

# REPORT OF THE 6<sup>th</sup> ADVISORY COMMITTEE MEETING

ABERDEEN, UNITED KINGDOM  
12-14 APRIL 1999

## ***ASCOBANS***

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

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

### **1. Protected Areas for Small Cetaceans**

The PROTECTED AREAS WORKING GROUP shall prepare a report on protected areas for small cetaceans to be submitted to the OSPAR meeting in July. The final report for the next AC meeting shall include concrete ideas on the designation and implementation of protected areas for harbour porpoises and bottlenose dolphins.

The SECRETARIAT will clarify whether protected areas for small cetaceans can be designated within the framework of OSPAR, and how ASCOBANS could co-operate with OSPAR on this issue.

### **2. By-catch mitigation measures**

The SECRETARIAT will distribute the form for the collection of effort data to Parties and Range States, and encourage them to provide the necessary information to the Secretariat.

The STEERING GROUP will organise a workshop to provide guidance on the practicability of by-catch mitigation measures, according to Annex F.

The STEERING GROUP will contact various fisheries organisations and further investigate the Terms of Reference (see Annex F), in consultation with the relevant organisations.

Based on the results of this workshop, the SECRETARY, in consultation with the CHAIR and VICE-CHAIR, will submit a report to the European Commission drawing the Commission's attention to the by-catch problem and describing mitigation proposals.

The SECRETARIAT, in co-operation with the CHAIR and VICE-CHAIR, will also send a letter to DG XIV, addressing ASCOBANS' concerns about by-catch in relation to the planned revision of the Common Fisheries Policy.

### **3. Disturbance by seismic surveys**

TASKER shall forward details of the publication of the Seismic and Marine Mammal Workshop to the Secretariat as soon as it is available, for further distribution to the Parties.

PARTIES shall submit available information on location and extent of seismic activities in the ASCOBANS and neighbouring areas during 1997 and 1998, and on mitigation measures, before the end of 1999 to the Secretariat.

### **4. Disturbance by high-speed ferries**

The SECRETARIAT will continue to monitor information on high-speed ferries, including those outside the ASCOBANS area.

### **5. Post mortem research and stranding schemes**

BELGIUM, DENMARK and SWEDEN will provide data on post mortem schemes to the Secretariat soon.

### **6. Further survey and research needs**

An intersessional e-mail working group, established according to the Terms of Reference in Annex E, will continue to assess future research possibilities and produce a report for presentation to the next Advisory Committee meeting.

### **7. Co-operation with HELCOM and OSPAR**

The SECRETARIAT will send a letter to OSPAR and other relevant organisations (including HELCOM, IMO, UNEP and OECD), drawing their attention to those pollutants that are of major concern to ASCOBANS. A similar letter will be sent to Parties, requesting their support for this initiative, via OSPAR national delegates.

The WORKING GROUP ON POLLUTANTS is requested to continue its work of monitoring the pollution literature and to report to the next AC meeting.

The SECRETARY will consult with HELCOM on the harmonisation of reporting schemes regarding HELCOM Recommendation 17/2.

**8. Progress on the accession of Range states**

The SECRETARIAT will continue its efforts to persuade Ireland and France of the desirability of their accession to the Agreement. Range states will be invited to future Advisory Committee meetings.

**9. National legislation**

ADAMS, in co-operation with the SECRETARIAT, will prepare a paper on potential conflicts between national legislation and the Agreement for the next Advisory Committee meeting.

**10. Budgetary issues**

The SECRETARIAT will distribute the final version of the 1998 budget after auditing to the Co-ordinating Authorities.

GERMANY will send a letter to the Parties regarding some aspects of the budget.

The SECRETARIAT will enter into discussions with relevant institutions regarding the design of a new ASCOBANS information poster.

**11. Future status of the ASCOBANS Secretariat**

A joint ASCOBANS/EUROBATS WORKING GROUP shall be established to consider Terms of Reference for Secretariat arrangements under UNEP administration. The group will submit a paper to the Parties in August 1999 for further discussion during the CMS 6<sup>th</sup> Conference of Parties in November 1999.

## **Report on the 6<sup>th</sup> Meeting of the Advisory Committee to ASCOBANS**

### **1. Introduction**

Reijnders, Chairman of the Advisory Committee to ASCOBANS, opened the Sixth Meeting of the Advisory Committee held at the University of Aberdeen, U.K. in April 1999, and welcomed the participants (Annex A). He especially welcomed the representatives of the Range States France, Latvia and the Russian Federation, who were attending the Advisory Committee for the first time. He expressed his thanks to the German Government for their support to enable some Range States to participate.

Tasker, as host to the meeting, also welcomed the participants to Aberdeen, and provided information on local logistics.

The Secretary Auel and the Administrative Assistant to the Secretary Stadié were appointed as rapporteurs with assistance from the convenors of the Working Groups to be established during the meeting.

A list of documents for the current meeting is given as Annex B.

An ad hoc Working Group on drafting the Terms of Reference for Protected Areas was established, to be convened by Evans. The objective of this WG was to develop Terms of Reference for dealing with the issue of Protected Areas, which will be an important item on the agenda for the 7<sup>th</sup> Advisory Committee Meeting. The outcome of this WG is appended as Annex D.

The Advisory Committee asked the WG on Protected Areas to finalise a first report in due course, in order to allow its submission to the relevant OSPAR meeting in July 1999. Moreover, the Advisory Committee concluded that the final report for the next Advisory Committee meeting should include concrete ideas on the designation and implementation of protected areas for harbour porpoises and bottlenose dolphins.

