Agenda Item 4.2

Priorities in the Implementation of the Triennium Work Plan (2010-2012)
ASCOBANS Conservation Plan for Harbour Porpoises in the North Sea

Document 4-05

Report of the North Sea Coordinator

Action Requested

- Take note
- Comment
- Provide guidance

Submitted by

Secretariat

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

INTERIM REPORT ON THE IMPLEMENTATION OF THE ASCOBANS NORTH SEA CONSERVATION PLAN FOR HARBOUR PORPOISE

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March 2012
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Introduction & Scope of work

The Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS) adopted a new Conservation Plan for the Harbour Porpoise in the North Sea on 18th September 2009 at its sixth Meeting of Parties in Bonn, Germany (ASCOBANS, 2009). The Plan aims to restore and/or maintain North Sea harbour porpoises at a favourable conservation status, with in the shorter-term a pragmatic minimum objective to at least maintain the present situation and, if possible, improve it.

The Plan identifies bycatch as the main threat and is articulated around 12 specific prioritized actions built upon three general considerations:

- Major information gaps needs to be filled for fully assessing the situation and being able to recommend effective and adequate conservation measures, this both with respect of the harbour porpoise itself (feeding ecology, behaviour around nets) and the human activities it is subject to and their actual/potential impact.
- Monitoring is essential for informing trends in the conservation status (i.e. in the species, the threats, the implementation and efficiency of the mitigation measures) and informing the effectiveness of the management actions, and if necessary adjust them, to achieve the established conservation aims.
- The Plan needs to be reviewed periodically to adjust the actions based on the information provided by the monitoring.

For the Conservation Plan to be effectively implemented it needs a larger Steering Committee, supported by a coordinator.

Two Interim coordinators were contacted in 2009. Their initial work concentrated entirely on issues related to bycatch and is reported in an interim report to MOP17 (MOP17_4-05) and a final report to MOP18 (MOP18_4-06). The report to MOP17 covered issues related to (1) Documenting relevant regulations and guidelines and review reports on implementation, (2) Promoting and explaining the plan to stakeholders, (3) Practical implementation of the plan (Monitoring and mitigating bycatch from small vessels), and (4) Data collection and fishing effort. The report to MOP18 provided an update on new information relevant to the Plan, including a meeting of the North Sea Regional Advisory Council.

The present work should build upon this initial information and was to be carried out in close consultation with and seek guidance from the ASCOBANS North Sea Working Group. The tasks outlined for the coordinator and the SG in Action 1 of the Conservation Plan include:

1. Document and collate existing international and national regulations and guidelines that are relevant to the conservation and management of harbour porpoises in the North Sea and to provide this collation to all stakeholders.
2. To promote and explain the Conservation Plan to relevant stakeholders:
3. To develop mechanisms to ensure that the actions given in the Conservation Plan are implemented including the organisation of scientific workshops
4. To make a recommendation for the evolution of some EU fishery regulations: data collection regulation, electronic logbooks, etc. In order to get the most appropriate data from effective fishing effort
5. To co-ordinate the collection of and collation of appropriate data on anthropogenic activities in a format that will facilitate its use in a GIS context
6. To manage the Conservation Plan Fund
7. To develop progress reports on the implementation
8. To arrange for periodic reviews of the Conservation Plan

This interim report covers work on tasks 1-2 and 7, identifying the problems encountered in the implementation of the action plan. The collation of information is in progress and thus not yet complete. Suggestions for modification, corrections and supplementary information are welcome.

1. Coordinator work-load (CP action 1)

1.1 Time used

The present coordinator was appointed in May 2011, finally contracted in August and started effectively working in September 2011. The contract is for a period of 18 months and the total number of working days covered by the contract is 156, with a variable work schedule.

The number of days used by the end of the NSCOBANS meeting will be 52, i.e., giving about a half-time position remaining until the end of 2012.

During this first period the coordinator attended the meeting of the North Sea RAC executive committee in October in France (AC19_7-01) and the Jastarnia 8 meeting in Gdynia in February (AC19_4-02) and participated in particular to the discussions concerning the Gap area conservations plan (AC19_4-03).

1.2 Contacts with the Secretariat and Input from the Steering Group (NSSG)

Good contacts have been established with the secretariat, which is always responding very quickly to any enquiries.

Good and relatively regular contacts have been established with the Chair of the NSSG. However the input from the NSSG at large has been limited to answering direct requests for information from the coordinator. The answers have sometimes been partial, not focussed and not always in the delays set, which renders the work progression and planning problematic. This is likely due, at least to some extent, to the initial lack of direct contact. It is hoped that this direct contact, which will be established at the AC19-meeting of the SG and the AC itself, will allow developing a clear way of working and the development of an exchange of inputs on the work to be carried out.

Appendix 1 collates the answers of the NSSG received as response to action point 1, 3 & 4 from the activity calendar developed for the NSSG at its last meeting of the SG in May 2010 (AC19_4-04).

ppendix 2 and 3 collates the information received identifying the key persons involved in the conservation of harbour porpoises in the North Sea and the relevant fishery organizations operating small boats and inshore fisheries.

2. ocument and collate existing international and national regulations and guidelines (oordinator Task 1)

2.1 International regulation and guidelines

ppendix 4 presents an initial (and not comprehensive) collation of international conventions and regulations impacting the conservation of the harbour porpoise in the North Sea.

s reported by Leaper & Papastavrou (2010), the most general requirement relating to harbour porpoise bycatch for U countries comes from the **Habitats irective** (92/43/) on the conservation of natural habitats and of wild fauna and flora, where harbour porpoises is listed in nnex II and nnex IV. More specific measures are specified in **R (U) 812/2004** concerning incidental catches of cetaceans in fisheries, their monitoring and their mitigation using acoustic deterrent devices 'pingers' for specific fisheries. This compulsory monitoring is extended by the requirement of collecting fisheries data under **R () No 199/2008**, which does not have qualification based on vessel size.

Not much new in terms of legislation has come since the coordinator's reports in September 2010 and May 2011 (Leaper & Papastavrou, 2010, 2011).

The most relevant processes are the review of the **ommon Fisheries Policy, FP** (OM (2011) 417) and the review of the Regulation 812/2004 (OM (2011) 518, 19-4-07), and how by-catch mitigation will be adapted in the future and integrated in the FP framework.

There is widespread agreement on the critiques to the FP and fishing impacts on the marine ecosystem. spirations for a better protection of marine ecosystems are now formally set out in the **Marine Strategy Framework irective, MSF** , and are underway through the reform of the FP (OM, 2011:425).

In the framework of the reform of the FP, amending 812/2004 was not an option (see oc 19_7-01, the report of the uropean Parliament Workshop "Protecting etaceans in the U: ridging the Gap between Research, Policy and Implementation"). The ommission would focus on an integrated approach linked to local conditions striving towards (1) the introduction of the monitoring of cetacean bycatch into the data collection framework (F), (2) the harmonization of the FP with the Habitats irective and the MSF and (3) the inclusion of bycatch mitigation measures into the technical measures framework that will be developed as part of the reform of the ommon Fisheries Policy. The plan therefore follows the spirit under the reform of the FP (OM (2011) 417), with better governance through regionalisation and more flexibility for Member States to adapt to particular local circumstances.

The **Habitats irective (H)**, which represents the most general requirement relating to harbour porpoise bycatch for U countries, has received a lot of attention in recently years due to the requirement to designate protected areas so called **Special reas of onservation, rs** (e.g. most recently vans 2008, lark et al 2010, gardy et al 2011, Hooker et al 2011, Proelss et al 2011). In 2007, the uropean ommission published Guidelines for the specifique establishment of s in coastal and maritime regions[1]. s indicated in 19_4-03, the porpoises must be protected within these areas and management plans must be developed. The management plans must ensure that the abundance of

[1] Guidelines for the establishment of the Natura 2000 network in the marine environment. pplication of the Habitats and irds irectives.

porpoises within each SAC is stable or increasing and that the total abundance of harbour porpoises within national borders should not decline. It is essential that clear measurable objectives in both the regional monitoring of SACs and in the monitoring of the entire population be defined for allowing a quantitative evaluation of the success of the management plans. The monitoring methods should be kept consistent to reduce method related variation and increase power in trend analysis.

The harbour porpoise is also included in the monitoring programmes of the **EU** MSFD (2008/56/EC). The key milestones of the MSFD, to which EU Member States must comply in trying to achieve GES (Good Environmental Status) in their marine environment by 2020, is coming up in **2012**: the assessment of current ecological status and definition of GES and corresponding indicators. It will be followed by the establishment and implementation of monitoring programmes (by 2014), the development and implementation of corrective measures (by 2016) and finally the achievement of GES (by 2020).

From 1 January 2012, an interesting aspect of **EC) No. 1224/2009** has come into force, where fishing boats with a length of between 12 and 15 m in all EU Member States are required to install a satellite-based vessel monitoring system (VMS) which at regular intervals provides data to the fisheries authorities on the position, course and speed of vessels. Prior to January 2012 this obligation was only compulsory for vessels > 15 m since 2005. This new regulation may provide better geographical overview and data on fishing effort. For gillnets, however, where most of the bycaych occurs, the VMS system will only indicate where the boats fish but will not provide indication about gear type and effort.

From 31 May 2012, following the **EU irective 2009/17/EC** larger fishing vessels (24-45m) are being required to use AIS (Automatic Identification System) (see Leaper & Papastavrou, 2010 (SC/17_4-05), for more detail on AIS and their benefit to a better knowledge on fishing effort and activity).

2.2 National regulations and guidelines

Appendix 5 presents an initial collation of national regulations impacting the conservation of the harbour porpoise in the North Sea.

Three important recent events are the German New federal Nature Conservation Act from 2010, the French border from July 1, 2011, and the release of the Dutch Conservation Plan for the harbour porpoise in late fall 2011.

In Germany, Territorial Waters lies under the responsibility of the coastal Länder, while EEZ lies under the responsibility of the federal Government, giving a two-level policy implementation. The German New federal Nature Conservation Act establishes that Nature Conservation becomes the responsibility of the Federation, following the federalism reform. Several key objectives are being achieved (Federal Ministry for the Environment, Nature Conservation and Nuclear Safety, 2010):

- "The Federation has created comprehensive regulatory provisions – not merely framework legislation as before – which are directly applicable to all citizens
- In areas where a need for nationally applicable legislation has been identified, some areas of nature conservation law that were previously regulated at the Land level have been incorporated in federal law.
- Transposition of European Directives no longer takes place in two stages at federal and Land level, but is now carried out via the adoption of uniform, nationally applicable legislation.
- Nature conservation law has been harmonized and simplified with a view to making it easier to understand and apply.
- General principles of nature conservation are now explicitly identified in law and cannot be amended by the Länder. No derogation is permitted."

The new Act therefore strengthens marine nature conservation as a whole, devoting an entire chapter to it for the first time. Object of the monitoring are explicitly identified (incl. obligations arising from the H). The new Act applies to the Territorial Waters, but also in its entirety to the Z as well.

The French Order, repealing the order from 27 July 1995, establishes the species list of marine mammals protected on the entire French territory and the clauses of their protection, among them the harbour porpoise. s relevant points, rt. 2 stipulates the interdiction of destruction, alteration and degradation of reproductive sites and resting areas and rt. 4 rendered obligatory the reporting of all by-catch of cetaceans and pinnipeds by 1 **January 2012**. This latter is especially noticeable, as it may contribute to a better knowledge of the level of by-catch in the French fisheries and in particular in fisheries not obliged to report under Regulation 812/2004. Of course, it may be difficult the enforcement of the order is still based on voluntary reporting and will be difficult to control, unless some special measures are developed.

The utch onservation Plan for the harbour porpoise (amphuysen & Siemensma, 2011) aims at "keeping or bringing the species in a favourable conservation status". It represents a considerable work and is both an ction Plan proposing concrete measures and a background document reviewing "the present understanding on the seasonality of migratory movements of porpoises through the North Sea, particularly within waters under utch jurisdiction". comprehensive stakeholder consultation has been part of the project, leading to a general commitment by stakeholders and NGOs to the proposed research and mitigation measures, which is an important factor for ensuring the actual implementation of the plan.

The Plan review current knowledge on the species and the threats it faces in utch waters, the existing mitigation measures, it identifies gaps and provides the policy and legislative context. Then it proposes some concrete measures, both regarding current prioritized research needs for dealing with the inadequate data for assessing the scale of potential threats and Policy and mitigation. The authors propose the creation of a national scientific research steering committee for evaluating the progress accomplish in terms of research. Given the changes in distribution and abundance observed in the Southern North Sea has in the recent decades, the authors underlines that the conservation status of porpoises in utch water, and consequently the ction Plan, will need to be reviewed and updated in the near future.

The utch Plan constitutes a very in depth update of the background knowledge, which form the background of the NS P, and was based on a review from 2006 (isfeld & Kock, 2006).

3. Promote and explain the onservation Plan to relevant stakeholders (Task 2)

s identified in the Plan, the stakeholders includes several different groups, statutory government agencies, commercial fishermen and their industry bodies, recreational fishermen, environment and animal welfare non-governmental organisations (NGOs), as well as key regional organisations and bodies. There will be difference in the way they should be addressed, also between different countries. s pointed by Leaper & Papastavrou (2010, 2011), it is also necessary to come in contact with the more coastal fisheries, usually using smaller vessels to which R( ) 812/2004 do not apply, which tend to have less organized representation than larger offshore fisheries.

