

REPORT OF THE 17TH MEETING OF THE ASCOBANS ADVISORY COMMITTEE

UN Campus, Bonn, Germany

4-6 October 2010



**Agreement on the Conservation of Small Cetaceans
of the Baltic, North East Atlantic, Irish and North Seas**

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LIST OF ACTION POINTS AND DECISIONS
of the 17th ASCOBANS Advisory Committee Meeting

SCIENCE AND CONSERVATION SESSION

1. The Secretariat would prepare a list of decisions and action points for adoption at the end of the meeting, which would be forwarded to participants promptly. A draft report would follow within two weeks for comments. (Agenda Item 1.2)
2. The Advisory Committee endorsed the recommendations of the Jastarnia Group as amended. (Agenda Item 4.1)
3. A Working Group for the Conservation Plan for Harbour Porpoises in the North Sea was established and terms of reference agreed. Until the chair for this working group was elected, the Netherlands would take the lead. (Agenda Item 4.2.1)
4. A time-limited Working Group on Bycatch was established to report to the next Advisory Committee meeting and terms of reference agreed. (Agenda Item 4.3)
5. Parties were requested to provide funding to facilitate the representation of ASCOBANS at RACs and similar meetings. (Agenda Item 4.3)
6. An open-ended Inter-sessional Working Group on Noise was established and terms of reference adopted. Karsten Brensing was elected Chair. (Agenda Item 4.4)
7. Parties were encouraged to develop national information material for outreach to fishermen and would report back on their success in due course. The draft leaflet developed by ASCOBANS would be passed to the Parties for their consideration. Material from the leaflet could be incorporated into the ASCOBANS website as the Secretariat felt appropriate. (Agenda Item 4.5.1)
8. The Secretariat would make changes to the redesigned website to make the page on Resolutions more user-friendly. Parties were invited to convey any further comments to the Secretariat. (Agenda Item 4.5.1)
9. The Secretariat, Parties and partners should give thought to possible events to mark the 20th anniversary of ASCOBANS in 2012. (Agenda Item 4.5.2)
10. The Communication, Education and Public Awareness (CEPA) Plan was adopted with minor changes. (Agenda Item 4.5.3)
11. Parties, concerned that ASCOBANS species and possibly populations were affected, requested the Secretariat to contact the authorities of the Faeroe Islands regarding the whale hunt. (Agenda Item 5.1)
12. Peter Evans (ECS) would provide a tabular summary of the results of various trend analyses in strandings, sightings and by-catch for all cetacean species occurring in the ASCOBANS area, country by country. (Agenda Item 5.1)

13. With a view to adopting a revised version of the Jastarnia Plan at MOP7, the Jastarnia Group was requested to identify by AC19 at the latest measures geared to the situation of Harbour porpoises in the area west of the Darss-Limhamn Ridge. (Agenda Item 5.2)
14. A map of the ASCOBANS Area showing places with a high risk of ship strikes should be prepared in time for AC19. Peter Evans would be contracted in order to produce this map. (Agenda Item 5.4)
15. The Informal Working Group on Large Cetaceans to be chaired by Peter Evans was established. The Group would conduct its business through correspondence and meet physically during AC18. (Agenda Item 5.6)
16. The following Projects were endorsed: 1 (Inventories of Harbour porpoise presence in Russian territorial waters of the Baltic Sea - €6,950); 3 (Feasibility study on the creation of a web-accessed strandings database covering Agreement Parties and Range States - €8,500); 4 (Pollutant exposure in coastal top predators: assessing current levels of exposure and toxic effects - €9,750) and 6 (Understanding Harbour porpoise and fishery interactions in the North-West Iberian peninsula - €10,000). Poland would provide questions for the Secretariat to forward to the applicants for project 1 for a possible cost-neutral amendment of the project. (Agenda Item 6.2)
17. The ASCOBANS Project Proposal Format was adopted with minor amendments. (Agenda Item 6.3)
18. The Secretariat would liaise with the ACCOBAMS Secretariat over organizing a joint workshop at the ECS Annual Conference in 2011 on pollutants and new compounds now entering marine ecosystems and their effects on cetaceans. The Secretariat should also discuss co-funding the participation of speakers with ACCOBAMS and would revert to Parties in the event of lack of funding. Peter Evans and Mark Simmonds offered to convene the workshop. (Agenda Items 7 and 5.3)
19. The Secretariat would examine the feasibility of a joint CMS Family workshop on a subject of common interest such as bycatch, involving all marine Agreements and MoUs. (Agenda Item 7)
20. The Advisory Committee agreed which meetings the ASCOBANS Secretariat or other representatives would attend. (Agenda Item 7.1)
21. The Acting Executive Secretary was mandated to write to the Executive Secretary of ACCOBAMS to present the ASCOBANS Parties' position regarding the proposed extension of the ACCOBAMS Area and to request that discussion of this proposal be postponed until the CMS Future Shape Process had run its course. The position of the ASCOBANS Parties should also be presented at the forthcoming ACCOBAMS MOP (9-12 November 2010). (Agenda Item 7.2)
22. The ASCOBANS Style Guide was adopted with minor amendments. (Agenda Item 8)

ADMINISTRATIVE SESSION

23. The Secretariat would continue the practice of sending a mid-year report on administrative and budgetary issues to Parties. (Agenda Item 13.1)
24. The Secretariat would discontinue the budget outlines of the running year presented to the Advisory Committee Meeting. (Agenda Item 13.3)
25. The Netherlands would take the lead in preparing the evaluation of the Secretariat arrangements requested by MOP6. Parties interested in joining an intersessional working group to prepare a preliminary report for consideration by AC18 should contact the Dutch National Coordinator by 15 November 2010. (Agenda Item 14)
26. Germany would fund a temporary part-time North Sea Plan Coordinator in 2011. Other Parties were urged to provide voluntary contributions to cover further years. In the absence of sufficient contributions, the 18th Advisory Committee Meeting would decide on the use of trust fund reserves. (Agenda Item 14)
27. The Secretariat would prepare a draft job description for the North Sea Plan Coordinator and send it to the North Sea Working Group for comments. (Agenda Items 14 and 4.2)
28. The next Meeting of the Advisory Committee would take place in spring 2011. Offers to host the meeting should be sent to the Secretariat by 1 November 2010. The default venue would be Bonn. The Secretariat would conduct an online poll to determine suitable dates. (Agenda Item 15)
29. Sami Hassani (France) was elected as Chair of the Advisory Committee. Penina Blankett (Finland) was elected as Vice-Chair. (Agenda Item 16)
30. The Secretariat would prepare a list of proposals for funding of internal activities presented during a Meeting of the Advisory Committee in addition to external project proposals received prior to the meeting. Parties would prioritize and decide on the funding of these activities before the end of each meeting.
31. The Secretariat would intensify efforts to ensure representation of the Russian Federation at future ASCOBANS Meetings and if necessary seek German support.

REPORT OF THE 17TH MEETING OF THE ASCOBANS ADVISORY COMMITTEE

1. Opening of the Meeting

1. The Chair, Stefan Bräger (Germany) welcomed participants, thanked the Secretariat for hosting the meeting and expressed his regret that the original plans to meet in Cornwall had had to be cancelled because of the volcanic eruption in Iceland.

2. Elizabeth Mrema, the Acting Executive Secretary, noted the high attendance at the meeting which she felt was a sign of the Parties' and partners' commitment to ASCOBANS. She introduced Borja Heredia, the new Senior Adviser of ASCOBANS who had started work as CMS Scientific Officer at the beginning of the year, and Bettina Reinartz, the new ASCOBANS Assistant. She also announced that Heidrun Frisch had been confirmed as the ASCOBANS Coordinator.

3. After a successful MOP, ASCOBANS faced the challenge of implementing its new programme and the two harbour porpoise action plans, and dealing with the pressing issues facing cetacean conservation such as bycatch and underwater noise. ASCOBANS as part of the CMS Family also had a role to play in the "Future Shape" process, and the agenda included an item concerning a proposal to extend the Agreement Area of ACCOBAMS to waters covered by ASCOBANS. The meeting was also reminded of Germany's offer to fund an additional administrative post within the Secretariat for one year, on condition that matching funding was provided to extend the post. Ms Mrema reported that after discussions with the Chair and Vice-Chair, it was proposed that the Secretariat would produce a detailed list of decisions and action points, rather than a full report by the end of the meeting. The full draft report would however be circulated within two weeks.

4. Ms Mrema concluded her comments by paying tribute to the Chair and Vice-Chair, both of whom would be stepping down at the end of the meeting.

1.1 Adoption of Rules of Procedure

5. The Secretariat introduced AC17/Doc.1-01, the Draft Rules of Procedure. The meeting's attention was drawn to a number of proposed amendments, such as the merger of rules 1 and 3 and the provision for the permanent observer status of representatives of advisory bodies of other CMS instruments. The rules would also remain in force unless amended. The rules as amended were adopted (Annex 4).

1.2 Adoption of the Agenda of the Science and Conservation Session

6. The Secretariat introduced the Provisional Agenda (AC17/Doc.1-02 rev.1) and proposed some changes to the schedule, bringing forward discussion of two items: the review of new information on population size (item 5.1) as one of the guest speakers would only be present on the first day and the ACCOBAMS Agreement Area (item 7.2). The agenda (Annex 2) and schedule were adopted.

7. The Secretariat would prepare a list of decisions and action points for adoption at the end of the meeting, which would be forwarded to participants promptly. A draft report would follow within two weeks for comments.

8. The Chair suggested that the administrative session be open to observers and that the restricted documents be released. This proposal was accepted by the meeting.

2. Annual National Reports 2009

9. The Chair invited participants to make an oral report to complement the written reports submitted in advance of the meeting.

10. Jan Haelters (Belgium) reported that surveys had been carried out during pile driving work for an offshore wind farm. A Fin whale (*Balaenoptera physalus*) had been involved in a collision with a ship at an unknown location and had been carried on the bulb to Antwerp harbour. Research was being conducted into the comparison of the ecological consequences of static fishing gear and beam trawling in Belgian waters. Harbour porpoises (*Phocoena phocoena*) had been common in Belgian waters from August to October 2010 which was unlike previous years. A bottlenose dolphin (*Tursiops truncatus*) of unknown origin had been present in Belgian waters for some months in 2010.

11. Maj Munk (Denmark) reported on various research projects including participation in the Static Acoustic Monitoring of the Baltic Sea Harbour Porpoise (SAMBAH) project. Penina Blankett (Finland) confirmed that Finland was also involved with SAMBAH.

12. Sami Hassani (France) stressed the interaction of small cetaceans with fisheries. A pilot study had been started with an observer programme in the English Channel. The University of La Rochelle was investigating pollution by heavy metals. A study resulting from collaboration between the University of Brest, OCEANOPOLIS and the Marine Protected Area in the Iroise Sea had started in Brittany on pollutants. Several surveys had been conducted and details were given in the national report. Details of work on public awareness raising, the presence of cetaceans in given waters and the strandings network were contained in the written report.

13. Oliver Schall (Germany) announced that the new Federal Nature Protection Law included provisions for the marine environment and the transfer of some areas of competence to the Federal Government from the *Länder*. A workshop on man-made noise had been held in Berlin in the spring, and the report would be published soon, possibly also in English. The certificate for the designation of the Wadden Sea as a UNESCO World Heritage site had recently been presented to the German authorities.

14. For the Netherlands, Folchert van Dijken reported that research was being conducted into blubber of harbour porpoises and a new national conservation plan for harbour porpoises in the Dutch part of the North Sea was being drafted. There was likely to be a reorganization of governmental departments when the new administration took office following the recent election.

15. Krzysztof Skora reported that Poland continued its work in Puck Bay identifying conflicts with fisheries and the data would be presented next year. The Ministry of Agriculture had distributed 500 pingers (acoustic underwater deterrent devices) to larger fishing vessels. Data showed an increasing trend of stranded animals. Of the protected areas designated under HELCOM, two were specifically related to harbour porpoises. Finally, WWF Poland had recently become a partner and had developed a "blue manual" explaining what actions should be taken when a stranded animal was found.

16. Christina Rappe (Sweden) said that a new investigation into harbour porpoises suggested that designation of another Natura 2000 site for the species might be justified. The Swedish Agency had produced a new leaflet and the agency was funding a new genetic survey on the Baltic harbour porpoise to be undertaken by the University of Stockholm finishing in 2012. Sweden too was participating in SAMBAH. More work was being done to develop cod traps with interest shown from Mexico because of the endangered Vaquita (*Phocoena sinus*) in the Gulf of California. Finally, nine video cameras had been purchased for installation on vessels setting gill nets and trawls. Sweden was yet to identify fishers willing to take these on board.

