to develop and implement national plans of action or similar measures to reduce the bycatch of small cetaceans;

*Urges* Parties in the Baltic Sea region, to continue and to step up implementation of the Jastarnia Plan and *invites* non-Party Range States to also implement the Plan;

*Recommends* that total anthropogenic removal is reduced without delay by the Parties with a view to achieving a total anthropogenic removal below the threshold of “unacceptable interaction”, defined as 1.7% of the best available abundance estimate;

*Requests* the Parties and Range States to provide further information on levels of bycatch and if appropriate to undertake further research into bycatch mitigation measures.

*Repeals* Resolution No. 6 of the 4<sup>th</sup> Meeting of the Parties.

## 5<sup>th</sup> MEETING OF THE PARTIES TO ASCOBANS

Egmond aan Zee, The Netherlands, 18 - 22 September 2006

### Draft Resolution No. 10

#### Conservation Plan for Harbour Porpoises in the North Sea

*Recalling* that the 5th International Conference on the Protection of the North Sea (Bergen, Norway, 20-21 March 2002) called for a recovery plan for harbour porpoises in the North Sea to be developed and adopted (Paragraph 30, Bergen Declaration);

*Recalling* that the declaration of the Joint Ministerial Meeting of the Helsinki and OSPAR Commissions (Bremen, Germany, 25-26 June 2003, 'Bremen Declaration') adopted the common statement "Towards an Ecosystem Approach to the Management of Human Activities" (Paragraph 13), which highlights the need to develop and promote the implementation of a recovery plan for harbour porpoises in the North Sea;

*Recalling* the considerable experience ASCOBANS has gained with the development of the recovery plan for harbour porpoises in the Baltic ('Jastarnia Plan');

*Noting* the results of the two abundance surveys SCANS-I and SCANS-II;

*Noting* the preparations ASCOBANS has already undertaken towards the development of a recovery plan for harbour porpoises in the North Sea at the 9<sup>th</sup> and 10<sup>th</sup> Meetings of the Advisory Committee in Hindås (Sweden) and Bonn (Germany) in 2002 and 2003;

*Recalling* the deliberations on the Recovery Plan for Harbour Porpoises in the North Sea at the 11<sup>th</sup>, 12<sup>th</sup> and 13<sup>th</sup> Meetings of the ASCOBANS Advisory Committee in Jastrzębia Góra (Poland), Brest (France) and Tampere (Finland);

*Recalling* Resolution No. 10 on a Recovery Plan for Harbour Porpoises in the North Sea adopted by the 4<sup>th</sup> Meeting of the Parties (Esbjerg, Denmark, April 2003);

*Commending* Germany for its initiative for the development of a recovery plan for harbour porpoises in the North Sea;

*Noting* the decisions of the Advisory Committee at its 13<sup>th</sup> Meeting to change the name "Recovery Plan" to "Conservation Plan"

*Noting* the requirements of the EU treaty and its Common Fisheries Policy;

#### *The Meeting of the Parties to ASCOBANS*

*Adopts* the Conservation Plan for Harbour Porpoises in the North Sea annexed\* to this Resolution;

*Instructs* the Advisory Committee to establish an advisory group to monitor implementation of the Plan;

*Urges* Parties, other competent authorities and stakeholders to implement the Plan fully and in a timely manner.

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\* The Conservation Plan (cf. Document AC13/Doc.18(S)) will be attached to the resolution for presentation to MoP5.

### Dates of interest to ASCOBANS in 2006/2007

| <b>Date</b>                    | <b>Organizer</b>                    | <b>Title</b>   | <b>Venue</b>  | <b>Participation/Report</b>                      |
|--------------------------------|-------------------------------------|--|---|--|
| 8 – 12 May 2006                | German Federal Environment Ministry | Conference on Marine Nature Conservation in Europe         | German Oceanographic Museum, Stralsund              | Stefan Bräger                                    |
| 15 – 19 May 2006               | HELCOM                              | HABITAT 8/2006   | Isle of Vilm, Germany                               | Penina Blankett                                  |
| 21 May 2006                    | UNEP/ASCOBANS                       | International Day of the Baltic Harbour Porpoise           | Bonn, Hel/Gdynia, Lysekil, Riga, Stralsund, Tampere | Executive Secretary                              |
| 22 May 2006                    | BIS/City of Bonn                    | Biodiversity Day Events                                    | Bonn, Germany                                       | Executive Secretary                              |
| 23 May – 20 June 2006          | IWC                                 | 58 <sup>th</sup> Annual and Associated Meetings            | St Kitts and Nevis                                  | Vice Chair                                       |
| July 2006                      | UNEP/CMS                            | CMS/Agreements Brainstorming Event                         | Bonn, Germany                                       | Executive Secretary                              |
| September 2006                 | OSPAR                               | MASH   | Azores  | Jan Haelters                                     |
| 11 – 13 October 2006           | NAMMCO                              | Scientific Committee                                       | Iceland   | Request NAMMCO Secretariat to forward the report |
| Spring 2007                    | OSPAR                               | BDC  |   | Jan Haelters                                     |
| March 2007                     | NAMMCO                              | Council Meeting  | Norway  | Request NAMMCO Secretariat to forward the report |
| Late March or early April 2007 | ECS                                 | 21st Annual Conference                                     | San Sebastián, Spain                                |  |
| 4 May – 1 June 2007            | IWC                                 | 59 <sup>th</sup> Annual Conference and Associated Meetings | Anchorage, USA                                      | Vice Chair                                       |