3.1 ooperation with the North Sea Regional dvisory ouncil (NSR)

Recommendation was made to pursue the contact established with the NSR , which aim is to provide greater stakeholder involvement in fisheries management at a regional level. G participated to the NS

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- Smaller inshore vessels, which represent the majority of the fleet in most countries, were the main cause of by-catch rather than the larger offshore vessels, practicing little gill-netting, which the NSRMM was primarily concerned with.

The NSRMM was willing to do what was in its power for decreasing the by-catch of cetacean, but also made clear that a situation like in the Baltic was not acceptable, where "few by-catches of a non existent species led to the closure of a métier". As far as technically practicable, gear modifications should aim at simultaneously mitigating by-catch of small cetaceans and other non-target species, such as birds.

It was strongly suggested that OSPAR-NS made an effort at national levels for dealing with by-catch by smaller inshore vessels including those under the, "much less regulated and often not best practice", recreational and semi professional fisheries. It was clear that dealing with this would develop good wills.

Suggestions for establishing/pursuing cooperation with the NSRMM

As already mentioned, it is possible for OSPAR-NS to give a presentation at the next meeting. Such a presentation would need to be arranged with the chair and the secretariat of the NSRMM well in advance. Considering the form and usual content of the meetings, it certainly needs to deliver a very clear and concise message or very clear information or requests, which should be relevant to the fisheries represented. The best way would likely be to also send a written short background document in advance of the meeting.

This presentation could sum up the present by-catch situation in the North Sea, replace it in a sustainability context, present the necessary management steps to be taken to insure the conservation of the harbour porpoise and open a discussion on a possible mitigation process. The aim of such discussion should be a single clear message that the representatives can then easily relay to the fishers involved. The problem with this approach is that the situation in the North Sea is very unclear and that it is difficult at the moment to present hard facts on the present level of by-catch, while the NSRMM has the feeling that the situation has considerably improved.

psychological perquisite to a fruitful cooperation with the NSRMM is, however, that OSPAR-NS also engage in an equivalent effort targeting inshore fisheries.

Another way forward could be first to cooperate on the Doggerbank Natura 2000 management plan and offer a coordinated approach regarding marine mammals. Such approach would well fall within the scope of the NSSG and OSPAR-NS as large.

3.2 Contact to the coastal fisheries through locally implanted projects

Appendix 3 collates the information forwarded so far by the SG members on local fisheries organizations dealing with inshore fisheries. However these tend to have less organized representation than larger vessels.

Another way of getting in contact with these fisheries, also semi-professional and inshore fisheries, could be to cooperate with already locally implanted research or management oriented projects. Example of such projects can be the French project INPACTMM (although at the border of the interest area) looking at the interactions between fisheries and marine mammals in the Iroise Sea. The project is cooperation between fishermen, the Iroise Sea MPA, the University of Brest, the National Natural History Museum and Oceanopolis to work on the by-catch and the depredation in the Iroise Sea.

The French project Filman et[3] (Fileyeurs Manche étacés) from 2008-2010 was coordinated by the French National Fishery ommittee, in cooperation with several research organisms (IFR M R, RMM, SIN Y, O MM). Information material has been produced and the experience gained during this project should be used.

The project initiated in 2010 in Netherlands by the oastal and Marine Union (U) and aiming at mitigating harbour porpoise bycatch in utch large mesh size trammel- and gillnet fisheries (18_2-07), could be a good candidate. The project is a close collaboration of the U , the utch Fisheries Organisation (Nederlandse Vissersbond), the expert group on set net fishery and a group of winter set net fishers. Participating fishers received a permit to land bycaught porpoises.

"The oastal & Marine Union (U) is an association founded in 1989 with the aim of promoting coastal conservation by bridging the gap between scientists, environmentalists, site managers, planners and policymakers. It has grown since then into the largest network of coastal practitioners and experts in urope, with 15 National ranches and offices in seven countries."

new anish initiative should also be followed up, where pinger are temporary made obligatory in the Great elt area on all gillnetters regardless of size and fishery segment, i.e., also including semi-professional and recreational fisheries. The anish griFish gency[4][5] will organise, in parallel with the establishment of a task group, consisting of representatives of the responsible authorities and relevant research institutions and aiming at ensuring the conservation of harbour porpoises in anish waters, the establishment of a " ialog forum", where the Green NGOs and the fishermen will be participating.

The S O NS ycatch Working Group (18_4-07), which has in its ToRs "To develop a guidance framework for co-operative projects that bring together fishers, gear technologists and cetacean scientists for by-catch mitigation" also reports on different case studies, especially regarding contact with small coastal fisheries.

Several interesting suggestions are also given by the Report of the Joint N MM O/I S Workshop on observation schemes for bycatch of mammals and birds (WKOS OM 2010) under point 7.2 *Reconciling Industry and Scientific Views of y-catch stimates.*

3.3 xplaining the Plan to Key Stakeholders.

esides the active approach of seeking out key stakeholders in each country, a passive approach of publicising the Plan and its key components to invite engagement by stakeholders should be developed. dequate information material needs to be created, which should try to describe "simply" the NS situation, focusing on the type of stakeholders being targeted.

If this material shall be effective, it must clearly include hard facts on the present extent of bycatch in the North Sea, otherwise it will be hard to argument against the feeling of some of the stakeholders, that the situation has improved a lot and is not critical anymore. Ideally, it must also include information which allows an individual fisherman to relate his own 'limited' bycatch to the general problematic. This has typically been a problem in the altic, but is also a problem elsewhere, as illustrated by the comment to a local newspaper of a anish fisherman from Fyn to the recent obligation of using "these controversial

[3] http://www.comite-peches.fr/site/index.php?page=g32&prog=29 and http://wwz.ifremer.fr/defimanche/content/download/44375/627984/file/Synth%3%8se%20des%20r%3%9sultats%20FILM N T.pdf

[4] a new agency under the Ministry of Food, griculture and Fisheries

[5] http://www.fvm.dk/nyhedsvisning.aspx?I =18341&PI =395624&year=2012&NewsI =6961 [in anish]

pingers" (*dixit*) for all professional and recreational fishermen in the inner Danish waters. "I have only caught two porpoises in three years and I know from other semi-professional and professional fishermen, both large and small boat-owners, as it is the same they observe." (Fyens Stiftstidende, 07-03-12, Debat).

4. Progress report on the implementation of the NAP (task 7)

Under Task 11 of the HELCOM NSSG 2011 activity calendar "each country should conduct and submit (to the HELCOM coordinator) an inventory on the activities in regard to harbour porpoise conservation in the North Sea. The 12 action points as identified in the HELCOM NS Conservation Plan for Harbour Porpoises will serve as the format for the inventory. These briefly involve:

1. Implementation of the Conservation Plan: Co-ordinator and Steering Committee;
2. Implementation of existing regulations on bycatch of cetaceans;
3. Establishment of bycatch observation programmes on small vessels (<15m) and recreational;
4. Regular evaluation of all fisheries with respect to extent of harbour porpoise bycatch;
5. Review of current pingers, development of alternative pingers and gear modifications;
6. Finalise and management procedure approach for determining maximum allowable bycatch limits in the region;
7. Monitoring trends in distribution and abundance of harbour porpoises in the region;
8. Review of the stock structure of harbour porpoises in the region;
9. Collection of incidental porpoise catch data through stranding networks;
10. Investigation of the health, nutritional status and diet of harbour porpoises in the region;
11. Investigation of the effects of anthropogenic sounds on harbour porpoises;
12. Collection and archiving of data on anthropogenic activities and development of a GIS.

Appendix 6 collates the received national inventory on activities in regard to harbour porpoise conservation in the NS under each of these points.

The following points will review the most important findings or conclusions since the two first coordinators reports, focusing on Action Point 1-7 and 9.

4.1 Implementation of the Conservation Plan: Co-ordinator and Steering Committee (NAP action 1)

See under point 1.

4.2 Implementation of existing regulations on bycatch of cetaceans (NAP action 2)

A detailed review of the implementation of EC (EU) 812/2004, and its pertinence to the bycatch problem, is done annually by ICES WGBYC (ICES SSGEPD 2009, ICES WGBYC 2010, 2011, 2012-draft), and has been reviewed by ICES (2010abc, 2011b) and twice by the EU commission (COM (2009) 368 & COM (2011) 518). It is comprehensively summarised by Northridge (2011) and also discussed in ICES 19_4-06.

The common conclusion is that there are both gaps and inadequacy in the regulation, problem and patchiness in its implementation and problems in meeting the reporting requirement of the regulation. The Regulation has been in place for 6 years, and despite these improvements it is still not fully meeting its objective of preventing the accidental capture of cetaceans in fishing gears, and in particular of harbour porpoises in the North Sea. Absence of compliance to the reporting obligation combined to reporting of fishing effort in format which do not allowed extrapolation to the fleet level still at present in a very patchy overview of the bycatch level in most fisheries. Also the regulation does not cover all areas. E.g. it does not stipulate monitoring schemes in bottom set gillnet fisheries for the North Sea and the English Channel.

lthough "appropriate scientific studies or pilot projects" to collect data on incidental catches for boats under 15 m should be implemented under R( ) 812/2004, the knowledge about the level of by-catch in smaller vessel fisheries, and coastal fisheries long is very scarce, although the uropean fishing fleet is in majority constitued by vessel under 12 m. For the North Sea Range states this proportion ranges from 79 to 97% (Northridge, 2011).

The same implementation problems is encountered with the H , where there is problem with compliance, control and enforcement after implementation into national legislation. The harbour porpoise is listed in nnex II and nnex IV. Under rticle 2.12(4) "Member States shall establish a system to monitor the incidental capture and killing of the animal species listed in nnex IV. In the light of the information gathered, Member States shall take further research or conservation measures as required to ensure that incidental capture and killing does not have a significant negative impact on the species concerned". The H concerns both Z and W, and member states are under this directive obliged since 1992 to establish a system to monitor incidental capture and killing of all uropean protected species, hereunder the harbour porpoise, and obliged to take measures to ensure that incidental capture and killing does not have a negative impact on the species.

In its report from 2011, the SWG Y maintains that "bycatch monitoring of under-15 m vessels is a re-quirement of habitats directive. WG Y emphasizes that bycatch is responsive to gear in use and not to vessel length. WG Y therefore recommends that if a full picture of bycatch (and therefore of impact) is re-quired, Member States/countries need to ensure bycatch caused boats of less than 15 m is also monitored, and if necessary, mitigated as mandated by the Habitats irective" (SS 2011b)

ollection of fisheries data to evaluate the environmental impact that may be caused by fisheries on the marine ecosystem is also required under ouncil Regulation ( ) No 199/2008 concerning the establishment of a ommunity framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the ommon Fisheries Policy.

lthough some project have been started for monitoring bycatch in small vessel fisheries (see below), the patchiness in or the lack of implementation of the existing regulations, render the gap of knowledge in this area the most crucial problems for the conservation of the harbour porpoise, everywhere and in particular in the North Sea.

4.3 stablishment of bycatch observation programmes on small vessel (<15m) and recreational (P action 3)

The establishment of bycatch observation programmes on small vessel (<15m) is project-based, as it is not an obligation under 812/2004. It is annually reviewed by SS (SS SG Y 2009, SS WG Y 2010, 2011, 2012-draft). Mitigation measures alternative to onboard observers, their advantages and problems, have also been reviewed by the Joint NMM O/ SS Workshop on observation schemes for bycatch of mammals and birds (WKOS OM 2010). Observation programmes on small vessels mostly remains at an experimental level, but some of the results obtained so far are very promising and deserve an immediate larger implementation.

Onboard bservers

France Observers have been places on vessels less than 15m but not under 8m during the project Filman et running from 2008 to 2010 in the hannel and South North Sea. See further detailed under point 3.2.1 (ppendix 6, action point 3).

Remote electronic monitoring (using CCTV cameras)

Denmark: The study started in 2008 (Kindt-Larsen & Dalskov 2010, Kindt-Larsen et al. 2011). From May 2010 to May 2011 six 10-15 m long Danish commercial gillnetters fished with Electronic Monitoring (EM) systems. The vessels operated in the Baltic and the North Sea. During 8 months of monitoring, 15 bycatches of porpoises were observed, of which 11 specimens by one vessel operating in IVb and IIIaN. The main aim was to test whether a shift from a landing quota system to a catch quota system (where all catches are counted against the vessels' catch quotas) will work on small vessels. Secondary aims were to determine if EM can be used to reliably document bycatch of marine mammals and birds, and to determine the best practice for analysing the video footage with respect to marine mammal bycatch. The conclusions of the study were that there were no particular problems related to using the EM system on such small vessels, that marine mammal bycatch could be reliably recorded and that the EM system provided a better approximation to the total bycatch than fishermen's records and better than normal IBTS observers. Four different methods for analysing the videos were tested but more work was needed to determine the best practice (Lotte Kindt-Larsen, pers. commn as well as WKSS 2012-draft).

Holland: In the Netherlands a trial with one small gillnet vessel (<10m) was carried out in 2011, with as primary objective to collect discard data. Under the Data Collection Framework (DCF). Preliminary results revealed several bycatches of harbour porpoises. The sample size was too small to extrapolate to the Dutch fleet. However this result clearly shows that bycatch of harbour porpoises does occur in subarea IVc by vessels smaller than 15m. (Marije Siemensma, pers. commn., WKSWGY 2012-draft).