17. Sarah Archer (UK) said that the 2009 cetacean bycatch figures had been published. Mitigation work was focussed on studying the gear types and areas of most concern; and work on pingers continued. Experimental trials of deterrent devices, to determine any potential wide-scale negative impacts, demonstrated that dolphin and porpoise avoidance was limited to around 2km from the device. Progress continued on delivering an ecologically coherent and well-managed network of Marine Protected Areas by 2012.

18. Mark Simmonds (WDCS) noted that Denmark had designated 17 marine Natura 2000 sites and asked whether details of their management regimes could be made available to Erich Hoyt whose book "Marine Protected Areas for Whales, Dolphins and Porpoises – A World Handbook for Cetaceans Habitat Conservation" was about to be published by Earthscan.

19. The Chair asked that France and the Netherlands make the results of the contaminants studies available in due course.

3. Accession and Agreement Amendments

20. The Secretariat confirmed that no new Parties had acceded to the Agreement, nor had any further Parties ratified the amendment, meaning four of the ten still had to do this. With regard to recruitment, ASCOBANS had for the first time contributed to the UN Treaty Event for instruments deposited with the Secretary General. During the event, UN Member States were invited to sign, ratify or accede to multilateral treaties and ASCOBANS was one of the MEAs presented. This year's Treaty Event specifically highlighted the theme of biodiversity.

21. After positive indications made by the Norwegian observer at the last MOP, it appeared that Norway's accession had not progressed due to concerns in the fisheries department. Germany also continued to hold bilateral meetings with the Russian Federation, where participation in ASCOBANS meetings was promoted.

4. Priorities in the Implementation of the Triennium Work Plan (2010-2012)

22. Heidrun Frisch (Secretariat) introduced AC17/Doc.4-06 rev.1, the work plan adopted at MOP6. The meeting would be requested to provide guidance on further action required for each activity outlined in the work plan throughout the meeting. The resulting revised version would be annexed to the report (Annex 5).

4.1 ASCOBANS Baltic Recovery Plan (Jastarnia Plan)

4.1.1 Implementation

23. The Chair of the Jastarnia Group, Rüdiger Stempel (Coalition Clean Baltic), gave an account of the Group's 6th meeting, which had been held in Hel in February 2010, in conjunction with a meeting of the SAMBAH Steering Committee. Twenty-four recommendations had been made, nine of which related to SAMBAH. The Group had also made recommendations on the draft leaflet for fishermen and the possible westward extension of the Jastarnia Plan. Parties' activities had all been included in the National Reports.

4.1.2 Recommendations of 6th Meeting of the Jastarnia Group

24. Heikki Lehtinen (Finland) suggested that the recommendations be regrouped by theme and also expressed concern about the wording of some, especially recommendation 14. Christina Rappe (Sweden) agreed, adding that the 23rd recommendation and the one concerning the westward extension should be discussed in an in-session Working Group.

Petra Deimer (Germany) requested that a reference to part-time fishers be added to recommendation 14 and added that the Jastarnia Plan had greater affinities to HELCOM than to ICES, so it made more sense for the Plan's definition of the Baltic to be based on the one used by HELCOM. Maj Munk (Denmark) also requested that further attention be paid to the proposed extension of the Jastarnia Plan into Inner Danish Waters and stressed that this area had a distinct population which did not face the same degree of threat as the Baltic one.

25. Stefan Bräger (Chair) asked the Chair of the Jastarnia Group, Rüdiger Stempel (Coalition Clean Baltic) to lead a working group to discuss the westward extension of the plan pointing out that this question was on the agenda as item 5.2 and to identify any amendments needed for the recommendations and the triennial work plan, particularly points 5, 6 and 14.

26. The recommendations as revised by the working group (Annex 6) were endorsed by the Committee.

4.2 ASCOBANS Conservation Plan for Harbour Porpoises in the North Sea

4.2.1 Implementation

27. Sami Hassani (France) said that in France no activities had yet been undertaken directly in connection with the North Sea Conservation Plan, but relevant activities included observer programme in the Channel and abundance surveys.

28. Jan Haelters (Belgium) said that aerial surveys were being carried out in Belgium and that the federal administration funded a project (2010-2011) to analyse the diet of stranded and bycaught porpoises.

29. Folchert van Dijken (Netherlands) reported that autopsies were carried out on stranded harbour porpoises to establish the cause of death. The data were not yet entirely clear, but showed a peak in 2007 with a disproportionate number of young males among the stranded animals and indicated that many had become entangled in nets. A multi-sectoral Working Group had been established on the harbour porpoise. Marije Siemensma (Coastal & Marine Union) added that permits were now being issued to allow fishermen to land bycaught harbour porpoises legally so that they could be passed to the authorities for autopsy.

30. Oliver Schall (Germany) reported progress on implementing EC Regulation 812/2004 with the completion of training of observers who would start work in November.

4.2.2 Report of the Coordinators

31. Russell Leaper (Consultant) explained that since bycatch had been identified as the main problem in the North Sea, it was the initial focus of activities. Regarding EC Regulation 812/2004, it was recognized that it had contributed to mitigating bycatch but several changes concerning monitoring had been recommended, such as better sampling to improve bycatch estimates. Although monitoring programmes had been undertaken towards the objectives of EC Regulation 812/2004, the data collated so far had not allowed the estimation of total bycatch numbers. The SCANS II survey in 2005 showed a southward shift of harbour porpoises in the North Sea, while a Norwegian survey in 2009 showed a dramatic decline in sighting rates (down to 10% of previous averages) in the northern North Sea.

32. Mr Leaper reported that new designs of pingers were being employed and used more flexibly. Surveys conducted on behalf of ICES had not resulted in new estimates of bycatch this year. Stakeholders were being consulted on the review of the Common Fisheries Policy. New electronic monitoring schemes for fishing vessels seemed to be promising but measures to monitor smaller boats (<15m) were still required. A combination of video and GPS might allow effective monitoring of smaller vessels.

33. Mr Leaper noted that there were still more than half of the days of the coordinators' contract left and he sought guidance on which areas of work to focus on. Efforts should now be made to promote the plan to stakeholders and develop practical means to implement it. However, given the time-limited contract, he felt that devoting the remaining time to more self-contained items would be more beneficial.

34. With regard to the review of EC Regulation 812/2004, Maj Munk (Denmark) suggested that any changes should lead to efforts being concentrated on those fisheries known to be responsible for bycatch. Mark Tasker (United Kingdom) explained that ICES had been asked by the European Commission to review the Regulation and its advice covered issues such as observer programmes. He was still drafting the report which would have to be circulated for consultation before being submitted. ICES would then provide advice based on the report. How the European Commission, Council and Parliament as well as Member States (responsible for inshore small-vessel fisheries) would respond was not known. He therefore suggested that the Committee note that the report was being compiled and that advice would also be provided.

35. Folchert van Dijken (Netherlands) said that there was a significant difference between estimates of bycatch and the numbers reported by Dutch gill net fishermen. Research was also being carried out on stranded specimens to determine whether the animals came from fisheries undertaken in the waters of Belgium or the UK rather than the Netherlands. Many appeared to have drowned and some bore the marks of having been entangled in nets. He hoped to give a fuller report to the next meeting.

36. Stefan Bräger (Chair) reminded the meeting of the need to establish a Steering Group for the North Sea Conservation Plan along the lines of the Jastarnia Group for the Recovery Plan for Baltic Harbour Porpoises. Thought should be given to the composition and terms of reference for the Group. The Jastarnia Group could serve as a model. It met annually and conducted much of its business electronically. The Chair invited all North Sea Parties to join a Working Group to formulate the terms of reference and discuss financial aspects, and asked Martine van den Heuvel-Greve (Netherlands) to take the lead.

37. After the working group had reported back to the meeting, the North Sea Group was established and the terms of reference agreed (Annex 7). Until the chair for this working group was elected, the Netherlands would take the lead.

4.3 Review of New Information on Bycatch

38. The Chair invited Parties to report on developments regarding bycatch mitigation.

39. Some progress had been achieved in the Netherlands, where a gill net fisherman would have a camera installed on his vessel in 2010. It was also now legal for fishers who voluntarily cooperated in a pinger trial to land bycaught harbour porpoises to pass to the authorities for autopsies. Revisions were being made into a pinger project, the early results of which had been disappointing regarding the practical workability of the tested pingers. The cooperation with the fishermen however was positive.

40. A number of projects were under way in the UK and full reports would be made to the next meeting.

41. In Sweden pingers were being used voluntarily in parts of the south of the country.

42. France had submitted AC17/Doc.4-16, a report of recent studies on bycatch and pingers in the Channel, in which three subareas were considered – the Pas-de-Calais-Nord, and the Eastern and Western Channel. Lower bycatch was recorded off the Breton coast.

43. In Germany, a project to monitor bycatch by use of video equipment in the herring fisheries would begin in the autumn in the Baltic. Germany was interested in the results of Swedish trials of cod traps as an alternative to wider pinger use.

44. Marije Siemensma (Coastal & Marine Union) also expressed an interest in trials with Dutch fishermen with cod traps as an alternative for pinger use.

45. The Secretariat announced that a tender had been issued for a project to examine gill net fisheries. The project would be run under the supervision of Barry Baker, the CMS Conference-appointed Scientific Councillor for Bycatch. The deadline for receipt of tenders was 25 October 2010 and the final report was required in September 2011.

46. Stefan Bräger (Chair) reminded the meeting that an intersessional Steering Group had been established at the 6th Meeting of the Parties to initiate a constructive dialogue with the fisheries sector to aid bycatch mitigation through common meetings (TWP Activity No. 16). This group had been established electronically in September 2009 and had supported the organization of a first workshop which had been held in Stralsund in March 2010. While the Steering Group was still active, the Chair sought guidance on how the Advisory Committee wanted to pursue the constructive dialogue with fisheries, one possible avenue being through local workshops with fishers in local languages supported by the Parties concerned. A possible framework to create a sustainable fishery was outlined in three working documents introduced by the Chair.

47. The Stralsund workshop was entitled "Cetacean bycatch: Effectiveness of current mitigation measures and possible improvements in the future". The Chair thanked the convenors, Peter Evans and Marije Siemensma, for organizing the workshop.

4.3.1 Outcome of the Bycatch Workshop, 20 March 2010, Stralsund, Germany

48. Peter Evans (ECS) reported on the Stralsund Workshop, which had been attended by 65 participants from 20 countries. The morning had been dedicated to presentations on fishing gear, pingers and reducing seabird bycatch given by participants from the USA, Poland, Norway, the Netherlands and Spain. In the afternoon, various aspects of cooperating with fishermen were discussed, including improving communication, incentives for fishers to adopt practices less likely to result in bycatch and green labelling of products, public perceptions, and legal obligations. Addressing the weaknesses of EC Regulation 812/2004 was important, as was ensuring that it focussed on the types of vessels causing the greatest damage in the key areas. Direct engagement with fishing communities and attending RAC meetings were identified as possible ways forward. Responsible fishermen could be allowed higher quotas and permission to operate in protected areas.

49. ASCOBANS Parties were urged to finance collaborative projects, to try to influence the review of European Regulations and create incentives for ecologically sustainable fisheries. One avenue that had not been adequately explored was cooperation with the Marine Stewardship Council.

50. Heikki Lehtinen (Finland) sought clarification of the status of a recommendation of the Advisory Committee, asking whether such recommendations imposed obligations on the Parties. He was concerned that his Ministry would need a mandate from the Finnish Parliament to lobby the European Commission for particular changes to Regulations. He endorsed the idea of increasing direct contacts with fishermen but noted with regret that none were present at the meeting.

51. Peter Evans (ECS) stressed that DG Mare within the European Commission was supportive of strengthening the Regulation, but the final decision rested with the Members States. He wanted practical solutions to the problems and they were more likely to be found if fishers were brought into the process. The best means of engaging them was proving elusive and as they seemed unwilling to attend ASCOBANS meetings, then the Parties' representatives should seek them out. It was also pointed out that an ASCOBANS Party (Poland) was about to assume the Presidency of the EU.

52. The Committee noted the recommendations of the Stralsund Workshop.

Presentation by James Turner: “The role of Pingers in a multiple strategy solution to European Cetacean Bycatch Mitigation”

53. Stefan Bräger (Chair) introduced the invited speaker, James Turner of Fumunda Marine, a manufacturer of pingers who would speak about the experience of pinger use in the USA and Australia.

54. Mr Turner first acknowledged that as someone coming from the commercial sector his thinking might be radically different from that of government and NGO representatives. He was aware that the private sector was often viewed with suspicion and was considered to be insufficiently scientific, but he hoped to persuade ASCOBANS to adopt an attitude of action.

55. The most common designs of pinger available on the market came from the Netherlands and the USA. A producers' association was being set up to ensure high quality and integrity. The equipment produced was technologically highly advanced, containing computer chips and sophisticated electronics. Developed from a Canadian idea in the 1990s, the United States Fish and Wildlife Service (USFWS) endorsed pinger use midway through the initial trials. Early concerns included two key issues: habituation and exclusion, neither of which in the event appeared to be real problems.

56. The EC Regulation had its strengths and weaknesses. The weaknesses included the fact that 80 per cent of the EU fishing fleet was not covered, deterrents for non-compliance were nonexistent, the industry was not cooperative and pingers were required in areas of no bycatch and not obligatory in many areas where cetaceans were present. Most cost/benefit analyses showed that it was not worthwhile for fishers to use pingers.

57. Mr Turner was concerned that too many people were trying to “reinvent the wheel”. He felt that existing technology was sufficient and there was little point delaying implementation in the hope that designs would improve dramatically. Field tests showed that pinger deployment could result in bycatch being reduced by 90 per cent. The manufacturers were in contact with the fishers and understood the market's needs. In the USA, the USFWS was engaging all stakeholders and had adopted a varied approach of temporal closures and restricting the use of certain types of gear, but was conducting courses to train fishers to use pingers. The manufacturers had noticed the effects of this approach on their sales of equipment, which had been rising over the past five months.

58. ASCOBANS should seek to have the EC Regulation 812/2004 amended and should also communicate more with the fishing industry, recognizing that fishermen were small businessmen facing a wide variety of challenges beyond bycatch. It was also a stark fact of life that with so many interest groups involved in wildlife conservation, finding solutions acceptable to all was virtually impossible. Fishermen did not want to catch cetaceans, and spoken to properly, they would respond, as the Stralsund Workshop had proven, when they came forward to examine pingers and sought advice on how to fit them to their nets.

59. Following Mr Turner's presentation, Maj Munk (Denmark) identified a further problem with pingers as being the requirement to use them in areas with no known bycatch. Less intensive deployment of pingers than mandated by the authorities might also be effective and could be more cost-effective by reducing the number of pingers to be purchased. Mr Turner agreed that there had been insufficient consultation on the implementation of the Regulation. Mr Tasker pointed out that the provisions for consultation had been removed from the final draft by the European Council. It was an important message that the conservation interests were willing to work with rather than against the fisheries side. The effectiveness of fishermen's informal networks to disseminate information should also not be underestimated, as well as organizing local meetings in the local language. The example of a successful workshop in Portugal where both sides had learned from each other could be followed. Both France and the Netherlands said that the recent management plans

(respectively for a Marine Protected Area and for the harbour porpoise) had provisions for the participation of fishermen.

60. It was important that ASCOBANS activities were well coordinated between the North Sea and Baltic action plans and with other bodies. It was also stressed that solutions proposed were practical and affordable. For example, the comprehensive replacement of gill nets would be prohibitively expensive over a short timescale and thus likely required the support of the Parties or the European Commission.

61. The Chair suggested that – as a second avenue to advance bycatch mitigation – ASCOBANS should continue to advise the Parties on related issues, particularly in areas of high bycatch such as the German Baltic Sea. Such advice could, for example, draw on US Take Reduction Plans to aid meeting obligations under the Habitats Directive and under the Marine Strategy Framework Directive. A standing Working Group was one means of providing such expert advice on bycatch mitigation. This suggestion was welcomed and it was proposed that fisheries interests should be involved. An informal group proposed the terms of reference in Annex 8 which were agreed, noting that it may be necessary to await the amendments to Regulation 812/2004. Accordingly, a time-limited Working Group on Bycatch with Russell Leaper as convener was established to report to the next Advisory Committee Meeting.

62. Parties were requested to provide funding to facilitate the representation of ASCOBANS at RACs and similar fisheries meetings.

4.4 Review of New Information on the Extent of Negative Effects of Sound

63. Oliver Schall (Germany) said that a workshop in spring 2010 on research into marine noise found a number of activities relating to the issue were under way. Germany was providing €20 million for research, mostly on wind energy, with smaller elements on military and shipping noise.

64. Jan Haelters (Belgium) mentioned a workshop convened by the University of Liège, with partners from France and the University of Barcelona, investigating the inner ears of newly stranded cetacean specimens. A further workshop was being planned, possibly taking place in the summer of 2011.

65. Yvon Morizur (France) announced a project on acoustic monitoring for underwater noise in an MPA was to begin in a few months' time.

66. The Netherlands was also cooperating with the Laboratory of Applied Bio-Acoustics (LAB) in Villanova, Barcelona, and was investigating underwater noise particularly in connection with pile driving during wind farm construction. An independent research institute was working on acoustics and thresholds shifts in seals and harbour porpoises.

67. Christina Rappe (Sweden) said that Sweden was currently working on a national guidance document on noise which would be ready before Christmas 2010.

68. Mark Tasker (United Kingdom) again urged that the Secretariat develop stronger links with ICES. He pointed out that the ICES Working Group on Marine Mammal Ecology annually reviewed any new information on small cetacean populations and, in 2010, also reviewed contaminant loads in marine mammals, including the cause-effect relationships with health status and the population-level effects. They had also reviewed the effects of wind farm construction and operation on marine mammals and provided advice on monitoring and mitigation schemes. ICES WGMME reports were available at the website <http://www.ices.dk/workinggroups/ViewWorkingGroup.aspx?ID=32>. The ICES Study Group on Bycatch of Protected Species annually reviewed Member State reporting under EU Regulation 812/2004, as well as other bycatch estimates (e.g. the assessments required through the Habitats Directive) and mitigation measures. ICES SGBYC reports were

available at the site: <http://www.ices.dk/workinggroups/ViewWorkingGroup.aspx?ID=291>. Regarding the EU Marine Strategy Framework Directive, Mr Tasker had chaired a working group which had provided advice on noise indicators for Good Environmental Status. Reports were available at <http://www.ices.dk/projects/projects.asp#MSFD>.

69. Krzysztof Skora (Poland) asked whether noise from explosions, military exercises and seismic surveys was likely to have any effect on SAMBAH. As the instruments being used by surveys were delicate, they might be damaged by military and geological activities.

70. Yanis Souami (France) said that paragraph 6.1 of AC17/Doc.4-08 could not be seen as a directive restricting the use of military sonar, reminding the meeting that Article 2361 of the Montego Bay Convention gave Navy ships immunity regarding their activity. It was indicated in the ASCOBANS Agreement text that its provisions did not affect the rights and obligations of the Parties resulting from other conventions or agreements. The French Navy also implemented the NATO mitigation measures and was working on the draft of new procedures on the implementation of active sonar. Naval exercises were planned in such a way that extra care was taken in areas known to host marine mammals. A survey with observers was also carried out before and during the exercises and the resulting data were transmitted to the technical centre of the Defence Ministry.

71. The Chair stressed that Doc.4-08 did not impose any obligations on the Parties and did not require the endorsement of the meeting.

72. Mark Simmonds (WDCS) drew the meeting's attention to the short report of an informal meeting between members of the ASCOBANS and ACCOBAMS working groups on noise in the margins of the ECS Conference in Stralsund. Ways of promoting cooperation between the two Agreements were considered along with the inclusion of OSPAR, who had expressed interest in collaborating. The terms of reference for a joint working group might best be narrowly drawn with a focus on advice on implementing EC Directives and developing mitigation measures.

73. Stefan Bräger (Chair) pointed out that an ASCOBANS-ACCOBAMS-OSPAR joint working group would be consistent with Action 31 of the Triennial Work Plan. Heidrun Frisch (Secretariat) reported that following the attendance by the Executive Secretary of OSPAR at MOP6, contacts had been pursued at the 2010 OSPAR Biodiversity Committee Meeting in June in Bonn, and further consideration was being given to producing joint guidelines. While collaboration with other bodies was desirable, it was important for ASCOBANS to progress its thinking on noise issues, and the establishment of a working group was proposed.

74. Mr Simmonds suggested that events such as the ECS Annual Meeting would provide opportunities to liaise with ACCOBAMS and OSPAR representatives. Jan Haelters (Belgium) recalled that a detailed resolution on pile driving had been adopted at MOP6 and consideration should be given to its implementation. Folchert van Dijken (Netherlands) recalled that marine noise had been identified as a core issue for ASCOBANS. There was a discussion over the merits of a report comparing different technologies and their cost-effectiveness in addressing noise during different operations. The UK felt that current legislation on environmental impact assessments covered all likely eventualities and the findings were in the public domain already. It might however be worth examining how the EC Directives were implemented in respect of underwater sound issues in all Member States.

75. An open-ended intersessional Working Group on Noise was established and terms of reference adopted (Annex 9). Karsten Brensing (WDCS) was appointed Chair.

4.5 Publicity and Outreach

4.5.1 Report of the Secretariat

76. Heidrun Frisch (Secretariat) referred to AC17/Doc.4-02 rev-1 and reported that the updated ASCOBANS leaflet was now available in all languages. A leaflet for the SAMBAH project was also being developed with the project coordinators. The ASCOBANS exhibition was now available in English and German. All this had been funded thanks to the German voluntary contribution. The Secretariat had held an event at the SeaLife Centre in Königswinter for the International Day of the Baltic Harbour Porpoise in May 2010.

77. Ms Frisch also demonstrated some pages of the new ASCOBANS website, which was expected to be ready to go live within a few weeks. New features included flash images, extended sections on the species covered by the Agreement and their threats. Further plans for additional pages were outlined in Doc.4-02 rev.1. The site contained an archive of all MOP resolutions as requested at MOP6, and it was suggested that current and superseded resolutions be distinguished in some way. Parties would be invited to submit further comments on the form and content of the site to the Secretariat as soon as the website was ready to be launched.

Leaflet for Fishers

78. The Secretariat had been given the task of producing a leaflet aimed at fishermen and had engaged a consultant, Ms Joanna Wharam. An initial draft had been circulated in February 2010 and comments invited, based on which a revised draft had been prepared for AC17. Ms Wharam explained that she had examined existing material in the ASCOBANS Area and from other regions. In the course of the project, it had become clear that a single leaflet for the entire Agreement Area was not a practical solution, and regional and national versions were required. Accordingly, she had prepared three versions, covering the Baltic Sea, the North Sea and the North East Atlantic.

79. Parties expressed the view that the draft presented needed to be better addressed to the intended target audience. The text needed to be direct without being confrontational and without excessive background explanations, but clearly stating the problems and possible solutions. The issue of bycatch in particular had to be approached carefully without being accusatorial. Sami Hassani (France) thought that starting the leaflet by giving an estimate of bycatch could be perceived as tactless, especially bearing in mind that the goal of the document was the collaboration with fishermen.

80. Marije Siemensma (Coastal & Marine Union) suggested that if a leaflet was to be used as an outreach tool it might be advisable to use examples provided by fishermen who had successfully adopted mitigation methods. Peter Evans (ECS) thought the draft was more appropriate for fishermen's organizations rather than individual fishermen, and the question of the leaflet could be added to the discussion points during meetings with RACs. As cetaceans were not the only species affected by bycatch, a broader approach was needed. Karl-Hermann Kock (Germany) said that there were fishermen who were sympathetic to conservationists' concerns and who might help in redrafting the leaflet to better meet the requirements of fishermen. James Turner (Invited Speaker) suggested that a simple "tick box" questionnaire might be a better format. The UK had had a positive experience of engaging fishermen regarding discards by asking the industry to prepare the leaflets. The Chair of the Jastarnia Group, Rüdiger Stempel, recalled that Sweden had produced a leaflet which the fisheries representative in the Jastarnia Group had introduced to the Group at its most recent meeting. Sweden confirmed that it had produced a leaflet targeted for fishermen and also a more general leaflet. Poland felt that factors of greatest interest to the fishermen should be emphasized, such as the economic benefits of avoiding bycatch.