ICES WGBYC (2011, 2012-draft) agreed that "electronic monitoring appears to be a very cost-effective and reliable way to determine bycatch rates of protected species (provided fishers can be persuaded to adopt the system". The main advantages includes full coverage of all net hauls, control of use of pinger although not their functionality, price compared to onboard observer, reliability, rapid technological improvement in hardware and software. European Parliament (2010) notes that remote monitoring using CCTV is well suited to monitoring rare events such as cetacean bycatch and should be considered in the future.

Other monitoring

Norway: This is reported by the Bycatch WG, which has as a ToR "*to report results of scientific studies on bycatch*". In summary, two gillnetters in each of the 9 Norwegian coastal sectors (area IIa, IVa and IIIa) were selected and contracted for providing detailed data on effort and catch of all species including marine mammals and birds. The model developed for predicting bycatch for the whole coastal gillnetter fleet targeting cod and anglerfish gave annual bycatches of 6,900 harbour porpoises (Bjørge and et al. 2011, WKBYC 19_4-06).

The Norwegian study, endorsed by the WGBYC Scientific Committee in 2011, was successful in monitoring bycatch in commercial vessels of less than 15m length without the need to take independent observers on board. It revealed a high level of bycatch in this smaller vessel fishery giving raise to concerns. It underlines strongly the need of monitoring the smaller vessel segment of the fleet, inclusive the recreational and semi-professional segments, over the whole NS region, if one want to get a reliable overview of the bycatch problematic.

France: Interviews in the population as been carried out in an attempt for identifying and qualifying the fishing pressure of recreational fisheries. Analysis must identify whether the length of the nets used can be estimated from these interviews. This represents the only reported attempt of monitoring recreational fisheries in the NS range states (Appendix 6, action 3).

4.4 Regular evaluation of all fisheries with respect to extent of harbour porpoise bycatch (NAP action 4)

ICES 2012 will provide a summary of all bycatch estimates collated under 812/2004 from the WGBYC database from 2004 to 2010 by metier level 3, country and fishing areas.

Table 1 presents an update of table 4 from the NS Conservation Plan with the available harbour porpoise bycatch information, taken from various sources, and mostly emanating from monitoring under 812/2004.

The comparison of the older data supporting the NS Action Plan (latest data from 2007) and the present situation were most cells are filled with 0 annual bycatch can be interpreted in two contradictory ways: 1) the table reports a true overall picture of the bycatch in the North Sea and the pressure is much reduced compared with the situation in the period approx. 2000-2005. Bycatch is high in the Norwegian part of the North Sea, but there are no numbers to compare them with.
2) the table does not report a true picture of the overall bycatch situation. The monitoring schemes are mostly reporting zero-bycatch in recent years, except in some UK segments, but this is not an indication that by-catch is not occurring, simply because the wrong section of the fleet are monitored.

Summing up, the situation in the North Sea remains at present very unclear. There is a total lack of information for several fisheries susceptible or believed to have a high level of by-catch. A good example of these is given by the Norwegian study reporting high level of by-catch in smaller vessels fisheries, when this segment is precisely very little documented elsewhere. Haelters and Camphuysen (2009) report substantial bycatch observed along the coasts of Belgium and the Netherlands. There has been in increasing rate of strandings in the Netherlands in recent years, and among them a high rate is diagnosed as by-caught as illustrated under point 4.9 (See also Camphuysen & Siemensma 2011 for a review).

ICES WGBYC (2011) noted that "at present EU Member States largely re-strict any sampling to that specified in Regulation 812, although other fleet segments may be more appropriate to monitoring. Some fleets are there-fore probably being monitored too much and others too little. Specifically, for example, not enough monitoring of set-net fisheries in IVc is currently being undertaken as this is not mandated under Regulation 812".

ICES WGBYC (2011) continued proposing to tackle the bycatch issue in a different way, repeating its recommendation that "bycatch monitoring schemes should have more flexible targets not necessarily with the aim of providing total bycatch estimates with predetermined CVs, but should rather aim to ascertain whether or not bycatch rates in specific fisheries are likely to rep-resent a conservation problem" (ICES 2011b).

Northridge (2011) also conclude that "It is clear that these totals provide only a very patchy overview of total cetacean bycatches in Europe for several reasons: firstly, for several fisheries even where bycatches have been observed, data have been deemed too patchy or unrepresentative to provide a reliable bycatch estimate; secondly because only a minority of fisheries has been sampled, and thirdly because most of the attention is being devoted to over 15m vessels that form a minority of the fleet, for gillnets at least. It is also worth noting that several member states either do not currently have bycatch monitoring schemes at all (i.e. are ignoring the regulation), or include protected species bycatch monitoring under other monitoring activities (fish discard or biology schemes) which may compromise their efficiency."

Table 1.5 Summary of past and recent bycatch information for harbour porpoises – update from Table 4.1 in the PP.

Original part: Legend unchanged

Updated part: ** approximate figures extrapolated from graph and. Both are included in the number given in the first line. Numbers in bracket are CVs.

Greater Region	ICES area	Country	Main gear type	Target species	Size of fisheries	Estim. method	Year	Estimated annual bycatch	Year	Reported estimated annual bycatch	Sources
Norwegian coastal waters	IIa, IVa, IIIa	NO	bottom-set gillnets coastal fisheries vessel <15m	Angler fish, cod, mixed fisheries	7000 vessels	18 contracted vessels			2006 2007 2008	6900	Bjørge et al. 2011
Norwegian coastal North Sea waters	IVa		bottom-set gillnets coastal fisheries vessel <15m	Angler fish, cod, mixed fisheries		4 contracted vessels	2006	Not yet available	2006 2007 2008	750**	Bjørge et al. 2011
Norwegian Skagerrak	IIIa		bottom-set gillnets coastal fisheries vessel <15m	Angler fish, cod, mixed fisheries		2 contracted vessels	2006	Not yet available	2006 2007 2008	300**	Bjørge et al. 2011
Kat./IDW/ German Baltic	IIIa	SE	bottom trawls pelagic trawls trammel nets gillnets	herring lumpfish sole, cod, crab		fishers interviews	2001	80 11 8 70	2009	No programme	ICES (2011b)
Skagerrak	IIIa	SE	gillnets, trammel nets, pelagic trawls bottom trawls	cod		fishers interviews	2001	20 25	2009	No programme	ICES (2011b)
	IIIa	DK	all gillnets						2009	0	ICES (2011b)
North sea	IV	UK	set nets	cod, skate, turbot, sole, monkfish, dogfish			1995 - 2002	439 [371-640]	2005-2009	0	Northridge & Kingston (2010)
		UK	pelagic trawl	herring, mackerel							
		DK	wreck nets, gillnets	cod, hake, turbot, plaice, sole	very large	observer program	1987 - 2002	5,817/ 5,591*			
Central &	IVb	DK	all gillnets						2009	2 hp	ICES (2011b)

Greater Region	ICES area	Country	Main gear type	Target species	Size of fisheries	Estim. method	Year	Estimated annual bycatch	Year	Reported estimated annual bycatch	Sources
Southern North Sea	IV b	D	gillnets	cod, turbot, sole, other demersal fish	small	observer program	2002 - 2003	25-30		Tot rep. No programme	ICES (2011b)
	IVc	BE	gillnets gill + trammel nets	sole, plaice, cod		Strandings	2003-2007	90 Tot rep.	2009	0	ICES (2011b)
	IVc	NL	gillnets	unknown	unknown	Strandings	2003 & 2004	100			
Celtic Shelf (incl. Channel)	VIId	NL	OTM, PTM	hake	medium	Observer program	August 1992 – March 1994	740 [383-1097]	2009	0	ICES (2011b)
	VII e, f	UK	gillnets tangle nets wreck nets gill + tangle nets	hake and other white fish			2005 / 2006	453 / 728	2009	791 (cv=0.31) VIIdefgh	ICES (2011b) Northridge & Kingston (2010)
	VII e, h	FR	PTM						2009	0	AC18/Doc.2-04 to ASCOBANS
	VII	UK	all						2008 2009	838 616 (cv=0.16)	AC18/Doc.4-05 to ASCOBANS
North Sea	IIIa, IV, VIIed	All	All vessels > 15 m						2010	0	ICES (2012-draft)
	IIIa	DK	DK Vessels < 15 m							7 Tot rep.	Danish Directorate of Fishery (2011)
	IV VIId									8 Tot rep.	

The UK similarly concluded that the situation in the North Sea was unclear in its 2011 report under 812/2004 (Northridge et al. 2011):

"The principal area of concern for cetacean bycatch remains the south-western waters of the Western Channel and Celtic Sea. The situation in the North Sea remains unclear as only one porpoise has been reported caught among 582 observed hauls in the past four years. Monitoring is now being focused on these two areas and as sufficient data are compiled, more robust estimates of current bycatch rates will become available.

…The UK is now undertaking more limited monitoring in its pelagic trawl fleets, except where cetacean bycatch is known to be a concern, or where there is insufficient information to form an assessment of likely take rates. Most sampling effort is now directed at under 15m vessels using static gears in subareas VIId and IV, while the over 12m vessels that are involved in ongoing trials of acoustic mitigation devices are also subject to ongoing collaborative study.

…Although there is at present no evidence of a major conservation issue for either common dolphins or porpoises in our waters, the UK is committed to reducing cetacean bycatch to the lowest level possible and to sustainable fishing practices that minimise damage to the environment, with an overall vision for clean, healthy, productive and biodiverse seas".

The need for a flexible approach has been emphasised for both monitoring and mitigation measures (European Parliament 2010, ICES 2010abc, 2011b), in particularly in view of the changes in porpoise distribution patterns in recent years (Hammond et al. 2002, SCANS-II 2008, Vinther 2010).

4.5 Review of current pingers, development of alternative pingers and gear modifications (Action 5)

This item has been thoroughly reviewed by the previous coordinators (Leaper & Papastavrou, 2010). We will here only refer to the review performed by the ICES WGBYC (2010c, 2011b), as well as to the information provided by WD 19_4-06.

The UK has applied for derogation (under Article 3 of Regulation 812/2004) in order to trial an alternative pinger device with different specifications. Much of the UK research has, and will continue to focus on the harbour porpoise. Initial evidence has been very encouraging; with the devices proving safe to use and significantly reducing harbour porpoise bycatch.

The Belgian project WAKO II[6] running in 2009-2011 targeted an integrated assessment of direct ecosystem effects of trammel net and beam trawl fisheries for the Belgian part of the North Sea (BPNS), inclusive bycatch. The 4 workpackages are (1) quantification of the major direct, short-term effects of trammel net and beam trawl fisheries at the BPNS, (2) the development and application of a methodology for a sensitivity assessment of key species of each of the ecosystem components (endo-, epifauna, fish, seabirds and marine mammals), (3) the making of spatio-temporal distribution maps of these key species and (4) the integration of sensitivity maps of the key species and fishing effort.

4.6 Finalise a management procedure approach for determining maximum allowable bycatch limits in the region (Action 6)

The information coming from the two countries having made comments is directly lifted from Appendix 6.

Belgium

As the range of the harbour porpoise population in the North Sea is far greater than Belgian waters, this should be discussed at an international level. However, the maximum bycatch level has been proposed as 1.7% of the population present in Belgian waters in the framework of the Conservation Objectives for protected species and habitats – consistent with WG and SCANS proposals. This level will also be discussed in the national

[6] http://www.belspo.be/belspo/ssd/science/projects/WAKO%20II_EN.pdf

implementation of the MSFD. It will take account of the seasonal occurrence of the harbour porpoise in Belgian waters, and with recreational and professional fisheries.

United Kingdom

Work to finalise a management procedure for determining maximum allowable anthropogenic removals for harbour porpoises is ongoing. It has been recognised by regulators, statutory nature conservation advisors and scientific experts that additional work will be required in order to establish a management procedure approach for cetaceans in general. In particular, we would need:

- Improved cetacean abundance and distribution data including trend data;
- Some sort of estimate of population size at carrying capacity;
- Refine approaches for predicting population level effects; and
- Refine acceptable limits of disturbance.

Work on this topic is currently driven by the uncertainties surrounding the risks of population level effects on European Protected Species (EPS) from offshore wind farm proposals. When advising on license applications, regulators and the statutory nature conservation agencies will need to articulate what we believe injuring and/or disturbing EPS will mean for their Favourable Conservation Status (FCS), i.e. we need to assess what number of individuals could be 'removed' from the population through injury or disturbance without compromising its FCS.

In order to inform the consenting process for offshore wind farms, the statutory nature conservation advisors have submitted a document to relevant consenting authorities which contains our recommendations on what we think is required in order to effectively detect and manage cumulative impacts from offshore wind farms on marine mammal populations, particularly harbour porpoise. This includes the identification of suitable approaches to tackle key knowledge gaps including approaches for predicting population level effects and defining acceptable limits for disturbance. Currently, the UK is waiting for the regulator's responses to the recommendations.

4.7 Monitoring trends in distribution and abundance of hp in the NSA (OSPAR action 7)

Large scale NS surveys

The SCANS NS surveys (Hammond et al 2002 and SCANS-II 2008) have shown that the abundance of harbour porpoise in the North Sea during July 2005 SCANS-II surveys was not significantly different from the estimate generated from the July 1994 SCANS NS surveys. However, a large-scale southward shift in distribution was evident with densities of porpoises in the southern North Sea being much higher than in the north in 2005, compared with the opposite pattern in 1994.