81. It was agreed that a national approach to producing a leaflet should be adopted. Parties would be at liberty to use the material in the draft leaflet and were asked to report back on their experiences. The Secretariat would consider adapting parts of the draft leaflet to use on the ASCOBANS website.

4.5.2 Reports of Parties, Range States and Partners

82. Sami Hassani (France) reported that training was being undertaken by CRMM/ULR (Centre de Recherche sur les Mammifères Marins / Université de La Rochelle) for observers to assist with strandings and sightings programmes. An exhibition at the national history museum in Paris had gone on tour to Belgium and the Netherlands. A French version of the ASCOBANS exhibition would be a good idea. Education workshops on cetaceans, their diets and the conservation of the bottlenose dolphin were held at OCEANOPOLIS.

83. Folchert van Dijken (Netherlands) said that the above-mentioned exhibition on whales was currently on display in the Natural History Museum. The skeleton of a stranded humpback whale (*Megaptera novaeangliae*) would be assembled publicly on 15 October 2010 to draw attention to an exhibition on whales at the Naturalis museum in Leiden (15 October 2010- 21 August 2011). A live killer whale (*Orcinus orca*) had been found severely underweight and it had been taken to a dolphinarium, where it was recovering. Consideration was being given to the animal's future, but it would not be staying where it was. DNA tests were being carried out to determine from which pod the animal originated. If possible it would be released, or otherwise taken to a different facility with other killer whales. An advisory would be issued to all coastal districts with guidance on what to do when a stranded animal was found. WDCS offered its advice concerning the killer whale arising from experiences with rehabilitating animals.

84. Krzysztof Skora (Poland) reported that one achievement was the issue of a series of stamps featuring Baltic marine animals. A new version of the CD about harbour porpoises had been published, including an explanatory leaflet. Meetings had been held with teachers to promote a positive image of marine animals. The porpoise friendly sprats were still being marketed. Activities had been undertaken in connection with the International Day of the Baltic Harbour Porpoise, and WWF Poland had produced a "blue manual" for Polish beaches explaining what to do if a stranded animal was found. Information material was distributed to holiday-makers at Warsaw station on their way to the Baltic. Harbour porpoise mobile phone ring tones could be downloaded from www.morswin.pl.

85. Christina Rappe (Sweden) said that a new leaflet had been distributed to fishermen, ferries, the general public and yacht clubs and a poster targeted at yachting clubs, ferries and museums had been produced. The International Day of the Baltic Harbour Porpoise had been celebrated in a small museum on the west coast of Sweden.

86. Joop Coolen (North Sea Foundation) added that his organization together with Rugvin Foundation and SOS Dolfijn Foundation had also produced a leaflet and had organized a large meeting of stakeholders.

87. Mark Simmonds (WDCS) drew attention to examples of recent WDCS literature which were on display at the back of the room. Copies could be ordered through the WDCS website.

88. Oliver Schall (Germany) suggested a public awareness raising event to mark the 20th anniversary of ASCOBANS in 2012. The Secretariat, Parties and partners were invited to give thought to this and discuss suggestions and ideas at AC18.

4.5.3 Draft Communication, Education and Public Awareness (CEPA) Plan

89. James Gray (United Kingdom) introduced AC17/Doc 4-04. He thanked those responsible for the previous drafts which had provided a sound basis upon which to build. After a discussion about how to take actions forward after the conclusion of the International Year of Biodiversity (2010) and the introduction of some amendments, the CEPA was adopted (Annex 10).

5. Implementation of the Triennium Work Plan (2010-2012) – Other Issues

5.1 Review of New Information on Population Size, Distribution, Structure and Causes of Any Changes

90. Stefan Bräger (Chair) introduced two guest speakers from the Institute of Zoology (at the Zoological Society of London) to give presentations on the UK's Cetacean Strandings' Investigation Programme. Rob Deaville spoke about the programme in general and Paul Jepson provided an account of a stranding incident which had occurred in 2008 near Falmouth in the South West of England.

Presentation by Rob Deaville: The UK Cetacean Strandings Investigation Programme – a summary of strandings research in the UK 1990-2009

91. Rob Deaville explained that the collaborative Cetacean Strandings Investigation Programme (CSIP, www.ukstrandings.org) had been providing a systematic and coordinated approach to the surveillance of cetacean strandings around the UK coast and to the investigation of causes of death since 1990. The CSIP was funded by The Department of Environment, Food and Rural Affairs (DEFRA) and the Devolved Administrations in the UK – the Institute of Zoology led the consortium of partner organizations (Scottish Agricultural College - Inverness, the Natural History Museum and Marine Environmental Monitoring) making up the CSIP and the Joint Nature Conservation Committee provided day-to-day project management oversight. The project currently aimed to:

- collate, analyse and report data for all cetacean, marine turtle and basking shark strandings around the coast of the UK
- determine the causes of death in 100 stranded cetaceans each year
- undertake surveillance on the incidence of disease in stranded cetaceans in order to identify any substantial new threats to their conservation status.

92. Between 1990 and 2009, the CSIP received reports of 9,410 UK-stranded cetaceans, of which 2,690 were investigated at necropsy. A number of causes of death were identified in necropsied individuals, including by-catch, infectious disease, live stranding, starvation and evidence of inter-species aggression. Research also demonstrated a strong link between immunosuppressive pollutants such as polychlorinated biphenyl (PCB) exposure and death due to infectious disease in UK-stranded harbour porpoises, suggesting that current levels of pollutant exposure could increase mortality. Levels of PCBs in whale and dolphin species listed for priority conservation actions, such as bottlenose dolphins, were even greater, suggesting that these pollutants continued to pose a serious threat.

93. The information from this project helped to ensure that the UK complied with a number of national and international agreements/obligations, including the Agreement on the Conservation of Small Cetaceans in the Baltic, North-East Atlantic, Irish and North Seas (ASCOBANS) and the Habitats Directive. The CSIP continued to provide long-term and systematic monitoring of UK-stranded cetaceans and also collected data on UK-stranded marine turtles and basking sharks. It facilitated the investigation of spatial and temporal trends in new and existing diseases, causes of death and exposure to environmental

pollutants largely inaccessible by other methods. A national cetacean tissue archive was maintained by the CSIP and together with data generated during the last 20 years, had helped support a broad range of collaborative research that had led to a high number of scientific publications. More recently, data collected through the project had been made publicly available for the first time, through a web-accessed database¹. The research conducted by the CSIP over the last 20 years had helped to advance knowledge about cetaceans, educate the public and inform Government policy.

Presentation by Paul Jepson: What caused the UK's largest common dolphin mass stranding event?

94. Paul Jepson spoke about the UK's largest mass stranding event (MSE) of common dolphins (*Delphinus delphis*), which had occurred on 9 June 2008 in Falmouth Bay, Cornwall. At least 26 dolphins died and a similar or larger number was refloated and herded back to sea. On necropsy, all 26 dead dolphins were in good nutritive status with empty stomachs. There was no evidence of significant infectious disease or acute physical injury. All seven adult dolphins tested were free of harmful algal toxins and had low chemical pollutant levels. The auditory apparatus (ears) was normal in each case. Pathological evidence of seawater inhalation (n=11) was used as a novel forensic technique for establishing that death probably occurred on a rising tide after 06:30-07:00hrs and before 08:21hrs. Potential causes either excluded or considered highly unlikely included infectious disease, gas/fat embolism, boat strike, by-catch, predator attack, foraging unusually close to shore, chemical or algal toxin exposure, abnormal weather/climatic conditions and high-intensity acoustic inputs from seismic airgun arrays or natural sources (e.g. earthquakes).

95. Although a definitive cause of the MSE could not be identified, international naval exercises occurring in close proximity remain the only known cause of cetacean MSEs that cannot be excluded. A large group of 40-60 common dolphins was seen unusually close to shore in the 3-4 days leading up to the MSE and may be the same group that eventually stranded. Greater insight into the causes of any future MSEs may require either a direct observation of the onset, or the emergence of an unusual level of coincidence of cetacean MSEs with one or more causal factors.

96. Iwona Pawliczka (Poland) mentioned a recent publication of genetic studies in the Baltic which had been released in 2010 (Wiemann et al., "Mitochondrial Control Region and micro-satellite analysis on harbour porpoise (*Phocoena phocoena*) unravel population differentiation in the Baltic Sea and adjacent waters"; Conservation Genetics 11: 195-21, which was available on the web: www.springerlink.com/content/cm9030816545ht5p/.

97. In France, the national agency responsible for the marine environment was working on the selection of Natura 2000 sites and marine protected areas in the Bay of Biscay. Genetic tests were being carried out on stranded harbour porpoises in Brittany. Systematic surveys using oceanographic ships had been done in the Bay of Biscay and in the English Channel (CRMM/ULR). In addition, aerial surveys had been conducted in the Iroise sea (MPA/OCEANOPOLIS) and ship based line transect surveys in the North Sea (OCEAM).

98. A number of other documents were presented: AC17/Doc.5-01 from the Secretariat was an abstract of a global review of cetaceans by Boris Culik and published by CMS online website. An intern had gone through the species accounts and extracted the information relevant for ASCOBANS. The second, AC17/Doc.5-02 concerned dolphin strandings and had been tabled by WDCS. It was based on a collaborative international study involving various partners from different countries. AC17/Doc.5-04 originated from OSPAR and concerned the harbour porpoise. AC17/Doc.5-05 was about opportunistic sightings of

¹ <http://data.nbn.org.uk/datasetInfo/taxonDataset.jsp?refID=0&dsKey=GA000775>

harbour porpoise in the Baltic Sea since 2002, containing an analysis of group size and age structure and the number of dead animals. The data, produced in collaboration with Denmark, had all be posted online and sent to the appropriate agencies. A map of the sightings was available on the website of the German Federal Agency for Nature Conservation (www.bfn.de). AC17/Doc.5-08 was a report of the first ECS Workshop on white-beaked and Atlantic white-sided dolphins, about which relatively little was known and which both seemed to have limited genetic variation.

99. The report of the project on genetic structure of the white-sided dolphin (*Lagenorhynchus acutus*) in the Eastern North Atlantic was tabled as AC17/Doc.6-07. The results of this study, which had been conducted by Eulalia Banguera-Hinestroza of the University of Durham, advocated a change in the generic name of the species and genetic differences between the Northern and Eastern Atlantic populations indicated a “bottleneck” at some stage.

100. The interim report of a review of trend analyses of status and distribution of small cetaceans and impacts on them in the ASCOBANS Area was presented by Peter Evans (ECS) as AC17/Doc.6-08. It included some data from non-Parties. The second part of the project would follow up the issue of databases and simplification of reporting to speed up data collection. Mr Evans offered to set the ball rolling by providing in tabular form an overview of trends from Annual Reports and asked that fresh data be provided from Parties before the end of the year to ensure inclusion in the overview to be presented at the next Advisory Committee. Some changes were required in the data relating to Finland which the Finnish delegation undertook to provide in writing.

101. James Gray (United Kingdom) asked whether there was evidence of the whale hunts in the Faeroe Islands having any impact on populations covered by the Agreement. Mark Simmonds (WDCS) said that there were indications that the intensity of the hunts was increasing and cited the numbers of different species taken over recent years (details could be found on the news pages of the website, www.wdcs.org). Peter Evans (ECS) reported that the range of Risso’s dolphins (*Grampus griseus*) appeared to be moving northwards and some specimens of this species might have been opportunistically taken as well as pilot whales (*Globicephala melas*). The Secretariat was requested to make enquiries of the Faeroese authorities regarding the cetacean hunt.

102. Mark Simmonds (WDCS) said that there was also some evidence of changes to species’ ranges as a result of climate change and suggested that this was an issue that the Advisory Committee might investigate further. A Workshop was being convened in Vienna later in the year on climate change and small cetaceans. The University of Aberdeen had examined climate change and discovered that some beaked whales were moving away from the continental shelf. Recent literature on the subject included: Alter, S.E., Simmonds, M.P. and Brandon, S.R. (2010) Forecasting the consequences of climate-driven shifts in human behaviour on cetaceans. Marine Policy, and Simmonds, M.P. and Elliot, W.J. (2009) Climate change and cetaceans: concerns and recent developments. Journal of the Marine Biological Association of the United Kingdom 2009: 89: 203-10

5.1.1 Status of Coastal Bottlenose Dolphin Populations

103. Nick Tregenza of Chelonia Limited had intended to present AC17/Doc.5-06 at the meeting in Cornwall, but had asked Mark Simmonds of WDCS to do so on his behalf as he was unable to attend this meeting in Bonn.

104. Bottlenose dolphins had been a common sight in Cornish waters but may have disappeared because of organo-chlorines. The species reappeared in the 1990s, but from a peak of 40 individuals, numbers had declined to between 8 and 15. The re-colonizing animals were assumed to have originated in Cardigan Bay in Wales or from populations around Brittany. Bycatch and high levels of contaminants were both problems. The overall

more favourable status of the species in the EU as a whole ignored the problem of the small size of this population. Peter Evans (ECS) confirmed that this species had been quite common until the 1940s. Yvon Morizur (France) said that groups of bottlenose dolphins were being acoustically monitored off the coast of Brittany and Normandy to establish their home range and behaviour. Sami Hassani (France) added that genetic studies were planned on the resident groups of bottlenose dolphins in Normandy and Brittany.

5.2 Coverage of Western Baltic, Inner Danish Waters and Kattegat Areas in Harbour Porpoise Action Plans

105. This item had been comprehensively dealt with during the discussion of the Jastarnia Plan (see Item 4.1 above). The Committee requested the Jastarnia Group to identify by AC19 at the latest measures geared to the situation of harbour porpoises in the area west of the Darss-Limhamn Ridge. A revised version of the Jastarnia Plan could then be tabled for adoption at MOP7.

5.3 Review of New Information on Pollution and its Effects

106. Mark Simmonds (WDCS) presented the report of the ASCOBANS pollution review group (Annex 11) and drew the meeting's attention in particular to:

- The two papers by Law et al (2010) considered trends in PCBs (UK porpoises). PCBs declined slowly from 1989 to the late 1990s, then levelled off (this was probably the largest pathology/toxicology dataset for a marine mammal species). Organochlorine pesticides were declining more rapidly and were now at low levels. More than 95 per cent of organochlorine toxicity now came from PCBs. It was not clear why PCBs had stopped declining but DEFRA had now agreed to fund a retrospective analysis of polychlorinated biphenyls (PCBs), organochlorine pesticides (OCPs) such as DDT and dieldrin and also brominated diphenyl ethers (BDEs) from previously extracted blubber samples of UK-stranded harbour porpoises from the 4-year period 2005-8. This effort would fill a large knowledge gap for 2005-2008 and ultimately provide a dataset of toxicological data for harbour porpoises in UK waters covering nearly 20 years.
- ICES 2010 (WGMME): The Working Group on Marine Mammal Ecology had reviewed the last 10 years of literature on contaminants in the ICES range. The review showed that high levels of PCBs were still the main toxicological concern - especially for killer whales, bottlenose dolphins, St Lawrence belugas (*Delphinapterus leucas*) and Baltic marine mammals. We were still losing some inshore bottlenose dolphin populations in Europe and others were small. The conservation status of killer whales in NE Atlantic was largely unknown but had had highest individual exposure to organochlorines of all species on earth for over 60 years. The UK dataset (n=5) was also largest dataset on PCBs in stranded killer whales. The ASCOBANS pollution review group commented with respect to recommendation 5.6 contained in this paper that :
 - i. Re Point 2: an exclusion of any groups of cetaceans for consideration at this time was not recommended; and
 - ii. Re Point 3: high exposure areas could also include North Sea estuaries
- The recent paper on pollution and reproduction by Murphy et al., showing that high persistent organic pollutants (POP) burdens might have effects on the reproductive capacity of harbour porpoise and common dolphin females.

5.4 Review of New Information on the Extent of Negative Effects of Vessels and Other Forms of Disturbance

107. Peter Evans (ECS) presented interim results of his ASCOBANS-funded study on the risk of ship strikes in the Agreement Area. Evidence suggested that the “hotspots” for ship strikes were the Bay of Biscay and off the coast of North Western Spain. The limitations of his study were the dependence on voluntary observation schemes and the reception range of shore-based radio stations.

108. Mr Evans observed that the Baltic Sea along with the North Sea was among the busiest areas for marine traffic globally. He also presented statistical analysis of figures from the United Kingdom, showing the number of dead specimens found with evidence of trauma. Using data from shore-based stations, an assessment had been made of the types of shipping and typical speeds, from which a calculation of the degree of risk of collision with cetaceans could be made. Seasonal and locational variations could be taken into account. Through collaboration with UNEP, it was hoped to gain access to historic shipping records to complement the cetacean distribution atlas published by the United Kingdom’s Joint Nature Conservation Committee (JNCC). The overall results were based on a more focussed study of the Irish Sea (which included Cardigan Bay) and among the traffic was included the Holyhead-Dublin high-speed ferry. The results from the Irish Sea had been extrapolated for the entire ASCOBANS Agreement area.

109. Maj Munk (Denmark) asked whether the speed limit threshold of 10 knots was applicable to all species as vessel speed would be an element in the management of protected sites. Mr Evans felt that more studies were needed to determine the speed thresholds for different species and vessel types. Oliver Schall (Germany) said that studies conducted in the 1990s in the Wadden Sea indicated that 8 knots was the optimal maximum speed in those coastal waters, and in the 1980s the USA had set speed limits in areas frequented by humpback whales (*Megaptera novaeangliae*). Russell Leaper (Consultant) reported that the IWC had developed a global database of all ship strikes and Jan Haelters (Belgium) drew the meeting’s attention to an IWC Ship Strikes leaflet which was available in six languages (http://www.iwcoffice.org/sci_com/shipstrikes.htm). He also reported that a joint IWC-ACCOBAMS Workshop on ship strikes had taken place in Monaco in September, focusing mainly on large whales in the ACCOBAMS Area.

110. Ms Munk also asked about the effects of different types of sound and whether cetaceans were disorientated by ambient noise. Karl-Hermann Kock (Germany) asked whether the study had found any correlation between noise incidents and times of day or year. He wondered whether weekends were worse than weekdays, the summer worse than winter or day worse than night. He also asked whether any changes were planned to shipping lane management as he understood had been the case in the Straits of Gibraltar under ACCOBAMS.

111. Penina Blankett (Finland) wanted to ascertain whether the HELCOM shipping data had been used for this study. Mr Evans confirmed that all Baltic Sea receiving stations were covered by it.

112. The Chair said that he would welcome seeing the final report at the next Advisory Committee. Mr Evans also undertook to prepare a map of the ASCOBANS Area showing places with a high risk of ship strikes for AC19. The Secretariat would provide him with a contract in order to produce this map based on additional data. The cost estimate for this was €3,000-5,000.

5.5 Extension of the Work of the Agreement into the new Agreement Area, incl. Areas Beyond National Jurisdiction

113. Borja Heredia (Secretariat) said that the issue of marine protection was being discussed at the level of a working group of the United Nations General Assembly. There were related processes being undertaken in the EU, UNCLOS and under CBD, which aimed to establish a global marine network by 2012. By way of comparison, while 15 per cent of the world's land surface was designated as protected areas of various kinds, the figure for the marine environment was just 1 per cent. The forthcoming CBD COP would discuss the management and designation of marine areas.

5.6 Report of the Informal Working Group on Large Cetaceans

114. The 6th Meeting of the Parties had agreed terms of reference for an informal working group on large cetaceans. Peter Evans (ECS) reported that it had been intended that the Working Group should meet during the Advisory Committee, but scheduling pressures had made this impossible. He urged that time should be found for the Working Group to meet at the next Advisory Committee. He therefore proposed to take the work forward inter-sessionally.

115. Mr Evans also noted that most countries with large cetaceans present in their waters tended to include references to these species in their National Reports.

116. Sami Hassani (France) reiterated France's position that ASCOBANS should be extended to cover large cetaceans, and that further consideration of that issue had become more pressing in the light of the Spanish and Portuguese proposals to extend the Agreement Area of ACCOBAMS. In response to concerns voiced by some Parties, the Secretariat clarified that it was not the working group's mandate to reopen the discussion about the pros and cons of an amendment of the Agreement to include large cetaceans. Rather, they would identify key conservation issues for large cetaceans in the ASCOBANS Area and provide informal advice to the Advisory Committee on how to address these in conjunction with their efforts to conserve small cetaceans.

6. Project Funding through ASCOBANS

6.1 Progress of Supported Projects

117. Heidrun Frisch (Secretariat) presented AC17/Doc.6-01 rev.3 setting out progress achieved by projects which had received or were still receiving support from ASCOBANS. Details of individual projects were contained in other meeting documents. To date, three of the projects selected for funding by AC15 and AC16 had been completed. Four projects were still ongoing.

118. Eunice Pinn (UK) gave an update on a British project on the bottlenose dolphin, Tursiops SEAS. The planned meeting with the ECS had not taken place after all, but it was hoped to be able to report more progress at the next meeting of the Advisory Committee.

6.2 Selection and Prioritisation of Projects for Future Support

119. Heidrun Frisch (Secretariat) reported that about €60,000 was available to allocate to projects and other activities. James Gray (United Kingdom) reported that an In-Session Working Group had recommended four projects for funding: No 1 (Inventories of harbour porpoise presence in Russian territorial waters of the Baltic Sea - €6,950); 3 (Feasibility study of the creation of a web-accessed strandings database covering Agreement Parties and Range States - €8,500); 4 (Pollutant exposure in coastal top predators: assessing current levels of exposure and toxic effects - €9,750); and 6 (Understanding harbour

porpoise and fishery interactions in the North West Iberian Peninsula - €10,000). These were considered to be the highest priority and supporting them would require €35,200. Germany's proposal to set a ceiling of support for any one project at €15,000 was accepted.

120. Iwona Pawliczka (Poland) suggested the Secretariat should ascertain whether any cost-neutral adjustments could be made to the Russian project to enhance the aspects on awareness raising and reviewing historical data. The Secretariat agreed to forward her questions and suggestions to the proposers. Ms Pawliczka also asked whether funding could be made available for a consultant coordinator of the Jastarnia Plan to reduce the Group's dependence on the time voluntarily given by its members. Other delegates suggested that terms of reference be developed by the Jastarnia Group for a formal proposal to be submitted to the next meeting.

121. Mark Simmonds (WDCS) sought an explanation of the criteria adopted by the Working Group in scoring the projects as this would assist project coordinators in drafting proposals likely to be of more interest to ASCOBANS. Peter Evans (ECS) also suggested that an explanation of the scoring system would be helpful and sought clarification of the procedure. He was concerned that some worthy projects were not being given due consideration. James Gray (United Kingdom) answered that Parties had had several months to review proposals and that relevance to ASCOBANS and costs were among the factors.

6.3 Draft ASCOBANS Project Proposal Format

122. Heidrun Frisch (Secretariat) presented AC17.Doc.6-03, a draft project submission form. The new features of the form were explained, including criteria which were meant to help sift out ineligible projects before applications were made. The format had already been used for the call for proposals to be submitted to this meeting, and the experiences had been good. A closing date of 15 February of each year was proposed, on the assumption that the Advisory Committee would revert to spring meetings, giving participants enough time to review them before the meetings.

123. Peter Evans (ECS) sought clarification how the Committee would in future deal with project ideas that came up during the Advisory Committee Meetings stemming from the deliberations of the participants and for which therefore no advance proposal had been submitted. Ms Frisch pointed to the document, in which the Secretariat suggested that a Working Group be established to review such proposals intersessionally.

124. Some delegations suggested that ASCOBANS should give an indication of areas of interest, for which projects would be positively encouraged. There was some discussion of the merits of setting an indicative ceiling to the value of any project. Mark Tasker (United Kingdom) said that the experience in ACAP of setting a ceiling resulted in proposals all being at that level, and he also raised doubts about having a defined scoring system as these produced as many problems as they solved.

125. The Meeting adopted the ASCOBANS Project Proposal Format with minor amendments (Annex 12).

7. Relations with other Bodies

126. Heidrun Frisch (Secretariat) provided an overview of relations with other IGOs although ASCOBANS also had regular contact with other types of organizations. The main source for her presentation was AC17/Doc.7-01 rev.3, which contained a compilation of reports on the representation of ASCOBANS at meetings. Since AC16, the main bodies with which the Secretariat had been dealing were: HELCOM, OSPAR, the European Commission (regarding the green paper on the common fisheries policy and the Marine Strategy Framework Directive), the Bonn Agreement, ACCOBAMS, the IMO and IWC.