No synoptic larger scale surveys have been undertaken since 2005.

Small scale NS surveys

Finer scale information on abundance and distribution is essential to assess the impact of several anthropogenic threats other than bycatch and as a basis for management plans to ensure the favorable conservation status of these species in the framework in particular of local management as for example in SACs. Many initiatives have been taken recently at different time of the year within the North Sea. We report here on those carried out in 2010 and 2011, as well as future ones.

2010 Two aerial surveys were carried out in the northeastern part of the German North Sea, in the area of the pSCI Sylt Outer Reef. In June 2010, an effort of 1.660 km could be achieved and a total of 309 harbour porpoise sightings (381 individuals, of these 33 calves) were recorded. In July 2011, effort has been comparable with 1.620 km, but the sighting rate was much lower: a total of 127 sightings with 150 individuals (of these 5 calves) were recorded. (ASCOBANS/AC/18_2-05).

In spring 2010, a second monitoring survey covering the coastal waters of Lower Saxony[7] was carried out using standard line-transect-methods. As in 2008, the results showed a higher density of harbour porpoises in the western part than in the eastern part of the area. In general, the densities were lower than in 2008 for reasons unknown. (ASCOBANS 18_2-05).

Five dedicated aerial surveys were carried out in the southwestern part of the German North Sea and in parts of the neighboring Dutch waters as part of the research around the offshore test field "alpha Ventus" in 2010. Between March and October, a total of 6.500 km were covered on effort and a total of 597 harbour porpoise sightings (730 individuals, of these 34 calves) were recorded. The highest density has been estimated in June 2010, the lowest in October 2010. (ASCOBANS 18_2-05).

Two aerial surveys were carried out in the area of the West Frisian Islands, in April and May 2010. These surveys in the coastal sea revealed a high density of harbour porpoises in May, with a pronounced west-east gradient. (ASCOBANS 18_2-05).

Seawatching continued in nearshore areas in Holland providing information on population trends and seasonal patterns in coastal waters (See Camphuysen & Siemensma 2011 for a review).

As in 2009, a dedicated aerial survey was conducted in March 2010, providing a coverage of 80% of the Dutch sector, compared with 50% the year before (Scheidat et al. 2011).

In Belgium waters, a regular monitoring of the presence and distribution of harbour porpoises was performed, amongst others in the framework of the evaluation of the effects of the construction and operation of offshore wind farms, using aerial surveys (distance sampling) and passive acoustic monitoring (C-PODs) (Haelters et al. 2011).

2011 The Cetacean Research and Rescue Unit conducts systematic line-transect surveys along a 82 km stretch of coastline in the southern Moray Firth between May and October, aimed mainly at minke whales but recording all cetaceans (Appendix 6, section point 7).

Two surveys have been conducted in 2011 on the Dogger Bank and adjacent areas (UK, NL, DK, DE waters) in order to investigate the importance of this marine feature as an habitat for marine mammals. A dedicated aerial line transect survey was conducted in summer (Gilles et al. 2011, ASCOBANS 19_5-08). The highest encounter rates were achieved in UK and Danish/German waters. Highest porpoise density was estimated for the western and north-eastern part of the survey area whereas over the sandbank itself and to the southeast relatively low densities were estimated. IFAW conducted a boat-based acoustic and visual line transects survey for harbour porpoises was conducted during winter 2011 over the Dogger Bank and southern North Sea in UK, Dutch, Danish and German waters (Lucknell 2011, ASCOBANS 19_5-03). The weather impacted the visual weather and the analysis of the acoustic survey is presently carried out. Only 13 thirteen sightings of harbour porpoises were made but the preliminary analysis of acoustic data indicates at least 50 times more detections than sightings.

In Belgium waters, the estimates of harbour porpoise densities (aerial surveys) in early spring 2011 were the highest ever recorded (ASCOBANS 19_2-01), with average densities in March estimated at 2 to 3 harbour porpoises per km² (Haelters et al., 2012, in press). Anecdotal reports also indicated that harbour porpoises were commonly encountered during summer months.

IFAW conducted a survey in May-June in the French and British waters of the English Channel (Marine Conservation Research International, 2011). The distribution of harbour porpoises in the Channel appears to be linked to depth, with the majority of encounters occurring in depths of 50-100 metres. In addition, most of the harbour porpoise encounters occurred in the western area of the Channel, away from the major shipping lanes and shallow uniform topography of the eastern channel.

2012 A shipboard sighting survey is planned for the summer 2012 mainly for covering the GAP area with regards to the Gap area Plan, but which likely also cover the Skagerrak area. (ASCOBANS 19_4-02).

[7] http://www.wattenmeer-nationalpark.de/nds

In France, in relation with the MP's the acoustic detection of porpoises has been done experimentally in 2011 and will be operational in 2012. A series of dedicated aerial surveys will be conducted from summer 2011 to winter 2012-13 covering the entire EEZ. They will be divided into several layers including a coastal layer encompassing the majority of the Natura 2000 sites (PELAGIS-OMM 2012).

All the recent aerial surveys are following the methodology defined in SCANS-II (2008) and a synoptic presentation of their results would provide a large coverage of the southern North Sea.

4.8 Review of the stock structure of harbour porpoises in the region

The SCANS surveys have made in evidence a large-scale southward shift in distribution with densities of porpoises in the southern North Sea being much higher than in the north in 2005, compared with the opposite pattern in 1994. This tendency has been confirmed with a comeback of porpoises in the early 21st century in Belgian and Dutch waters, as well as in the Channel, where it was close to local extinction (for a review see Camphuysen & Siemensma 2011).

In France, the University of Brest and Oceanopolis are currently analyzing the genetic polymorphisms at a fragment of the mitochondrial control region (mtDNA CR) and at 7 nuclear microsatellite loci for 52 animals stranded and by-caught between 2000 and 2010 along Atlantic French coasts. The analysis of nuclear and mitochondrial genomes led to contrasting results. The mtDNA revealed two genetically distinct groups, one closely related to the Iberian and African harbour porpoises, and the second group related to individuals from the more northern waters of Europe. In contrast, nuclear polymorphisms did not retrieve such a group distinction. Nuclear markers suggested that harbour porpoises behaved as a random mating unit along the Atlantic coasts of France. The difference between the two kinds of markers can probably be explained by the difference in their heritability, the mtDNA being maternally inherited in contrast to nuclear loci that are bi-parentally inherited. The results provide evidence that a major proportion of the animals sampled are admixed individuals from the two genetically distinct populations previously identified along the Iberian coasts and in the North-East Atlantic. The French Atlantic coasts are clearly the place where these two previously separated populations of harbour porpoises are now meeting. It's strongly suspected that the present shifts in distribution of harbour porpoises around French coasts may be caused by habitat changes that will need to be further studied (Appendix 6, action point 8).

Sveegaard et al (2011ab) and Teilmann et al (2011) confirms the presence of three separate harbour porpoise populations in the waters between the North Sea and the Baltic Sea using telemetry data and acoustic surveys. The three populations inhabit 1) the North Sea and Skager-rak, 2) the Kattegat, the Belt Sea, the Sound and the Western Baltic (named the Belt Sea Population) and 3) the Inner Baltic, respectively. These results endorse the three management units proposed by ICES/NAMMCO/HELCOM for this region – 1) the Northeastern North Sea and Skagerrak, 2) Inner Danish waters and 3) Baltic Sea (ICES WGMM 2010).

4.9 Collection of incidental porpoise catch data through stranding networks (EP action 8)

All the 7 North Sea range States have organized stranding networks and report stranding events to ICES/NS, although not always the most useful way. A change in format is recommended, in particular separating the reporting by ICES/NS areas.

There is no general North Sea stranding database and a workshop was organized at the ECS conference at Cádiz, Spain, in 2011, to discuss the feasibility and use of an ICES/NS-wide database on strandings (Jauniaux et al 2011).

Strandings and the identification of the proportion of bycaught animals among them can help revealing a bycatch issue, as it has been the case for example in Holland (e.g. Camphuysen & Siemensma 2011 for a

review). They provide the minimum number of porpoises being by-caught. In its 2011 report ICES WGBYC (2011) notes "that strandings can sometimes provide a useful way of identifying potential bycatch problems and could be used as a start to develop monitoring programmes to investigate bycatch in specific times or areas and specific fisheries more thoroughly".

Appendix 7, which is not completed, collates the number of strandings in the North Sea, the proportion of porpoises necropsied and the proportion of them diagnosed as by-caught in the last five years, thus contributing to minimal bycatch figures for the area.

4.10 Investigation of the health, nutritional status and diet of harbour porpoises in the region

Only limited effort has been devoted to this action by the coordinator and we refer to the review of Camphuysen & Siemensma 2011.

The seven North Sea range states use similar necropsy protocols and by-catch diagnoses (Kuiken & Garcia Hartmann 1992, 1993; Kuiken 1994ab). However, necropsy of stranded or by-caught animals are not performed in a systematic way in all countries. Denmark does not for example, most animals being simply destroyed. In Germany funding for health studies and pathological investigations have been very reduced in the last years, only allowing to examine 5-10 porpoises and stopped in 2011 (Siebert, pers. commn.). Several range states perform, at different level, studies on health and diet.

Diet studies from 24 stranded porpoises have been conducted in Belgium (Appendix 6 – Action 10, Haelters et al. 2011). Around 50 more stomach contents will be analyzed during a follow-up project in 2012. Sveegaard (2011) analysed the spatial and temporal distribution of harbour porpoises in relation to their prey.

In UK (Appendix, action 10), the SIP carries out necropsies on a sample of stranded porpoises each year, which provide indications on the health, nutritional status and diet of harbour porpoises in the region. Additional projects are looking at the health of harbour porpoises and other cetaceans in UK waters. These include: '*Effects of Contaminants on Reproduction in Small Cetaceans*', a phased project to investigate the effects of contaminants on the reproductive output in males and females (St. Andrews University). Additional summary information on actions 9 and 10 is also available in Charting Progress II[8], a comprehensive report on the state of the UK seas.

Bacteriological studies have continued in Belgium (e.g. Jauniaux et al. 2011a) and Jauniaux et al. (2011b) looked at the relationship between biological, pathological and toxicological parameters and the cause of death in harbour porpoises stranded on the coast of Belgium and northern France. In Denmark, Galathius et al. (2011) analysed the repartition and temporal variations of perfluorochemicals in harbour porpoises from the Danish part of the North Sea by-caught between 1980 and 2005.

4.11 Investigation of the effects of anthropogenic sounds on harbour porpoises

This task has not been given priority so far, as it is also taken thoroughly up under over ASCOBANS fora, e.g., the Intersessional Working Group on the Assessment of Acoustic Disturbance (ASCOBANS 2010) and the Noise Working Group (ASCOBANS 2011).

Studies have been continuing in Belgium (military activities with a report available in 2012, and wind farms, Appendix 6 Action 11), in Germany (wind farms, e.g. Scheidat et al. 2011, Denmark (wind farms, e.g. Brandt et al. 2011), the Netherlands (military sonar, e.g. Kastelein et al. 2011abc), UK (seismic surveys, noise propagation, e.g. Thompson et al. 2011).

[8] http://chartingprogress.defra.gov.uk/cetaceans

efra and the UK Ministry of efence have set up a Military Underwater Sound Stakeholder forum which gives the opportunity for industry, non-government organizations and other interested stakeholders to engage directly with government to raise their concerns (ppendix 6, action 11). efra committed to working with JN to produce guidance on deliberate disturbance and injury following the making of the Offshore Marine Regulations 2007 (ppendix 6 action 11). The guidance[9] document illustrates a preventative approach to ensure the strict protection of PS in their natural range as required by rticle 12 of the Habitats irective.

4.12 ollection and archiving of data on anthropogenic activities and development of a GIS.

No progress was made by the coordinator under this task.

Progress have been made in elgium in the framework of the projects WKO II and WKO III, funded by the Federal Science Policy, where an overview was made of the seasonal and spatial distribution of different fishing methods. The distribution of other human activities (eg. shipping) and their consequences (e.g. eutrophication) are also assessed in other fora. However, data on anthropogenic activities are not assessed in elgium with the specific aim to assist in the conservation of small cetaceans.

Summary information on actions 9 and 10 is also available for the UK in harting Progress II[10], a comprehensive report on the state of the UK seas.

5. General remarks and proposed work plan

It was stated in the P that 1) Major information gaps needs to be filled for fully assessing the situation and being able to recommend effective and adequate conservation measures, this both with respect of the harbour porpoise itself (feeding ecology, behaviour around nets) and the human activities it is subject to and their actual/potential impact; 2) Monitoring was essential for informing trends in the conservation status (i.e. in the species, the threats, the implementation and efficiency of the mitigation measures) and informing the effectiveness of the management actions, and if necessary adjust them, to achieve the established conservation aims.

t present, the situation in the North Sea remains, for the least, unclear, with very patchy information in most domains and especially on bycatch level pressures.

learly,

- with a situation in the North Sea as unclear as it is regarding bycatch pressure,
- with concerns raised in the astern and Western hannel and the eltic Sea,
- with new results also raising concerns in the Norwegian North Sea and Skagerrak waters,
- with a lack of monitoring in many segments of the fleet, where an unknown but possibly/likely high bycatch occurs,
- with the results from a Norwegian survey in the northern North Sea in 2009 (Øien, 2010) suggesting further declines in this area relative to the SS NSII data in 2005,

it is essential to start planning the third synoptic survey of the North Sea for, at the latest, 2015, as recommended by SS NSII (2008).