127. Penina Blankett (Finland) reported on HELCOM and a recent meeting of the Seal Group, where the harbour porpoise database was demonstrated. Poland had reported on bycatch. Estonia on searches for harbour porpoises using acoustic devices, but as the effort was rather limited, no animals were located.

128. Mark Simmonds (WDCS) suggested that there was perhaps scope for a joint workshop of all the marine instruments of the CMS Family, beyond the customary cooperation between ASCOBANS and ACCOBAMS. Bycatch was suggested as a suitable topic of common concern and the Secretariat was requested to investigate the feasibility of organizing such a workshop.

129. Stefan Bräger (Chair) asked the meeting for suggestions for a theme for the next joint workshop with the ECS. After some discussion, the topic of pollutants and their effect on cetaceans was put forward. It was proposed that this would be a good theme for a joint workshop with ACCOBAMS, especially in view of the fact that the next ECS Conference would be held in Spain. The Secretariat would liaise with the ACCOBAMS Secretariat over organizing such a workshop and covering the travel and accommodation costs of guest speakers who might not otherwise be able to attend. The Secretariat would revert to Parties in case of a shortage of funding. Mark Simmonds (WDCS) and Peter Evans (ECS) offered to convene the workshop.

7.1 Dates of Interest 2010/2011

130. The meeting went through AC17/Doc.7-02 rev.4, a list of Dates of Interest compiled by the Secretariat. Additional meetings were suggested and members of the Committee mandated to report back to ASCOBANS were nominated. The revised list appears as Annex 13. Representatives of the Agreement were invited to report back to the following Advisory Committee Meeting in writing.

7.2 Proposal to Extend the ACCOBAMS Agreement Area

131. Elizabeth Mrema (Secretariat) drew the meeting's attention to the proposals submitted to the forthcoming ACCOBAMS MOP by Portugal and Spain to extend the Agreement Area of ACCOBAMS into waters of the Atlantic already covered by ASCOBANS. Key facts to bear in mind were that Spain and Portugal were Range States to both ASCOBANS and ACCOBAMS but were only Party to the latter. France was a Range State and Party to both. While ASCOBANS was confined to small cetaceans, no such restriction applied to ACCOBAMS. The proposal, if adopted, would lead to an overlap of the areas covered by the two Agreements and two different regimes would apply to the common species of the two Agreements. In terms of coherence with other international treaties such as OSPAR and the EU, ASCOBANS was better placed than ACCOBAMS. In the light of the CMS Future Shape process, which was examining the Convention and the extended family of agreements concluded under its auspices, the timing of the Spanish and Portuguese proposals was unfortunate. The views of the ASCOBANS Parties had been sought, but no written replies had been received. The views of the Advisory Committee were now sought. The Secretariat's opinion was that it would be preferable for ACCOBAMS to defer consideration of the extension of its Agreement Area until the outcome of the Future Shape process was known.

132. Peter Evans (ECS) stated that the Spanish and Portuguese proposal did not make ecological sense as the Mediterranean and Atlantic populations of the species concerned were distinct. From the point of view of cohesion with fisheries, ASCOBANS was also better placed to deal with the Bay of Biscay and the North East Atlantic.

133. Maj Munk (Denmark) noted Mr Evans' rejection of the scientific case for the ACCOBAMS extension but asked whether a merger of ACCOBAMS and ASCOBANS was

feasible and whether the fact that the former was outside UNEP while the latter was within it would pose any insurmountable hurdles. Ms Mrema said that merging the two Agreements would reopen negotiations, during which countries could decide on any arrangement they preferred, but such a process was likely to be time consuming.

134. Monika Lesz (Poland) supporting the retention of separate Agreements and Secretariats, stated that attention should be focussed on avoiding any difficulties arising from any overlaps.

135. Sami Hassani (France) said that France had not decided upon its position yet, although it did seem unlikely now that Spain and Portugal would be acceding to ASCOBANS.

136. Elsa Nickel (Germany) fully understood the position of Spain and Portugal as these countries were Range States for three cetacean-related instruments under CMS and they also wanted all cetacean species to be covered. She thought France was the key country as a Party to both Agreements and she also wondered whether all ACCOBAMS Parties, especially those in the Black Sea, were supporting the proposal. Oliver Schall said that it would be worth soliciting the view of the IWC. Fears were also expressed that the Baltic harbour porpoise would lose prominence in a wider Agreement if the CMS instruments were to merge.

137. The United Kingdom saw the flaws of the scientific argument for the extension and along with the Netherlands agreed that ACCOBAMS should postpone the decision until after the conclusion of the Future Shape process.

138. While not expressing an opinion on the proposal, the Mark Simmonds (WDCS) saw little scientific case for it and was concerned at the prospect of a long distraction away from conservation. WDCS wanted the two Agreements to work together more effectively. Rüdiger Stempel (Coalition Clean Baltic) said that CCB had not yet formulated a final position on this issue. However, he pointed out that there were very good reasons why CMS had created a number of quite specific instruments tailored for different regions. He also voiced concern that the institutional and legal issues likely to result from the proposed extension of the ACCOBAMS agreement area – which might even entail re-negotiation of one or both agreements – would likely divert attention away from conservation for many years to come.

139. The Committee agreed that the Secretariat should contact ACCOBAMS to seek the postponement of the discussion of extending the Agreement Area until the Future Shape process had run its course. The Acting Executive Secretary was also mandated to present the views of the ASCOBANS Parties to the Meeting of the Parties to ACCOBAMS.

8. Any other Business

Style Guide for Advisory Committee Reports

140. The Secretariat had tabled AC17/Doc.8-01, a draft style guide for Advisory Committee Reports, modelled closely on the UN Editorial Guide. It also set out a draft timetable for the production of meeting reports, taking into account that ASCOBANS only employed one report writer. The Meeting welcomed the proposal and adopted it with minor amendments (Annex 14).

Status Overview of Resolutions

141. At the 6th Meeting of the Parties, Denmark had requested that the Secretariat produce a status overview on ASCOBANS resolutions, which was presented as AC17/Doc.8-02. It detailed which Resolutions were still valid, which had been repealed and which had been

superseded. Heidrun Frisch (Secretariat) pointed out that the last category was largely a matter of interpretation and that comments on the classification made would be welcome.

Report of the 6th Meeting of the Parties

142. Heidrun Frisch (Secretariat) explained that a preliminary version of the report of MOP6 had been published at the beginning of the year (AC17/Doc.8-03). The report was to be considered final with the exception of one page in the revised Jastarnia Plan, for which another map had been requested by the MOP. This map was still under production and the report would be published as a self-standing document as soon as possible.

UK Workshop on Animal Welfare and Ethics

143. James Gray (United Kingdom) announced that the UK would be hosting a Workshop on Animal Welfare and Ethics at the Eden Project in Cornwall on 22-23 March 2011. The dates unfortunately clashed with the ECS Annual Meeting. It was intended that the outcomes of the Workshop would include recommendations on whale watching, non lethal research and whaling, which could be fed into the IWC processes.

9. Adoption of the List of Action Points of the Science and Conservation Session

144. The Secretariat circulated a draft list of Action Points arising from the Scientific Session, which was adopted as amended (pre-fixed to this report).

10. Close of the Session

145. After the customary expression of thanks to all who had contributed to the success of the meeting, the Chair closed the Scientific Session. Trevor Perfect (United Kingdom) thanked Mr Bräger for his chairmanship and Jan Haelters for his vice-chairmanship over the past three years.

11. Opening of the Administrative Session

146. Jan Haelters (Belgium), the Vice-Chair of the Advisory Committee opened the session on Wednesday, 6 October.

12. Adoption of the Agenda of the Administrative Session

147. The draft agenda (Doc AC17/Doc.1-02 rev.1) was adopted without amendment.

13. Report of the Secretariat on Finance and Administrative Issues

13.1 Administrative Issues

148. The Chair invited Borja Heredia (Secretariat) to introduce AC17/Doc.13.01 rev.2. Several changes in staffing had taken place since the last meeting: the appointment of Elizabeth Mrema as Executive Secretary of CMS and therefore *ex officio* Acting Executive Secretary of ASCOBANS, his own entry on duty as Scientific and Technical Officer of CMS and *ex officio* Senior Advisor to ASCOBANS, the replacement of Tine Lindberg-Roncari by Bettina Reinartz as Administrative Assistant and the confirmation in the post of Coordinator of Heidrun Frisch. In addition, a number of interns had worked at the Secretariat.

149. The Secretariat sought guidance on whether the six-monthly progress reports requested by MOP5 but not explicitly required by MOP6 should continue. It was agreed that these reports were useful and should be continued.

13.2 Accounts for 2009

150. Heidrun Frisch (Secretariat) presented AC17/Doc.13.2 rev.1, the accounts overview for 2009. Because the Committee was meeting later in the year than normal, the accounts were already certified and final figures for the trust fund could be presented. The breakdown of each budget line was however still subject to exchange rate fluctuations.

151. All subscriptions for the year 2009 had been received. Table 2 showed expenditure for each budget line, the overall underspend and the certified balance including the operational reserve. Table 3 showed how the voluntary contributions had been spent. Funding received from Germany had been used on the draft leaflet for fishers, a German language version of the ASCOBANS exhibition, the publication of the proceedings of the population structure workshop, co-financing Boris Culik's update and revision of the review of toothed whales, producing the ASCOBANS leaflets in various Agreement languages and MOP6-related expenditures. A voluntary contribution from Finland, received in 2009, had been used to fund the participation of experts in the Jastarnia Group meeting in 2010.

152. The accounts were accepted by the Meeting.

13.3 Outline of Budget for 2010

153. With the Meeting taking place later in the year than normal, AC17/Doc.13.03 rev.1 reflected some actual expenditure rather than merely projections. The Secretariat reported that most subscriptions had been paid and more had been received since the document was prepared. Also for this year, some underspends could be expected, especially on the Coordinator's budget line.

154. Guidance from the Committee was sought on the usefulness of the practice of presenting a status of accounts of the running year and projection of expenditures to Advisory Committee Meetings. It was agreed that the Secretariat could discontinue their preparation.

155. In response to a question from Germany, the Secretariat explained that invoices for IT services were still expected from UNV. The Acting Executive Secretary explained that CMS had sought tenders for IT services. UNV's offer was the cheapest, although the level of service provided was not always entirely satisfactory.

14. Any other Administrative Issues

Evaluation of the Secretariat Arrangements

156. MOP6 had requested that a further evaluation of the Secretariat arrangements be produced by the end of AC18 to be forwarded to the CMS Conference of Parties (November 2011) as input to the decision on the Future Shape of CMS. The Netherlands, which had funded the first review, agreed to lead the working group, which would prepare a preliminary report for consideration by AC18. Parties interested in participating were requested to notify Folchert van Dijken, the Dutch National Coordinator, by 15 November.

Pledges for funding a part-time GS-4 post

157. Elsa Nickel (Germany) reminded the meeting of a promise to provide funding for an additional administrative post in the Secretariat for the year 2011. This pledge had been conditional on matching funding being offered to extend the duration of the post for at least one further year. The financial crisis had led to no further contributions being offered.

158. Ms Nickel explained that in discussions with the Secretariat, funding a North Sea Plan Coordinator was identified as an alternative use of the available funds. Other Parties were urged to provide voluntary contributions to cover further years. In the absence of sufficient contributions, the 18th Advisory Committee Meeting would decide on the use of trust fund reserves.

159. The Netherlands was close to completing its conservation plan for harbour porpoises in the North Sea and some resources might be identified as consideration was given to how to implement it.

160. Maj Munk (Denmark) suggested that if a permanent post was envisaged it should be included in the budget proposal to be prepared for the next MOP. If the post was seen as a short-term project, then voluntary contributions and withdrawals from the reserve seemed more appropriate.

161. The Secretariat undertook to prepare draft terms of reference for the North Sea Plan Coordinator and to forward them to the North Sea Working Group for finalization, before seeking tenders.

CMS Thesis Award

162. Borja Heredia (Secretariat) made an announcement concerning the CMS Thesis Award for completed post graduate research relevant to CMS. The prize of €10,000 provided by Lufthansa would be awarded at the CMS COP in Bergen in November 2011. The deadline for submissions was 15 April 2011. More information could be found at http://www.cms.int/news/PRESS/nwPR2010/07_jul/nw_120710_CMS_Thesis_Award.htm.

Procedure for Prioritizing Funding Requests

163. Christina Rappe (Sweden) and Mark Tasker (United Kingdom) voiced concern at the apparently random nature of identifying activities to receive financial support. The Committee agreed that the Secretariat should in future prepare a list of proposals for funding of internal activities presented during a Meeting of the Advisory Committee in addition to

external project proposals received prior to the meeting. Parties would prioritize and decide on the funding of these activities before the end of each meeting to ensure that funding was sensibly targeted.

Invitations to Representatives of the Russian Federation

164. Germany said that as a result of bilateral meetings with the Russian Federation, contacts had been established with interested bodies and individuals, and urged the Secretariat to continue to try to secure the attendance of representatives of the Russian Federation at future meetings. The Secretariat would intensify efforts to this effect and seek German support if necessary.

15. Date and Venue of the 18th Meeting of the Advisory Committee in 2011

165. The Meeting agreed to revert to holding the Advisory Committee meetings in spring. A deadline of 1 November 2010 was set for offers to host the next meeting. If no Party came forward, the venue would be the UN Campus in Bonn. The Secretariat would consult Parties electronically to ascertain suitable dates between late March and early May, taking account of holidays and other meetings.

16. Election of Chair and Vice-Chair

166. As Stefan Bräger (Germany) and Jan Haelters (Belgium) were not seeking re-election, the posts of Chair and Vice-Chair were both vacant. Sweden proposed Sami Hassani (France) as Chair and Penina Blankett (Finland) as Vice Chair, and both proposals were seconded by the United Kingdom. Both candidates accepted nomination and were elected by acclamation.

17. Adoption of the List of Action Points of the Administrative Session

167. Subject to some minor amendments, the draft List of Action Points and Decisions for the Administrative Session was adopted (pre-fixed to the report).

18. Close of Meeting

168. After the customary expression of thanks to all involved in the organization and execution of the meeting, and a presentation of gifts to the outgoing Chair and Vice Chair, the meeting closed at 13:00 on 6 October 2010.

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Agenda

1. Opening of the Meeting
 - 1.1 Adoption of Rules of Procedure
 - 1.2 Adoption of the Agenda of the **Science and Conservation Session**
2. Annual National Reports 2009
3. Accession and Agreement Amendments
4. Priorities in the Implementation of the Triennium Work Plan (2010-2012)
 - 4.1 ASCOBANS Baltic Recovery Plan (Jastarnia Plan)
 - 4.1.1 Implementation
 - 4.1.2 Recommendations of 6th Meeting of the Jastarnia Group
 - 4.2 ASCOBANS Conservation Plan for Harbour Porpoises in the North Sea
 - 4.2.1 Implementation
 - 4.2.2 Report of the Coordinators
 - 4.3 Review of New Information on Bycatch
 - 4.3.1 Outcome of the Bycatch Workshop, 20 March 2010, Stralsund, Germany
 - 4.4 Review of New Information on the Extent of Negative Effects of Sound
 - 4.5 Publicity and Outreach
 - 4.5.1 Report of the Secretariat
 - 4.5.2 Reports of Parties, Range States and Partners
 - 4.5.3 Draft Communication, Education and Public Awareness (CEPA) Plan
5. Implementation of the Triennium Work Plan (2010-2012) – Other Issues
 - 5.1 Review of New Information on Population Size, Distribution, Structure and Causes of Any Changes
 - 5.1.1 Status of Coastal Bottlenose Dolphin Populations
 - 5.2 Coverage of Western Baltic, Inner Danish Waters and Kattegat Areas in Harbour Porpoise Action Plans
 - 5.3 Review of New Information on Pollution and its Effects
 - 5.4 Review of New Information on the Extent of Negative Effects of Vessels and Other Forms of Disturbance
 - 5.5 Extension of the Work of the Agreement into the new Agreement Area, incl. Areas Beyond National Jurisdiction
 - 5.6 Report of the Informal Working Group on Large Cetaceans
6. Project Funding through ASCOBANS
 - 6.1 Progress of Supported Projects
 - 6.2 Selection and Prioritisation of Projects for Future Support
 - 6.3 Draft ASCOBANS Project Proposal Format

7. Relations with other Bodies
 - 7.1 Dates of Interest 2010/2011
 - 7.2 Proposal to Extend the ACCOBAMS Agreement Area
8. Any other Business
9. Adoption of the List of Action Points of the Science and Conservation Session
10. Close of the Session

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11. Opening of the **Administrative Session**
 12. Adoption of the Agenda of the Administrative Session
 13. Report of the Secretariat on Finance and Administrative Issues
 - 13.1 Administrative Issues
 - 13.2 Accounts for 2009
 - 13.3 Outline of Budget for 2010
 14. Any other Administrative Issues
 15. Date and Venue of the 18th Meeting of the Advisory Committee in 2011
 16. Election of Chair and Vice-Chair
 17. Adoption of the List of Action Points of the Administrative Session
 18. Close of Meeting

List of Documents

No.	Agenda Item	Document Title	Submitted by	Distributed
Doc.1-01	1.1	Draft Rules of Procedure for the ASCOBANS Advisory Committee	Secretariat	09/03/10
Doc.1-02 rev.1	1.2 / 12	Provisional Agenda	Secretariat	27/09/10
Doc.1-03 rev.3	1.2 / 12	Provisional Annotated Agenda	Secretariat	28/09/10
Doc.1-04 rev.5		List of Documents	Secretariat	06/10/10
Doc.2-01	2	Annual National Report Belgium	Belgium	29/03/10
Doc.2-02	2	Annual National Report Denmark	Denmark	07/04/10
Doc.2-03	2	Annual National Report Finland	Finland	29/03/10
Doc.2-04	2	Annual National Report France	France	12/04/10
Doc.2-05	2	Annual National Report Germany	Germany	29/03/10
Doc.2-06	2	Annual National Report Lithuania	Lithuania	31/03/10
Doc.2-07	2	Annual National Report Netherlands	Netherlands	07/04/10
Doc.2-08	2	Annual National Report Poland	Poland	16/08/10
Doc.2-09 rev.1	2	Annual National Report Sweden	Sweden	07/04/10
Doc.2-10 rev.1	2	Annual National Report United Kingdom	United Kingdom	08/04/10
Doc.4-01 rev.1	4.1	Recommendations of the 6 th Meeting of the ASCOBANS Jastarnia Group	Jastarnia Group	13/04/10
Doc.4-01 Addendum rev.1	4.1	Report of the 6 th Meeting of the ASCOBANS Jastarnia Group	Jastarnia Group	13/04/10
Doc.4-02 rev.1	4.5	Report of the Secretariat on Publicity and Outreach Activities	Secretariat	23/08/10
Doc.4-03	4.5	Development of a Leaflet for Fishers in the ASCOBANS Area	Secretariat	15/03/10
Doc.4-03 Addendum	4.5	Development of a Leaflet for Fishers in the ASCOBANS Area – Draft Texts	Secretariat	12/04/10
Doc.4-04	4.5	Draft Communication, Education and Public Awareness (CEPA) Plan for ASCOBANS	Working Group	07/04/10
Doc.4-05 rev.1	4.2	Interim Report on Progress to develop further the ASCOBANS Conservation Plan for Harbour Porpoise in the North Sea	Secretariat	06/09/10

No.	Agenda Item	Document Title	Submitted by	Distributed
Doc.4-06 rev.1	4 / 5	ASCOBANS Triennium Work Plan 2010-2012 – Progress and Further Actions	Secretariat	23/08/10
Doc.4-07	4.3	Report of the ASCOBANS/ECS Cetacean By-catch Mitigation Workshop	AC Chair / ECS / Secretariat	09/04/10
Doc.4-08	4.4	Final Report of the ASCOBANS Intersessional Working Group on the Assessment of Acoustic Disturbance	Working Group	09/04/10
Doc.4-09	4.3	Human dimensions of bycatch reduction technology: current assumptions and directions for future research	AC Chair / Secretariat	08/04/10
Doc.4-10	4.3	The community: a missing link of fisheries management	AC Chair / Secretariat	08/04/10
Doc.4-11	4.4	IMO MEPC59 Noise from Commercial Shipping and its Adverse Impacts on Marine Life – Report of the Correspondence Group	Secretariat	12/04/10
Doc.4-12	4.4	IMO MEPC60 Noise from Commercial Shipping and its Adverse Impacts on Marine Life – Report of the Correspondence Group	Secretariat	12/04/10
Doc.4-13	4.3	By-catch begone: changes in the philosophy of fishing technology	AC Chair	12/04/10
Doc.4-14	4.3	Harbor Porpoise Take Reduction Plan Monitoring Strategy	AC Chair	15/04/10
Doc.4-15	4.3	Bycatch Estimates of Coastal Bottlenose Dolphin (<i>Tursiops truncatus</i>) in U.S. Mid-Atlantic Gillnet Fisheries for 1996 to 2000	AC Chair	15/04/10
Doc.4-16	4.3	Note on the recent French studies on by catch and pingers in the English Channel	France	16/04/10
Doc.4-17	4.4	IMO MEPC61 Noise from Commercial Shipping and its Adverse Impacts on Marine Life – Report of the Correspondence Group	Secretariat	16/08/10
Doc.5-01	5.1	Characteristics of and Threats to Toothed Whales Found Frequently Within the ASCOBANS Area	Secretariat	13/04/10
Doc.5-02	5.1	A note on the unprecedented strandings of 56 deep-diving whales along the UK and Irish coast	WDSCS	16/03/10

No.	Agenda Item	Document Title	Submitted by	Distributed
Doc.5-02 Addendum	5.1	A note on the unprecedented strandings of 56 deep-diving whales along the UK and Irish coast – Figure 1b	WDCS	14/04/10
Doc.5-03	5.5	Summary of the Third Meeting of the UNGA Working Group on Marine Biodiversity in Areas Beyond National Jurisdiction	Secretariat	18/03/10
Doc.5-04	5.1	OSPAR Biodiversity Committee Background Document on <i>Phocoena phocoena</i> (Harbour porpoise)	AC Chair	18/03/10
Doc.5-05 rev.1	5.1	Opportunistic Sightings of Harbour Porpoises (<i>Phocoena phocoena</i>) in the Baltic Sea at large – Kattegat, Belt Sea, Sound, Western Baltic and Baltic Proper	Germany	22/09/10
Doc.5-06	5.1	Bottlenose Dolphins in the Southwest of England	WDCS	07/04/10
Doc.5-07	5.2	Explanatory Note on Recommendation No. 23 adopted by the 6 th Meeting of the Jastarnia Group	Secretariat (on behalf of JG Chair)	13/04/10
Doc.5-08	5.1	Report of the First ECS Workshop on White-Beaked & Atlantic White-Sided Dolphins	ECS	14/04/10
Doc.5-09	5.1	UK Cetacean Strandings Investigation Programme	UK	22/09/10
Doc.6-01 rev.3	6.1	Progress of Projects Supported through ASCOBANS	Secretariat	23/08/10
Doc.6-02 rev.2	6.2	Project Proposals Received for Future Funding	Secretariat	28/09/10
Doc.6-03	6.3	Draft ASCOBANS Project Proposal Format	Secretariat	09/03/10
Doc.6-04	6.1	Update on the Tursiops SEAs project	UK	17/03/10
Doc.6-05	6.1	Project Report: Effects of Contaminants on Reproduction in Small Cetaceans	Secretariat	16/04/10
Doc.6-06	6.1	Interim Project Report: Risk Assessment of Potential Conflicts between Shipping and Cetaceans in the ASCOBANS Region	Secretariat	16/04/10
Doc.6-07	6.1	Project Report: Genetic structure of white-sided dolphin (<i>Lagenorhynchus acutus</i>) in the Eastern North Atlantic	Secretariat	16/04/10