In parallel, it is important that effort is made trending the SS s efficient in the protection of harbour porpoises (implementation, establishment of clear conservation objectives, etc…). Likely a common position on these would help, particularly in the ogger ank area. first step would be a review of the present situation in each country and the potential of the existing/coming SS s for harbour porpoise conservation. SWGMM (2011)

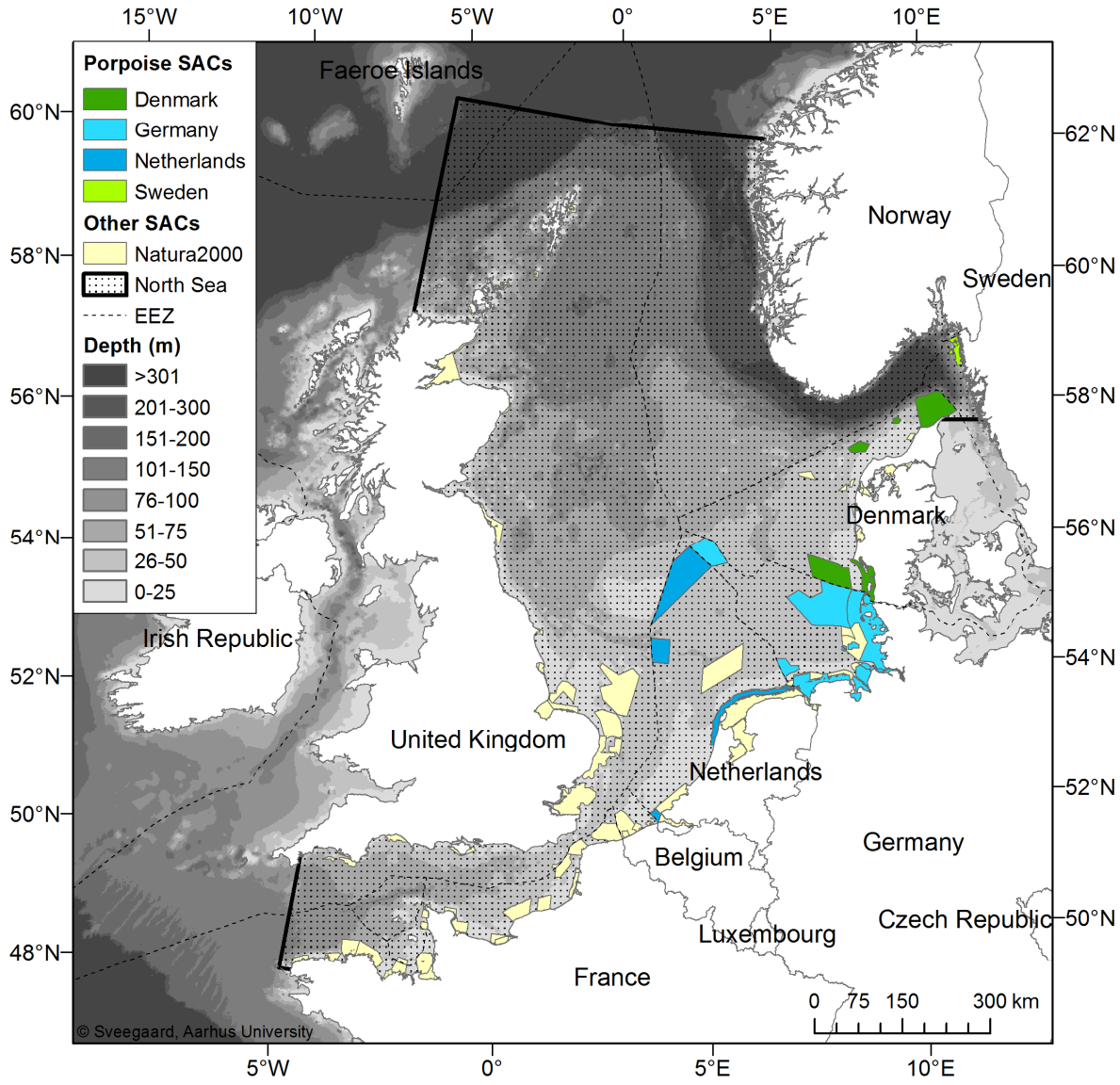
[9] http://jncc.defra.gov.uk/P F/consultation_epsGuidance isturbance_all.pdf

[10] http://chartingprogress.defra.gov.uk/chapter-4-clean-safe-seas

developed a catalogue of the Marine protected areas for marine mammals in the NS area and evaluated the efficiency of MPAs for cetaceans. At present, the SAC areas in the North Sea look as illustrated in Figure 1.

It is essential that the SG and NSCOBANS as large develop and propose to the European Commission specific plans for monitoring and mitigating bycatch of the harbour porpoise in the North Sea, as input to the CFP and MSF.

Figure 1. Present Natura 2000 areas in the North Sea. Thanks to Signe Sveegaard for having preparing the map.



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Appendix 1.

Answers given by parties to the North Sea SG to the SG action points identified at its last meeting in Bonn, May 2011.

Background

At its last meeting in May 2011 in Bonn, the NSSG identified four action points:

1. Each country should conduct and submit an inventory on the activities in regard to Harbour porpoise conservation in the North Sea, identifying the key persons involved. It was agreed that the 12 action points as identified in the OSPAR NSR Conservation Plan for Harbour Porpoises (*Phocoena phocoena* L.) as adopted at the 16th Meeting of the Parties to OSPAR NSR (2009) (Document 16/Doc.21 (WG)) will serve as the format for the inventory. (**P04**).
2. The New North Sea Plan Coordinator will be asked to attend the NSR meeting in Boulogne sur-Mer, France October 10th, 11th, 2011.
    - The chair of the SG will initiate contact to the NSR and announce the attendance and ensure the option for a ca. 15 minutes presentation to the meeting participants. (**P05**)
3. The new North Sea coordinator will be asked to prepare a paper that highlights the aspects of the Marine Strategy Framework Directive (MSFD) relevant for the NSSG, take into account ongoing national work. (**P06**)
    - The NSSG shall give guidance to the coordinator (**P07**). This paper shall help parties to prepare National Strategies of Implementation of the MSFD that would then also include the objectives of the OSPAR North Sea Plan.
4. Parties shall assist the new coordinator to reach relevant organisations, particularly fisheries, also including those operating small boats and inshore, e.g. by providing information on meetings and contacts details.

The SG agreed on a deadline for the above-mentioned actions, which is set to December 20th, 2011. Information will be sent to the new North Sea coordinator (with a copy to the chair of the SG).

Answers provided by member states to point 1, 3-4.

1. Each country should conduct and submit an inventory (to the North Sea coordinator) on the activities in regard to Harbour porpoise conservation in the North Sea, identifying the key persons involved. It was agreed that the 12 action points identified in the North Sea action Plan will serve as the format for the inventory. (P04)

Belgium: Provided.

Denmark: Not provided, although some documents were provided

France: **Partially** provided

Germany: Key documents sent by post, as a background for the German activities for the protection of harbour porpoises in the North Sea:
a) Brief information about our Federal Nature Conservation Act as legal frame of nature protection including harbour porpoise protection issues. (March 2010, 35pp)
b) Our National Strategy on biological diversity as the essential programme for Nature protection in marine areas too. (October 2007, 178pp)
c) (2006) on the protection of Marine Natura 2000 Sites (research and Protection for the North Sea and the Baltic Sea).
d) National Strategy for the Sustainable Use and Protection of the Seas. (September 2008, 65pp)
e) Report on the state of Nature by the German Federal Government for the 16th electoral term. (February 2009, 70pp)
Furthermore you might check our webpage www.bmu.de and click under English there you will find e.g. information concerning our "Ordinance on the Conservation of Species (Bundesartenschutzverordnung)".

Beyond the ongoing activities (cf. above and below) our next step in national implementation will be to focus on all actions and issues related to bycatch (in the Baltic Sea too). For this purpose we have arranged a meeting with our Ministry in charge of Fishery to clarify how to tackle the respective actions. The recent report of the Commission on the implementation of the Bycatch regulation (KOM (2011) 578 will give you an evaluation of the current situation. Please check for ongoing actions (like strandings and analysis of carcasses or sound protection, when granting allowances for marine Windparcs etc.) our previous annual reports too, which you will find on the BSO BNS webpage.

Netherlands: Not provided, but Action Plan 2011 provided

Sweden: Sweden has not yet compiled the Annual National Report of 2011. At this point we will have to refer to reports from earlier years. Attached you will find the report from 2010 and also the summary of the Swedish Action Plan 2008-2013.

UK: Provided, together with many relevant documents.

2. The new North Sea coordinator will be asked to prepare a paper that highlights the aspects of the Marine Strategy Framework Directive (MSFD) relevant for the NSSG, taken into account on-going national work (P06). The NSSG shall give guidance to the coordinator. This paper shall help parties to prepare National Strategies of Implementation of the MSFD that would then also include the objectives of the BSO BNS North Sea Plan. (P07)

Belgium: -
Denmark: -
France: -

Germany: The answer from Hans-Georg Neuhoff, MU unit W 15 in charge of the implementation of the Marine Strategy Framework Directive, is as follows. OSPAR is in the process of revising its document related to this question and is going to prepare a revised document for the meeting 13. (17.3.2012), it is preferable to wait for this document, because it will also be the subject of a discussion at the MU.

Netherlands: -

Sweden: The only suggestion at this time is that this question is kept open since the MSFD is still in its initial phase and MS are quite busy with the initial assessment right now. The question, however, certainly needs to be addressed when MS will formulate their Programmes of measures.

UK: On MSFD, we would highlight the need to make sure the relevant contacts responsible for implementation of the Directive in each Member State are made aware of this work – either through the different Regional Seas Conventions or via the EU level working groups i.e. WG-GES.

It would be useful for the MSFD to use relevant OSPAR NS targets for cetaceans. This was acknowledged in the recent OSPAR HASG-OSAM workshop where the proposals on by-catch in particular suggested using OSPAR NS agreed thresholds. Eunice Pinn has been leading the work on UK MSFD targets for cetaceans, including harbour porpoise, in order to ensure the two are aligned so he may be able to provide further information.

3. Parties shall assist the new coordinator to reach relevant organisations, particularly fisheries, also including those operating small boats and inshore, e.g. by providing information on meetings and contacts details.

Belgium: Contact given also to a beach fishery association (using gill and tangle net)

Denmark: Contact given to the Danish Fishery Organisation

France: -

Germany: Contact for the Deutscher Fischerei-Verband e.V. [Union der Berufs- und Sportfischer] [*German association of fishery registered organisation union of professional and recreational fishermen*] has been provided.

Netherlands: -

Sweden: Contacts for the Swedish Fishermen's Federation has been provided, incl. contacts to all the departments.

UK: **Contact have been provided for the** Marine Management Organisation (MMO) and the Association of Inshore Fisheries Conservation Agencies (IFCAs), with suggestion for a contact person.
You could also look at what IFCA Tand NIFCA are doing in terms of mitigating by catches for certain shark species as there may be some useful read across there. NIFCA is probably more relevant given the sea area it covers.

Appendix 2. Key persons in the conservation of harbour porpoises in the North Sea

The information in grey has not been received from the contactperson and may be inexact, especially with regards to fields of action.
Contact w. Fisheries: G, good and regular, e.g. through projects.