No.	Agenda Item	Document Title	Submitted by	Distributed
Doc.6-08 rev.2	6.1	Interim Project Report: Review of Trend Analyses in the ASCOBANS Area	Secretariat	06/10/10
Doc.6-09	6.1	Project Report: Development of the HELCOM-ASCOBANS Harbour Porpoise Database	Secretariat	24/08/10
Doc.7-01 rev.3	7	Reports of Representation of ASCOBANS at Meetings	Secretariat	23/08/10
Doc.7-02 rev.4	7.1	Dates of Interest to ASCOBANS in 2010/2011	Secretariat	29/09/10
Doc.7-03	7	Invitation for submission of data on Harbour Porpoise sightings, by-catches and strandings	HELCOM	31/03/10
Doc.7-04	7	HELCOM Indicator Fact Sheet: Decline of the harbour porpoise (<i>Phocoena phocoena</i>) in the southwestern Baltic Sea	AC Chair	14/04/10
Doc.7-05	7.2	Proposal to Extend the ACCOBAMS Agreement Area	Secretariat	28/09/10
Doc.7-06	7.2	Legal and Practical Implications of the Extension of the ACCOBAMS Geographical Scope	Secretariat	28/09/10
Doc.7-07	7.2	Proposal for Extension of ACCOBAMS Agreement Area – Some Legal Implications	Secretariat	28/09/10
Doc.8-01	8	Draft ASCOBANS Style Guide	Working Group	16/03/10
Doc.8-02	8	Status Overview of ASCOBANS Resolutions	Secretariat	17/03/10
Doc.8-03	8	Report of the 6 th Meeting of the Parties to ASCOBANS	Secretariat	17/03/10
Doc.13-01 rev.2 Restricted	13.1	Report on Administrative Issues 2009/2010	Secretariat	04/10/10
Doc.13-02 rev.1 Restricted	13.2	Report on Budgetary Issues 2009	Secretariat	23/08/10
Doc.13-03 rev.1 Restricted	13.3	Outline of Budget for 2010	Secretariat	24/08/10

RULES OF PROCEDURE FOR THE ASCOBANS ADVISORY COMMITTEE

*As amended at the 17th Meeting of the ASCOBANS Advisory Committee
4-6 October 2010, UN Campus, Bonn, Germany*

PART I

DELEGATES, OBSERVERS, SECRETARIAT

Rule 1: Delegates

- (1) A Party to the Agreement (hereafter referred to as a 'Party')¹ shall be entitled to appoint one member of the Advisory Committee (thereafter referred to as a Committee Member) and alternate, when appropriate, who shall represent the Party, and such advisers as the Party may deem necessary.
- (2) Contracting Parties shall submit the names of the Committee Member and the advisers to the Secretariat through their coordinating authorities by the start of the Meeting.
- (3) The voting rights of the Parties shall be exercised by the Committee Member. In the absence of the Committee Member, an adviser may be appointed by the Committee Member to act as a substitute over the full range of the Committee Member's functions.
- (4) The appointed Committee Member or alternate shall be available for consultation inter-sessionally.

Rule 2: Observers

- (1) All non-Party Range States and Regional Economic Integration Organisations bordering on the waters concerned may send observers to the meeting, who shall have the right to participate but not to vote.²
- (2) Any body or individual qualified in cetacean conservation and management may request admittance to plenary sessions of the Advisory Committee. Appropriate written applications for attendance should be received by the Secretariat at least 60 days before any Committee meeting, and circulated to Parties by the Secretariat forthwith. Parties shall inform the Secretariat of their acceptance or rejection of all applications no less than 30 days before that meeting. An applicant shall be permitted to attend as non-voting observer, if two-thirds of the Parties accept their application. Decisions on whether such bodies or individuals may attend Committee meetings should take into account possible seating limitations. Information on limitations of the venue shall be provided to the Secretariat by the host in time for circulation with any applications received.
- (3) Representatives of the Secretariats or technical advisory bodies of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) and its daughter Agreements and Memoranda of Understanding, may attend the sessions of the Advisory Committee as observers without the need for an application as outlined in Rule 2(2).

¹ See Agreement, paragraph 1.2, sub-paragraph (e), and paragraphs 8.4 and 8.5. A Party is a Range State or a Regional Economic Integration Organisation which has deposited with the United Nations Headquarters its consent to be bound by the agreement.

² See Agreement, paragraph 6.2.1.

- (4) The Advisory Committee may, as appropriate, invite any other body or individual qualified in cetacean conservation and management to participate in a meeting. Such persons shall not have the right to vote.
- (5) Seating limitations may require that no more than two observers from any non-Party State or body be present at sessions of the Advisory Committee.

Rule 3: Secretariat

Unless otherwise instructed by the Parties, the Secretariat shall service and act as secretariat for the Advisory Committee at its meetings.

PART II OFFICERS

Rule 4: Chairpersons

- (1) The Advisory Committee shall, at its first session, elect a Chairperson from among the Committee Members, and a Vice-chairperson from the Committee Members or their advisers.
- (2) The Chairperson and Vice-chairperson of the Advisory Committee shall hold office until the end of the first meeting of the Advisory Committee following each Meeting of Parties. The Chairperson and Vice-chairperson may be nominated for re-election at the end of a term of office. In the event of the election of a new Chairperson or Vice-chairperson, the Advisory Committee shall elect these persons from among the Committee Members or their advisers.

Rule 5: Presiding Officer

- (1) The Chairperson shall preside at all meetings of the Advisory Committee.
- (2) If the Chairperson is absent or is unable to discharge the duties of Presiding Officer, the Vice-Chairperson shall deputize.
- (3) In the event that both the Chairperson and the Vice-Chairperson are absent or unable to discharge the duties of Presiding Officer, the appointed Committee Member of the Party hosting the Meeting shall assume these duties.
- (4) The Presiding Officer may vote.

PART III RULES OF ORDER AND DEBATE

Rule 6: Powers of Presiding Officer

- (1) In addition to exercising powers conferred elsewhere in these Rules, the Presiding Officer shall at Advisory Committee meetings:
 - (a) open and close the sessions;

- (b) direct the discussions;
 - (c) ensure the observance of these Rules;
 - (d) accord the right to speak;
 - (e) put questions to the vote and announce decisions;
 - (f) rule on points of order; and
 - (g) subject to these Rules, have complete control of the proceedings of the Meeting and the maintenance of order.
- (2) The Presiding Officer may, in the course of discussion at a meeting, propose:
- (a) time limits for speakers;
 - (b) limitation of the number of times the members of a delegation or observers from a State which is not a Party or a Regional Economic Integration Organisation, or from any other body, may speak on any subject matter;
 - (c) the closure of the list of speakers;
 - (d) the adjournment or the closure of the debate on the particular subject or ~~question~~ under discussion;
 - (e) the suspension or adjournment of any session; and
 - (f) the establishment of drafting groups on specific issues.

Rule 7: Right to Speak

- (1) The Presiding Officer shall call upon speakers in the order in which they signify their desire to speak, with precedence given to the Committee Members.
- (2) A Committee Member, adviser or observer may speak only if called upon by the Presiding Officer, who may call a speaker to order if the remarks are not relevant to the subject under discussion.
- (3) A speaker shall not be interrupted, except on a point of order. The speaker may, however, with the permission of the Presiding Officer, give way during his speech to allow any participant or observer to request elucidation on a particular point in that speech.

Rule 8: Procedural Motions

- (1) During the discussion of any matter, a Committee Member may raise a point of order, and the point of order shall be immediately, where possible, decided by the Presiding Officer in accordance with these Rules. A delegate may appeal against any ruling of the Presiding Officer. The appeal shall immediately be put to the vote, and the Presiding Officer's ruling, shall stand unless a majority of the Parties present and voting decide otherwise. A delegate raising a point of order may not speak on the substance of the matter under discussion, but only on the point of order.
- (2) The following motions shall have precedence in the following order over all other proposals or motions before the Meeting:
 - (a) to suspend the session;
 - (b) to adjourn the session;
 - (c) to adjourn the debate on the particular subject or question under discussion;
 - (d) to close the debate on the particular subject or question under discussion.

Rule 9: Arrangements for Debate

- (1) The Meeting may, on a proposal by the Presiding Officer or by a Committee Member, limit the time to be allowed to each speaker and the number of times anyone may speak on any subject matter. When the debate is subject to such limits, and a speaker has spoken for the allotted time, the Presiding Officer shall call the speaker to order without delay.
- (2) During the course of a debate the Presiding Officer may announce the list of speakers, and, with the consent of the Committee, declare the list closed. The Presiding Officer may, however, accord the right of reply to any individual if a speech delivered after the list has been declared closed makes this desirable.
- (3) During the discussion of any matter, a Committee Member may move the adjournment of the debate on the particular subject or question under discussion. In addition to the proposer of the motion, a Committee Member may speak in favour of, and a Committee Member of each of two Parties may speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.
- (4) A Committee Member may at any time move the closure of the debate on the particular subject or question under discussion, whether or not any other individual has signified the wish to speak. Permission to speak on the motion for closure of the debate shall be accorded only to a Committee Member from each of two Parties wishing to speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.
- (5) During the discussion of any matter a Committee Member may move the suspension or the adjournment of the session. Such motions shall not be debated but shall immediately be put to the vote. The Presiding Officer may limit the time allowed to the speaker moving the suspension or adjournment of the session.

PART IV VOTING

Rule 10: Methods of Voting

- (1) Without prejudice to the provisions of Rule 1, Paragraph 2, each Committee Member duly accredited according to Rule 3 shall have one vote.
- (2) The Committee shall normally vote by show of hands at a meeting, but any Committee Member may request a roll-call vote. In the event of a vote during an inter-sessional period, there will be a postal ballot, which may include ballot by email or fax.
- (3) At the election of officers, any Committee Member may request a secret ballot. If seconded, the question of whether a secret ballot should be held shall immediately be voted upon. The motion for a secret ballot may not be conducted by secret ballot.
- (4) Voting by roll-call or by secret ballot shall be expressed by "Yes", "No" or "Abstain". Only affirmative and negative votes shall be counted in calculating, the number of votes cast by Committee Members present and voting.
- (5) If votes are equal, the motion or amendment shall not be carried.
- (6) The Presiding Officer shall be responsible for the counting of the votes and shall announce the result. The Presiding Officer may be assisted by the Secretariat. Inter-sessional voting by postal ballot, email or fax will be co-ordinated by the Secretariat.

- (7) After the Presiding Officer has announced the beginning of the vote, it shall not be interrupted except by a Committee Member on point of order in connection with the actual conduct of the voting. The Presiding, Officer may permit Committee Members to explain their votes either before or after the voting, and may limit the time to be allowed for such explanations.

Rule 11: Majority and voting procedures on motions and amendments

- (1) All votes on procedural matters relating to the forwarding of the business of the meeting shall be decided by a simple majority of Parties.
- (2) Financial decisions within the limit of the power available to the Advisory Committee shall be decided by three-quarter majority among those Parties present and voting.
- (3) Amendments to the Rules of Procedure require a three-quarter majority among those present and voting.
- (4) All other decisions shall be taken by simple majority among Parties present and voting.
- (5) When an amendment is moved to a proposal, the amendment shall be voted on first. If the amendment is adopted, the amended proposal shall then be voted upon.

PART V LANGUAGES AND RECORDS

Rule 12: Working Language

English shall normally be the working language of any Advisory Committee meeting and working groups.

Rule 13: Other Languages

- (1) An individual may speak in a language other than English at meetings, provided he/she furnishes interpretation into English.
- (2) Any document submitted to a meeting shall be in English.

Rule 14: Summary Records

Summary records of Committee meetings shall be kept by the Secretariat and shall be circulated to all Parties in English.

PART VI OPENNESS OF DEBATES

Rule 15: Committee meetings

All sessions of meetings shall be closed to the public.

Rule 16: Sessions of the Working Groups

As a general rule, sessions of working groups shall be limited to the Committee Members, their advisers and to observers invited by the Chairs of working groups.

PART VII WORKING GROUPS

Rule 17: Establishment of Working Groups

- (1) The Advisory Committee may establish working groups as may be necessary to enable it to carry out its functions. It shall define their terms of reference. The Advisory Committee as well as the working groups may nominate members of each working group, the size of which may be limited according to the number of places available in assembly rooms.
- (2) The working group can appoint committee members, advisers as well as observers as its Chair and Vice-Chair.

Rule 18: Procedure

Insofar as they are applicable, these Rules shall apply *mutatis mutandis* to the proceedings of working groups.

PART VIII FINAL PROVISIONS

Rule 19: Omissions

In matters not covered by the present Rules, the Rules of Procedure as adopted by the last regular Meeting of the Parties shall be applied *mutatis mutandis*.

Rule 20: Amendments to the Rules of Procedure

- (1) The Committee shall, by three-quarter majority, establish its own Rules of Procedure.
- (2) These Rules shall come into force on adoption by the Committee by three-quarter majority, and may be amended by the Committee as required. They will remain in force until and unless an amendment is called for and adopted.