Institutes		Person	Relevance to HPNS Actions	Contact fisheries	email
S	Swedish University of Agricultural Sciences (SLU), Department of Aquatic Resources	Sara Königson	2, 3, 4, 5	G	sara.konigson@slu.se
		Sven-Gunnar Lunneryd	2, 3, 4, 5	G	sven-gunnar.lunneryd@slu.se
	Aquabiota Water Research	Julia Carlström	11 (SAMBAH)		julia.carlstrom@aquabiota.se
		Ida Karlén	11 (SAMBAH)		ida.carlen@aquabiota.se
	Kolmårdens Djurpark	Mats Amundin	(SAMBAH)		mats.amundin@kolmarden.com
	Swedish Museum of Natural History	Anna Roos	9, 10		anna.roos@nrm.se
	Swedish Species Information Center/Artportalen		Biodiversity		
	Swedish Agency for Marine and Water Management (SwAM)	Erland Letteval			erland.lettevall@havochvatten.se
	Swedish Defence Reserach Agency	Torbjörn Johansson	11		torbjorn.johansson@foi.se
DK	DTU Aqua - National Institute of Aquatic Resources, Section for Fisheries Advice - Technical University of Denmark	Finn Larsen	2, 3, 4, 5		fl@aqua.dtu.dk
		Lotte Kindt-Larsen	2, 3, 4, 5		lol@aqua.dtu.dk
	Aarhus University, National Environmental Research Institute	Jonas Teilmann	7, 11 (SAMBAH)		jte@dmu.dk.
	Fishery and Maritime Museum	Lasse Fast Jensen	9		lfj@fimus.dk
	Danish Nature Agency	Maj Munk	HP		MFM@nst.dk
	Fjord and Belt	Magnus Walberg			magnus@fjord-baelt.dk
D	Federal Agency for Nature Conservation (BfN),				
	Federal Maritime and Hydrographic Agency (BSH)				
	Federal Ministry of Defence				
	Research and Technology Center Westcoast (FTZ),				
	Büsum German Oceanographic Museum				
	Johann Heinrich von Thünen Institute for Sea Fisheries (vTI),				
	Lower Saxony State Office for Consumer Protection and Food Safety (LAVES) Institute for Fish and Fishery Products,				
	National Park Administrations Wadden Sea of Hamburg and Lower Saxony				

NL	Ministry of Economic Affairs, Agriculture & Innovation	Folchert van Dijken	Focal Point NSOONS & UROOTS		f.van.dijken@minlnv.nl
	IMARES Wageningen UR	Sanne van Sluis	Implementation Dutch MP		S.vansluis@mineleni.nl
		Meike Scheidat	Science		meike.scheidat@wur.nl
		Bram Couperus	Bycatch		Bram.Couperus@wur.nl
		Martine van den Heuvel-Greve	Chair SG North Sea MP		martine.vandenheuvel-greve@wur.nl
	Marine Science & Communication	Marije Siemensma	Co-author Dutch MP		m.siemensma@msandc.nl
	NIOZ	Kees Camphuysen	Co-author Dutch MP		kees.camphuysen@nioz.nl
BE	Royal Belgian Institute of Natural Sciences, Management Unit of the North Sea Mathematical Models (MUMM)	Jan Haelters	Science		j.haelters@mumm.ac.be
	Department of Agriculture and Fisheries	Jean-François Verhegghen	Fisheries adm.		jean-francois.verhegghen@lv.vlaanderen.be
	FOD Public Health, Food Safety and Environment, DG Environment, Marine Environment	Sopie Mirgaux	Nature Conservation		
FR	MEDDTL (Ministry of Environment)	Martine Bigan			martine.bigan@developpement-durable.gouv.fr
	IFREMER	Yvon Morizur	3,4,5		Yvon.Morizur@ifremer.fr
	MP Iroise	Cécile Lefeuvre	7,9		cecile.lefeuvre@aires-marines.fr
	PL GIS/Université de La Rochelle/ NRS	Vincent Ridoux			vincent.ridoux@univ-lr.fr
		Willy Dabin	3,7,8,9,10		willy.dabin@univ-lr.fr
	Oceanopolis/LMM	Sami Hassani	7,8,9		sami.hassani@oceanopolis.com
UK	Sea Mammal Research Unit	Simon Northridge	**2,3,4,5,6**		spn1@st-andrews.ac.uk
		I Kingston			ark10@st-andrews.ac.uk
	JNCC, Aberdeen	Eunice Pinn	**7**		eunice.pinn@jncc.gov.uk
	Cetacean Strandings Investigation Programme CSIP	Rob Deaville	**9,10**		rob.deaville@ioz.ac.uk
	JNCC/ FR	Sonia Mendes	Inventory & guidance on UW noise		Sonia.Mendes@jncc.gov.uk

ppendix 3. Information on fisheries organisation, focussing on those operating small boats and inshore fisheries

epresenting Pro: professional fisheries, Rec: recreational fisheries, **Sea-fisheries, **oast**al fisheries. Rep: Represented.

Fishermen's organisations			rea relevant to North Sea / other interesting details	**	**rea	Rep n NSR	Contact	
S	Sveriges Fiskares Riksförbund [Swedish Fishermen's Federation]	SFR	ept of the /Westcoast (Västkusten), vd.l 1-4,6,8-9,26	Pro		y	Henrik Svenberg, hair	henrik.svenberg@yrkesfiskarna.se
K	anmarks Fiskeriforening [Fisheries organisation]			Pro	Sea	y	Henrik S. Lund	hl@dkfisk.dk
	eutscher Fischerei-Verband e.V. Union der erufs- und Sportfischer [ssociation of Fishery Union of proffessional and recreational fishermen]		eutscher Fischerei-Verband e.V. Union der erufs- und Sportfischer	Pro Rec		n	Generalsekretär	deutscher-fischerei-verband@t-online.de
NL	Vissersbond [Fishermen's ssociation]		ontact for coastal bottom-set gillnet fisheries	Pro	ll	y	erk an erends	djtberends@vissersbond.nl
	P.O. Rederscentrale [Ship-Owner's Federation]			Pro		y	Lut Van de Velde	rederscentrale@online.be
	e Visschers van den Uytbank			Rec	coast	n		
FR	omité National des Pêches Maritimes et des levages Marins		omité National des Pêches Maritimes et des levages Marins	Pro	ll	Y	aroline Mangalo	cmangalo@comite-peches.fr
N	Inshore Fisheries and onservation uthorities	IF s	Kent & ssex, astern, North astern and Northumberland	Pro	coast	n	O, r Stephen olt	stephenbolt@association-ifca.org.uk
	Marine Management Organisation	MMO	http://www.marinemanagement.org.uk			n	laire owers, Fisheries Officer	laire.bowers@marinemanagement.gsi.gov.uk
S	Inshore Fisheries Groups	IFG	The South ast Scotland IFG	Pro	coast	n		

Appendix 4. International regulations and guidelines relevant to the conservation and management of harbour porpoises in the North Sea (NS)

Conventions, Agreements, Multilateral Environmental Agreements (MEA), Regulations and Directives			Date	Biodiversity	By-catch	Noise	Pollution	Litter	Climate changes	Sustainable use	Habitat conservation	Species conservation	welfare	Monitoring Fishing	Outcome
INTERNATIONAL	World Heritage Convention	(UNESCO) Convention concerning the protection of the World Cultural and Natural Heritage	1972							x					Recognizes the way in which people interact with nature, and the fundamental need to preserve the balance between the two. Constitution of the World Heritage List (incl. the Wadden Sea in 2009)
	London convention	(UN) London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter	1972				x	x							Promote effective control of all sources of marine pollution and take all practicable steps to prevent pollution of the sea by dumping of wastes
	CITES	(MEA) Convention on International Trade in Endangered Species of Wild Fauna and Flora - Washington Convention	1973									x			HP listed in Appendix II
	CMS	(UNEP) Convention on Migratory Species of Wild Animals - Bonn Convention	1979									x			HP listed on Appendix 2
	UNCLOS	(UN) Convention on the Law of the Sea	1982												
	CBD	(UN) Convention on Biological Diversity	1992	x						x					Ensure the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources, incl. by access to genetic resources and transfer of technologies, and by appropriate funding.
		(UN) Rio Earth Summit	1992		x							x			Addresses a.o. the problem of indiscriminate fishing methods
		(FAO) Code of Conduct for Responsible Fisheries	1994		x							x			as above
		(FAO) Rome Consensus on World Fisheries	1995		x							x			as above
	GPA	(UNEP) Global Programme of Action to Protect the Marine Environment from Land-Based Activities	1995				x	x							
	CMS	(UN) Convention on Migratory Species of Wild Animals, Resolution 6.2	1999		x							x			Bycatch as a major threat for migratory species. Requires parties to minimal incidental mortality
	CMS	(UN) Convention on Migratory Species of Wild Animals, Resolution 8.14	2005		x							x			Bycatch remains major threat. Requires additional efforts

	MS	(UN) onvention on Migratory Species of Wild nimals, Resolution x.xx	2008			x					x			nhamce the protection of cetaceans by avoiding or reducing underwater noise pollution.
UROP N	onn greement	(M) onn greement for ooperation in ealing with Pollution of the North Sea by Oil and Other Harmful Substances	1983				x							Provide active cooperation and mutual assistance among coastal States in combating pollution of the NS by oil and other harmful substances In order to protect the marine environment
	OSP R	(M) onvention for the Protection of the Marine nvironment of the North- ast tlantic	1992		x		x							Strengthen regional cooperation so as to prevent pollution of the marine environment of the North- ast tlantic. cological quality objectives (**coQOs)** Specifically annex V
	S O NS	(M) greement on the onservation of Small etaceans of the altic and North Seas	1993		x							x		Resolution on Incidental take of small cetaceans (nnex K)
	S O NS	Resolution 3	2000		x							x		Population should be kept or restored to 80%K. Total anthropogenic removal above 1.7% are unacceptable
	S O NS	Resolution 5	2006		x							x		Requires parties to implement national plans of actions for reducing bycatches
		(M) Trilateral Wadden Sea ooperation	2001		x							x		nnual bycatch of HP must be reduced to under 1% of the population size.
		(M) 5th Internationale onference for the Protection of the North Sea	2002		x							x		Presently the reduction of HP bycatch must be based on the 1.7% criteria.
OMMUN UT IR	erne onvention	ouncil ecision 82/72/ onvention on the onservation of uropean Wildlife and Natural Habitats in urope.	1979									x		HP on ppendix II (strictly protected fauna species)
	H	irective 92/43/ Habitats irective on the onservation of Natural Habitats and of Wild Fauna and Flora. onsolidated on Jan. 1, 2007.	1992	x							x	x		S s & Natural 2000, + strict protection measures + Monitoring of by-catch. **HP listed in nnex II and IV. oth Z and TW**
	R ( ) No. 338/97 of 9 ecember 1996		1996									x		On the protection of species of wild fauna and flora by regulating trade therein
		R ( ) No. 894/97 of 29 pril 1997. Official Journal 132/1.	1997									x		Prohibits the encirclement fishing with purse-seine nets and restricts the use of trawl nets geographically and seasonally
		R ( ) No. 850/98 & 1239/98, amending No. 894/97	1998											.o. protection of juveniles of marine organisme
	WF	irective 2000/60/ Water Framework irective	2000				x							efining "Good environmental quality G Q" nnex 5). Maintaining "high status" or achieving "good status" by 2015 in surface- and groudwaters. oth W and TW
	Ps	OM/2001/0162 iodiversity Strategy, adoption of 4 iodiversity ction Plans	2001	x	x					x	x			Halting the loss of biodiversity in urope, incl. an ction Plan on Fisheries
	Sixth P	Sixth ommunity nvironment ction Programme. ecision No 1600/2002/ , Official Journal 242/1.	2002	x				x	x	x	x			I ZM Strategy

OMMUN UT IR	FP	R( )No. 2371/2002. ommon Fisheries Policy (revision of the 1970 version).	2002							x	x			x	"Integration principle" of environmental protections & ecosystem-based approach to the management of fisheries resources
		R( )No. 2371/2002 on the conservation and sustainable development of fisheries resources under the ommon Fisheries Policy	2002		x										“specific measures to reduce the impact of fishing activities on marine ecosystems and non-target species”
	ycatch Regulation	R( ) 812/2004. mending R( ) No 88/98	2004		x								x			"Pinger regulation" + phaseout of driftnets in the altic
		Guidelines for the establishment of s in coastal and maritime regions, under H	2007												
		R( )No. 809/2007	2007												x	efining driftnet
	MSF	irective 2008/56/ Marine Strategy Framework irective.	2008			x	x	x			x					"nvironmental pillar" of uropean maritime policy. Good nvironmental Status, GS, for all U marine waters must be achieved by 2020. Key milestones in 2012, 2014 and 2016.
		R( )No. 199/2008	2008		x						x				x	Mandating a programme of data collection from fishing vessels, with no qualifications based on vessel size.
		R( )No. 407/2009 U Wildlife Trade Regulations	2009									x				omplying with modification in S, and replacing nnex of R( )No 338/97
		irective 2009/17/	2009												x	stablishing a ommunity vessel traffic monitoring and information system and setting timeline for IS requirements for different size of fishing vessel.
		R( )No 1224/2009	2009												x	stablishing a ommunity ontrol System for nsuring ompliance with the Rules of the FP. .o., from anuar 1, 2012, fishing vessels of between 12 15 metres’ length overall shall have a satellite-based vessel monitoring system
		Treaty of Lisbon, amending the TF U	2009											x		Fisheries are included amongst policies which need to take welfare into account (rticle 13)

References, among others:

15_35 (S)	Law and the onservation of the altic Harbour Porpoise:	
	Report for the S O NS astarnia Group	2008
	Dutch Action Plan	2011
17_4-05	Interim report from North Sea oordinators	2010
18_4-08	Final report from North Sea oordinators	2011
19_4-03	raft onservation Plan for the Harbour Porpoise in the Gap rea	2011

ppendix 5. National legislations/strategies in force to date and protecting HP in the North Sea directly or indirectly

Red: important steps; blue: new legislation. *Germany: Territorial Waters lies under the responsibility of the coastal Länder, while EEZ lies under the responsibility of the federal Government.

Range States	date	name	output	link
Sweden	2008	tgärdsprogram för tumlare 2008–2013	ction plan for the conservation of harbour porpoises in Swedish waters. im: the stocks of harbour porpoise in Swedish waters should recover to at least 80% of their carrying capacity by 2018.	http://www.naturvardsverket.se/ ocuments/publikationer/978-91-620-5846-3.pdf
	2008	"etter Management of the Marine nvironment" – Marine Spatial Planning, MSP	New planning system for Sweden's sea areas, guided by an ecosystem approach and based on marine spatial plans similar to the comprehensive plans for land areas and containing binding components in the form of fixed zones for use and protection.	http://www.unesco-ioc-marinesp.be/msp_practice/sweden
anmark	1996	Kgl. Kgl. Anordning nr. 45 af 21. januar 1994, modified by Kgl. Kgl. Anordning nr. 42 af 25. januar 1996	Marine mammals caught by any type of net and still alive should be released if they can survive, otherwise should be euthanised.	
	1998, revised 2005, next update due in 2010!	Handlingsplan for beskyttelse af marsvin [Action Plan for the Protection of Harbour Porpoises]		http://www.naturstyrelsen.dk/NR/rdonlyres/ 999 6 - 4 49-48 F- 00 - 9F 89 52 55/6912/Handlingsplan_marsvin.pdf
	2007	Kgl. nr. 901 af 11/07/2007	Protection of species. HP is totally protected	
*Germany	2005	Ordinance on the onservation of Species	mendment of the Federal Ordinance on the onservation of Species (undesartenschutzverordnung) and the adaption of further legal provisions. Strict protection of the HP	http://www.bmu.de/files/english/pdf/application/pdf/bartschvo_en.pdf
	2006	National Strategy for Integrated oastal Zone Management, ZM 2006	evelopping and preserving the coastal zone as an ecologically intact and economically prosperous area.	
	2007	Spatial planning for the German North Sea and altic Sea – MSP		http://www.unesco-ioc-marinesp.be/msp_practice/germany_north_baltic_seas
	2007	National Strategy on iological iversity 2007	Halt decline in iodiversity by 2010 species, genetic and habitat diversity. 1st national strategy implementing UN . Good ecological and chemical quality" in coastal region by 2015. GQ in all waters by 2020. ffective MP s in Z. Stock recovery plans for HP within S O NS. Promote eco-friendly catch methods. and ecolabelling for fisheries and fishery products.	
	2008	National Strategy for the Sustainable Use and protection of the Sea" National Marine Strategy"	Transposing MFS.	http://www.bmu.de/files/english/pdf/application/pdf/meeresstrategie_en_bf.pdf
	2009?	Renewed German Marine Monitoring Programme	evelopment of conservation monitoring in TW and Z	
	2010	New Federal Nature onservation ct 2010.	Nature onservation becomes the responsibility of the Federation. onserving iodiversity. Protecting the cultural and natural heritage. Strengthens marine nature conservation. Object of monitoring explicitly identified (incl. obligations arising H). pplicable both to Territorial and Z waters	Federal Ministry for the nvironment, Nature onservation and Nuclear Safety MU)

Netherlands	1998	Flora and Fauna & Nature Conservation Acts	Applying only to TW, not EZ. HP listed as species requiring the strictest protection. However all Dutch vessels are forbidden to catch and kill HP anywhere.	
	2002	Mining Act	No license required for seismic operation. Soft start is required under the Art. 2.1.1 of the Mining Regulation but no further measures (Observers, noise reduction) are compulsory.	
	2005	Integrated Management Plan for the North Sea 2015: IMPNS 2015 **MSP**	Achieve integration of all the NS-related conventions and agrements into a management strategy so that the entire spectrum of North Sea policy can be fully realised	http://www.unesco-ioc-marinesp.be/uploads/documentenbank/4cf76ef0978d9e21b00ffa0460eb0221.pdf
	2009	New Water Act	Licenses for offshore windparks require monitoring and all.	
	2009		an on recreational set-nets	http://www.everyoneweb.com/W/ataFilesstaandwant/factsheetstaandwant.pdf
	2011	**Conservation Plan for the Harbour Porpoise in the Netherlands: towards a favourable conservation status**		http://www.zeeinzicht.nl/docsN2000/NIOZ%20Report%202011-07%20LQ.pdf
Belgium	2001	Arrêté du 21 décembre 2001	a) Strict protection of HP (Art 3 & 5). **b) Obligation of release in case of live by-catch and of immediat reporting for all by-catches (Art 7 & 8)**	
	2001	Flemish legislation, Arrêté du 15 mai 2001	legal protection of porpoises.	
	2003	Spatial structure plan for the Belgian part of the North Sea **MSP**	First MSp implemented, but harbour porpoises are not mentionned.	http://www.unesco-ioc-marinesp.be/uploads/documentenbank/b29ecdecdd3c1025c24b1f6473656633.pdf
France	1999	Arrêté du 9 juillet 1999	Fixe la liste des espèces de vertébrés protégées menacées d'extinction en France et dont l'aire de répartition excède le territoire d'un département, incl. HP cited in Article 1.	
	2011	Arrêté du 1 juillet 2011 (abrogeant l'arrêté du 27 juillet 1995)	establish the list of species of marine mammals protected on the French territory and the clauses of their protection. a) Protection of HP & interdiction of destruction, alteration and degradation of reproductive sites and resting areas (Art. 2). **b) From January 1, 2012, obligation of reporting all by-catch of cetaceans and pinnipeds (Art. 4)**	
England/UK	2004	Order 2004 No. 3397: South-west Territorial Waters (Prohibition of Pair Trawling) Not included in the law of Scotland or Northern Ireland or apply in Wales.	Prohibiting pair trawling in Territorial Waters in SE area Vlle	http://www.legislation.gov.uk/uksi/2004/3397/pdfs/uksi_20043397_en.pdf
	2006	Law of April 14, 2006	creation and management of MP s	
	2008	Marine and Coastal Access Bill incl **MSP**	"developing a proactive and forward looking system for marine planning which can provide an holistic approach to managing and protecting the marine environment, address cumulative impacts and reduce uncertainty for developers"	http://www.unesco-ioc-marinesp.be/uploads/documentenbank/0c7c98cf1ba63321c1c2123136f27d5e.pdf
	2009		MMO get responsibility for implementing and enforcing bylaws (under section 129) and other management measures in current and new Marine Protected Areas.	
	2010	Marine Management Organisation (MMO)	It became responsible for certain marine nature conservation enforcement and management in the UK (incl. issuing and enforcement of the Marine Mammal Mitigation Protocols (MMMPS).	

ppendix 6. ollation of reported national activities with regard to HP conservation in the North Sea in recent years

(The information in grey was not provided by the contact person, but was collated from other sources)

ction 1: Implementation of the onservation Plan: Steering ommittee and co-ordinator

- **elgium:** For the moment, elgium is not in a position to contribute to funding this coordinator outside the funds already provided through the surplus on the budget.
- **enmark:** -
- **France:** -
- **Germany:** Germany was the party that had taken the first important step to get the coordinator financed.
- **Netherlands:** -
- **Sweden:** Sweden has not yet compiled the nnual National Report of 2011 and refers to reports from earlier years. ttached the 2010 report and the summary of the Swedish ction Plan 2008-2013.
- **UK:** -

ction 2: Implementation of existing regulations on bycatch of cetaceans

- **elgium:** The national reports to 812/2004 are attached to the national annual report. elgium implements 812/2004, but this legislation includes only few concrete measures in its waters. esides that, discussions on incidental catches in recreational beach fisheries continue between competent authorities and stakeholders.
- **enmark:** -
- **France:** -
- **Germany:** -
- **Netherlands:** -
- **Sweden:** -
- **UK:** The UK has implemented existing regulations (Habitats irective, U Regulation 812/2004) and focused work on two areas: development of measures to minimise cetacean bycatch; and on monitoring fisheries to estimate the total mortality of cetaceans in relevant UK fishing operations.

ction 3: stablishment of bycatch observation programmes on small vessel (<15m) and recreational fisheries

ycatch observation on small vessels is project-based, as it is not an obligation under 812/2004.

- **elgium:** ontacts with fishermen have been established to have bycaught animals reported, and if technically feasible to bring bycaught animals to port for scientific research purposes: although this remains fairly voluntary, and hardly any control is possible, this action is taken up in legislation (Royal ecree of 21 ecember 2001).
- **enmark:** -
- **France:** nglish hannel & South of North Sea-nets: Observations of vessels working with set nets was planned in western hannel and in astern hannel and South of North Sea during two years. The observations were done under the project FilMan et (Results published in 2011). ll vessels regardless of size were observed. For safety reason vessels less than 8 m are difficult to observe. Since Filman et is finished, regular observations are planned for set nets in the South of North Sea as this area is considered as an area of issues for interaction with fisheries.

  Since the end of 2011, a new programme named NP M M has been launched on the monitoring of the by-catch and the depredation in the Iroise Sea (Western rittany). The targeted fishery is mainly the monk fish set net fishery. This study result of a collaboration between the Iroise MP , the Fisheries representatives, the University of rest, the National Museum of Natural History and Oceanopolis.

- Pelagic vessels <15 meters are regularly observed in the Channel under the regulation 812/2004.
- synthesis of knowledge on by-catch in French areas was done under the MSF for the initial status of seas.
- For recreational fisheries, interviews of population were made at a national level in order to identify and qualify this fishing pressure. Studies have to be done in order to identify if the length of nets in the sea can be estimated from these interviews.

- **Germany:** -
- **Netherlands:** -
- **Sweden:** -
- **UK:** Funding has awarded to extend the pinger trial to include a further five over 12m boats in 2010. This will provide more data with which to test the efficiency of these devices in minimising bycatch. It will also assist in identifying and resolving operational issues.

Action 4: **Regular evaluation of all fisheries with respect to extent of porpoise bycatch**

- **Belgium:** Through voluntary reporting of bycatches, and through an analysis of the cause of death of stranded small cetaceans, efforts are made to evaluate bycatch of harbour porpoises and other marine mammals in Belgian waters (see national reports).
- **Denmark:** -
- **France:** See under Action 3
- **Germany:** -
- **Netherlands:** -
- **Sweden:** -
- **UK:** Since January 2010, the UK has devoted more of our monitoring resources into studying gear types and areas of greatest need. Work is currently focused on investigating the static net fisheries in both the North Sea and the South West. To allow us to make these changes, we have reduced monitoring levels in some pelagic trawl fisheries that were consistently showing zero bycatch (and so focussing on all *relevant* fisheries). Full details of this monitoring are in the attached 2010 report to the European **Commission.**

Action 5: **Review of current pingers, development of alternative pingers and gear modifications**

- **Belgium:** The current set net fishing fleet consists of only 3 to 5 vessels (operational full- or part-time) – this does not warrant extensive research actions in this field, although the use of pingers has been discussed with fishermen. If suitable pingers would be available, or if the use of pingers would become mandatory in Belgian waters for certain fisheries, this subject would be re-opened for discussion.
- **Denmark:** -
- **France:** No specific actions are taken by France on this item 5 at this time. s pingers were tested in the astern Channel & North Sea. ut no by-catch was observed in the equipped nets and in the non equipped nets. The by-catch rate is probably too low to to bring significant biological results. very new pingers arriving on the market will be tested.
- **Germany:** -
- **Netherlands:** -
- **Sweden:** -
- **UK:** The use of acoustic deterrent devices as specified under ouncil Regulation 812/2004 has been problematic for the UK but we are committed to resolving these problems. The UK has applied for derogation (under rticle 3 of Regulation 812/2004) in order to trial an alternative pinger device with different specifications.
- Much of our research has, and will continue to focus on the Harbour Porpoise. Initial evidence has been very encouraging; with the devices proving safe to use and significantly reducing harbour porpoise bycatch. **See reports attached under ctions 3 and 4.**

Action 6: **Finalise a management procedure approach for determining maximum allowable ycatch limit in the region**

- **elgium:** s the range of the harbour porpoise population in the North Sea is far greater than elgian waters, this should be discussed at an international level. However, the maximum bycatch level has been proposed as 1.7% of the population present in elgian waters in the framework of the onservation Objectives for protected species and habitats – consistent with W and S O NS proposals. This level will also be discussed in the national implementation of the MSF . It will take account of the seasonal occurrence of the harbour porpoise in elgian waters, and with recreational and professional fisheries.
- **enmark:** -
- **France:** -
- **Germany:** -
- **Netherlands:** -
- **Sweden:** -
- **UK:** Work to finalise a management procedure for determining maximum allowable anthropogenic removals for harbour porpoise is ongoing. It has been recognised by regulators, statutory nature conservation advisors and scientific experts that additional work will be required in order to establish a management procedure approach for cetaceans in general. In particular, we would need:
  - Improved cetacean abundance and distribution data including trend data;
  - Some sort of estimate of population size at carrying capacity;
  - Refine approaches for predicting population level effects; and
  - efine acceptable limits of disturbance.

  Work on this topic is currently driven by the uncertainties surrounding the risks of population level effects on uropean Protected Species (SP) from offshore windfarm proposals. When advising on licence applications, regulators and the statutory nature conservation agencies will need to articulate what we believe injuring and/or disturbing PS will mean for their Favourable onservation Status (F S), i.e. we need to assess what number of individuals could be 'removed' from the population through injury or disturbance without compromising its F S.

  In order to inform the consenting process for offshore wind farms, the statutory nature conservation advisors have submitted a document to relevant consenting authorities which contains our recommendations on what we think is required in order to effectively detect and manage cumulative impacts from offshore windfarms on marine mammal populations, particularly harbour porpoise. This includes the identification of suitable approaches to tackle key knowledge gaps including approaches for predicting population level effects and defining acceptable limits for disturbance. urrently, we are waiting for the regulator's responses to the recommendations.

ction 7: Monitoring trends in distribution and abundance of harbour porpoises in the region

- **elgium:** Regular monitoring is performed of the presence and distribution of harbour porpoises, amongst others in the framework of the evaluation of the effects of the construction and operation of offshore windfarms. Techniques used are aerial surveys (distance sampling) and passive acoustic monitoring (-Po s) (see monitoring reports offshore windfarms – available upon request).
- **enmark:** Partial funding to the ogger ank survey through NST (See below under Germany).
  - Svegaard (2011) og Svegaard et al. (2011) have used passive acoustic detectors for examining the distribution and abundance of porpoises in inner anish waters. The data from the acoustic studies are in good agreement with the results from earlier sightings surveys in the same areas and confirm that there are areas with higher and lower concentration of porpoises. The concentrations of porpoises both move and change according to season.
  - shipboard sighting survey is planned for the summer 2012 mainly for covering the G P rea with regards to the Gap rea Plan, but which likely also cover the Skagerrak area.
- **France:** Inside the French project FilMancet, sightings were regularly done by the NGO O M in the fishing area of south North sea & eastern hannel in order to improve the knowledge on geographical and seasonal distribution of porpoises in that area. This was done during two years. 146 porpoises were observed and 843 km of transects were achieved for

sightings. ensities are higher in winter than in summer. The geographical distribution is more coastal in summer. The interaction with set net fisheries is probably highly in spring.

The campaigns under the Program for the acquisition of knowledge on Seabirds and Marine Mammals from the French MP gency will cover, at the least, the entire xclusive conomic Zone and French mainland cological Protection reas by the means of 8 passages during a two-year period and will be divided into several "layers" including a coastal layer encompassing the majority of the Natura 2000 sites. Starting summer 2011, finishing winter 2012-2013.

Germany: n aerial survey was conducted on the ogger ank survey (Gilles et al 2011ab). The survey was mainly funded by the German Federal gency for Nature onservation (fN). Some additional costs (only charter) were funded by enmark (NST), UK (JN) and the Netherlands (Wageningen IM R S), which permitted enlarging the survey area. The final (German) monitoring report including the survey on the ogger ank as well as other surveys conducted in German/ anish waters will soon be available online.

Netherlands: Partial funding to the ogger ank survey through Wageningen IM R S (See above under Germany)

amphyusen (2011) has combined the distribution of porpoises in Holland from 1990 to 2010, from report of ornithologists. fter a dramatic increase up to 2006, the numbers have been very variable. It is difficult to determine whether this situation is due to an actual decrease or whether it is due to the way the observations were carried out.

Sweden: -

UK: Partial funding to the ogger ank survey through N . See above under Germany

vans (2010) carried out a trend analyses of strandings and other data (incidental sightings, bycatch…) on small cetaceans in the S O NS area, including the harbour porpoise. The ultimate aim was to provide on an annual basis an accessible, readable and succinct overview of trends in status, distribution and impacts of small cetaceans within the S O NS greement rea, combining data sets of different stakeholders and countries.

The N is a leading a collaborative project, the Joint etacean Protocol (J P), which will deliver information on the distribution, abundance and population trends of cetacean species occurring in NW uropean waters.

A variety of academic institutions and NGOs also undertake work on abundance and distribution of cetaceans in UK waters. These include:

- University of berdeen Lighthouse field Station conduct boat-based photo-I surveys in northeast Scotland for bottlenose dolphins as well as land-based visual and acoustic surveys of the behaviour and distribution of bottlenose dolphin and harbour porpoises in the Moray Firth.
- The etacean Research and Rescue Unit conducting systematic line-transect surveys along 82km stretch of coastline in the southern Moray Firth, carried out annually between May and October, aimed mainly at minke whales but recording all cetaceans.

Others: **IF W** conducted two ship surveys in 2011, both were combined acoustic and visual surveys.

The first one was conducted in May-June in French and ritish waters of the nglish hannel (Marine onservation Research International, 2011). The distribution of harbour porpoises in the hannel appears to be linked to depth, with the majority of encounters occurring in depths of 50-100 metres. In addition, most of the harbour porpoise encounters occurred in the western area of the hannel, away from the major shipping lanes and shallow uniform topography of the eastern channel.

The other one was conducted in November (19_5-03) to investigate the presence and distribution of harbour porpoises over the ogger ank and adjacent waters in the southern North Sea in UK, utch, anish and German waters. nalysis of the data is underway. The survey was supported by S O NS, Wagningen IM R S and WWF UK, and in coordination with German and elgian groups.

ction 8: **Review of the stock structure of harbour porpoises in the region**

elgium: ll washed ashore harbour porpoises are – depending on their condition – subjected to a thorough necropsy which includes sexing and an assessment of their age (newborn –

juvenile - adult). Teeth are extracted for more detailed ageing. In the field, mother-calf pairs observed during aerial surveys are noted down.

enmark: -

France: Field surveys have reported a global shift in harbour porpoise distribution in European waters during the last 15 years, including a come-back along the coasts of France. In a study in progress, the University of rest and Oceanopolis analyzed the genetic polymorphisms at a fragment of the mitochondrial control region (mt N R) and at 7 nuclear microsatellite loci for 52 animals stranded and by-caught between 2000 and 2010 along tlantic French coasts. The analysis of nuclear and mitochondrial genomes led to contrasting results. The mt N revealed two genetically distinct groups, one closely related to the Iberian and frican harbour porpoises, and the second group related to individuals from the more northern waters of urope. In contrast, nuclear polymorphisms did not retrieve such a group distinction. Nuclear markers suggested that harbour porpoises behaved as a random mating unit along the tlantic coasts of France. The difference between the two kinds of markers can probably be explained by the difference in their heritability, the mt N being maternally inherited in contrast to nuclear loci that are bi-parentally inherited. The results provide evidence that a major proportion of the animals sampled are admixed individuals from the two genetically distinct populations previously identified along the Iberian coasts and in the North ast tlantic. The French tlantic coasts are clearly the place where these two previously separated populations of harbour porpoises are now meeting. It's strongly suspected that the present shifts in distribution of harbour porpoises around French coasts may be caused by habitat changes that will need to be further studied.

Germany: -

Netherlands: -

Sweden: -

UK: -

ction 9: ollection of incidental porpoise catch data through stranding networks

elgium: This is fully implemented (and funded by the RINS): all stranded animals are subjected to a necropsy, with as one of the aims the identification of the cause of mortality.

enmark: 140 strandings of porpoises were reported in 2010 (Jensen 2011), including 14 females, 30 males and 96 of unknown sex. The number of stranded porpoises is very similar to the number reported in 2009, and it is therefore believed that the very high numbers reported in 2008 were a one-time phenomenon.

France: - RN (national stranding network) and project INP M M

Germany: -

Netherlands: -

Sweden: -

UK: UK Government funds the UK's etacean Stranding Investigation Programme (SIP). SIP holds data on over 10000 etaceans which were found stranded around the UK between 1990 and 2010. In addition, detailed pathological data is also held on over 2900 UK stranded etaceans which were necropsied by SIP during the same period. ata collected on strandings and during necropsies is now available to all on the N N gateway. The 2011 report is available at: http://ukstrandings.org/csip-reports/

ction 10: Investigation of the health, nutritional status and diet of harbour porpoises in the region

elgium: This is fully implemented in the work undertaken by the strandings network (e.g. Jauniaux et al. 2011). uring 2010-2011 and 2011-2012 a project on the diet of washed ashore porpoises (based on stomach contents) was/is being funded by the Federal Public Service for Health, Food hain Safety and nvironment (G5 - Marine nvironment), with specific reference to the SO NS North Sea Harbour Porpoise onservation Plan (initial report available upon request).

enmark:	Study conducted (e.g. Galatius et al. 2011)
France:	-RN (réseau national d'échouage). Projet INP M M
Germany:	-
Netherlands:	-
Sweden:	-
UK:	The SIP carries out necropsies on a sample of stranded cetaceans each year, this includes harbour porpoises. The necropsies give indications of the health, nutritional status and diet of harbour porpoises in the region.
	dditional research, some through direct funding from the UK Government, and some via S O NS has been made available for a number of other projects looking at the health of harbour porpoises and other cetaceans in UK waters. These include: *ffects of ontaminants on Reproduction in Small etaceans*', a phased project to investigate the effects of contaminants on the reproductive output in males and females (St. ndrews University).
	dditional summary information on actions 9 and 10 is also available in harting Progress II, a comprehensive report on the state of the UK seas: http://chartingprogress.defra.gov.uk/cetaceans

ction 11: Investigation of the effects of anthropogenic sounds on harbour porpoises

elgium:	The physical aspects of noise caused by the construction of offshore windfarms, as well as the possible effects on harbour porpoises are monitored. For the moment, no other human activities causing excessive underwater noise are monitored, although the Federal Public Service for Health, Food hain Safety and nvironment (G5 – Marine nvironment) funded a project in which the effects of military activities, including the detonation of ammunition at sea, were assessed (project report in preparation – available during 2012).
enmark:	Studies conducted (e.g. randt et al. 2011)
France:	-
Germany:	-
Netherlands:	Studies conducted (e.g. Scheidat et al. 2011, Kastelein et al. 2011abc).
Sweden:	-
UK:	Following S O NS request for Parties to introduce mitigation measures with respect to seismic surveys, the UK has presented data on 2 and 3 seismic survey activity in the UK maritime area for periods since 1997 at a number of S O NS dvisory ommittees and Meetings of the Parties over the past five years. The most recent update from the epartment of nergy and limate hange ( ) is in the 'Information on Seismic Survey ctivities by the United Kingdom 2008-2009' report. This report is available on request.
	recently prepared a report, jointly with the University of berdeen and Lighthouse Field Station, to provide the results of acoustic propagation modelling and prediction of underwater noise from seismic survey operations proposed for the Moray Firth region during 2010 and/or 2010. The report summarises operational and site specific data for the region based on the modelling of underwater noise propagating through the middle of the survey region. dditional modelling has also been undertaken to investigate the underwater noise propagating into shallower coastal waters inhabited by the bottlenose dolphin and porpoise. http://og.decc.gov.uk/assets/og/environment/mf-results2.pdf
	efra and the UK Ministry of efence (Mo) have set up a Military Underwater Sound Stakeholder forum. This gives the opportunity for industry, non-government organizations and other interested stakeholders to engage directly with government to raise their concerns. Most recently, these discussions have helped lead to the development of a real-time alert procedure for naval training operations. This enables local information on unusual cetacean sightings, e.g. the presence of a species group closer to shore than is usual, to be incorporated into the training schedule and for operations to be relocated if necessary.

- efra committed to working with N to produce guidance on deliberate disturbance and injury following the making of the Offshore Marine Regulations 2007. This guidance is intended to provide a resource for marine users, regulators, advisors, courts and the enforcement authorities when considering whether an offence of deliberately disturbing or injuring/killing a marine European Protected Species (EPS) is likely to occur or to have occurred as a result of an activity. The guidance document illustrates a preventative approach to ensure the strict protection of EPS in their natural range as required by rticle 12 of the Habitats irective.
- The guidance has been prepared with the input of Natural ngland, ountryside ouncil for Wales and the Welsh ssembly Government, and will have statutory significance in nglish, Welsh and UK offshore waters. It may also be used in Scottish and Northern Irish waters (and beyond) though it will not have statutory weight.
- The document will be reviewed periodically and amended to take into account emerging evidence and understanding. In addition, there are best practice guidelines (mandatory or voluntary) developed by the statutory nature conservation agencies for seismic surveys, pile driving and explosive use, which, is adopted appropriately, mitigate against the risk of auditory injury. http://jncc.defra.gov.uk/P F/consultation_epsGuidance isturbance_all.pdf

ction 12: ollection and archiving of data on anthropogenic activities and development of GIS

elgium: In the framework of the projects W KO I and W KO II, funded by the Federal Science Policy, an overview was made of the seasonal and spatial distribution of different fishing methods. The distribution of other human activities (eg. shipping) and their consequences (eg eutrophication) are assessed in other fora. No data on anthropogenic activities are assessed with the specific aim to assist in the conservation of small cetaceans.

enmark: -

France: -

Germany: -

Netherlands: -

Sweden: -

UK: -

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Appendix 7. Minimum number of harbour porpoises bycaught annually in the North Sea, calculated from the proportion of stranded animals diagnosed by-caucght.

"Reported stranded" include porpoises found dead at sea, but not bycaught porpoises delivered by fishers which are reported separatly. * numbers do not include porpoises found dead at sea

NS Harbour porpoise		S	K		NL	*	FR	UK
av. nbr. stranded/yr				117	496	74	85	
av. minimum bycaught/yr					305	30	29	
2007	Strandings			148	345	86	110	
	Necropsied					75	7	
	cause of death assessed					43	7	
	diagnosed bycaught (%)					14	4	
	% within sample					0.33	0.57	
	delivered by Fishers						3	
	annual minimum					**28**	**66**	
2008	Strandings			107	344	61	86	
	Necropsied					51	26	
	cause of death assessed					31	26	
	diagnosed bycaught (%)					13	11	
	% within sample					0.42	0.42	
	delivered by Fishers						3	
	annual minimum					**26**	**39**	
2009	Strandings			159	507	59	93	
	Necropsied				97	49	30	
	cause of death assessed				79	12	30	
	diagnosed bycaught (%)				39	7	10	
	% within sample				0.49	0.58	0.33	
	delivered by Fishers						4	
	annual minimum				**250**	**34**	**0**	
2010	Strandings			59	432	49	93	
	Necropsied				100	42	30	
	cause of death assessed				89	16	30	
	diagnosed bycaught (%)				24	5	10	
	% within sample				0.27	0.31	0.33	
	delivered by Fishers						1	
	annual minimum				**116**	**15**	**31**	
2011	Strandings			113	850	116	43	
	Necropsied				175	82	20	
	cause of death assessed				73	39	20	
	diagnosed bycaught (%)				47	14	3	
	% within sample				0.64	0.36	0.15	
	delivered by Fishers					5	0	
	annual minimum				**547**	**47**	**6**	