During its discussion the Advisory Committee took note of the fact that there were three legislative instruments to establish protected areas for small cetaceans in the ASCOBANS Area. Protected areas could be designated either via the EU's NATURA 2000 concept or within the framework of HELCOM and OSPAR. The Advisory Committee endorsed HELCOM's initiative to establish Baltic Sea Protected Areas and invited HELCOM to implement BSPAs for harbour porpoises as outlined in the expert-report to HELCOM EC-NATURE "Proposal for offshore Baltic Sea Protected Areas", presented at HELCOM EC 9/98.

### **2. Adoption of the Rules of Procedure**

The Rules of Procedure for the ASCOBANS Advisory Committee (Doc. 2) were adopted.

### **3. Adoption of the Agenda**

The Agenda for the Sixth Meeting of the Advisory Committee to ASCOBANS (Doc. 3) was adopted (Annex C).

### **4. Opening Statements by Parties and Observers**

The World Wide Fund for Nature (WWF) and the Danish Fishermen's Federation submitted an opening statement (Docs. 4 and 14).

### **5. Matters related to research**

#### **5.1 Research options for the Baltic**

The Chairman noted that the Advisory Committee's Baltic Discussion Group had made little progress. An ad hoc Working Group was established (with Berggren as Chair) to assess the available information on the status of harbour porpoises in the Baltic, by-catch rates, research options and potential conservation strategies. It should design a frame for future work necessary for the development of a recovery plan for porpoises in the Baltic Sea by the year 2000, as required by the Resolution on Incidental Take of Small Cetaceans adopted by the Second Meeting of Parties. The Working Group considered documents 19 and 26 during their consultations.

The Working Group on Harbour Porpoise in the Baltic Sea met to follow up on the work undertaken by the ASCOBANS Baltic Discussion Group (ASCOBANS/ADV.COM/5/DOC14) and the IWC-ASCOBANS Working Group on Harbour Porpoise (Doc. 7).

The WG agreed to use the present stock definitions from the IWC-ASCOBANS Working Group on Harbour Porpoise, which determined that animals in the Baltic Sea (ICES area IIId) should be considered separate from animals in the Kiel and Mecklenburger Bays (west of Darss), Little and Great Belt Seas, the Kattegat and Skagerrak Seas (ICES areas IIIa, IIIb and IIIc).

The WG further agreed that highest priority should be given to mitigate by-catch of harbour porpoises in the Baltic Sea given the dramatic decline of porpoises over the last decades and the few animals remaining in this area (Skora et al. 1988; Schultze 1995; Berggren & Arrhenius 1995a, 1995b).

The WG was aware of only one estimate of abundance (599 animals, CV=0.57) for the Baltic Sea covering most of the present known distribution of harbour porpoises in the area, but excluding a 22 km corridor along the Polish coast (Berggren et al. in prep.). A synoptic survey of the present known distribution is needed to estimate the abundance of harbour porpoises in the Baltic Sea.

Further, the WG noted that only minimum numbers of by-catch in fisheries are available for the area and that in both Swedish and Polish waters salmon driftnets and bottom set gillnets for cod account for almost all of the reported takes (approx. 50% in each fishery)(Berggren 1994; ICES 1997). The recent absolute minimum yearly by-catch for the area, based on retrieved carcasses, is 12 porpoises (5 in Poland, 4 in Sweden, 2 in Germany and 1 or less in Denmark). There are no recent records of harbour porpoise by-catch from Estonia, Latvia, Lithuania, Russia or Finland. Even this minimum level by-catch represents a potentially significant adverse effect on this population.

Given the low abundance of harbour porpoises in the Baltic Sea, a by-catch of a porpoise in the Baltic fisheries is a relatively rare, but significant, event for the population. Given the levels of effort in the salmon driftnet and the bottom set gillnet fisheries, and the small size of many of the vessels, it would be very costly and difficult, if not impossible, to acquire a reliable estimate of by-catch using independent observer programmes in the area. The WG concluded that the funding needed for such a programme would be better spent on encouraging and subsidising new fishing practices or modifying gear to directly mitigate by-catch. The WG also noted that there was currently no scientific basis for devising time-area closures that would be likely to achieve ASCOBANS conservation objectives.

The WG noted that it would be useful to compile available fishery statistics for the salmon driftnet and the bottom set gillnet fisheries in the Baltic Sea. Collection and analyses of biological data is also important.

Based on the discussions in the Working Group, the Advisory Committee concluded that the only way to ascertain that the ASCOBANS conservation objectives are met in the Baltic Sea, and indeed to secure a future for the harbour porpoise population in this area, would be to phase out the current use of salmon driftnets and bottom set gillnets. If gear replacement or change in fishing practices is considered, environmental consequences of such actions should be taken into account. Where gear replacement is impossible, acoustic deterrents (pingers) might also succeed in reducing by-catches in the Baltic Sea. However, it was noted that it would not be possible to directly monitor the effectiveness of pingers (for the same reasons that prevent direct estimates of by-catch), and further that pingers have not yet been tried on salmon drift nets. To assess the long-term effectiveness of mitigation measures, repeated surveys to estimate absolute or relative abundance will be needed in the future.

Kåmark stated that the phasing-out of gillnet fishery in the Baltic would be an unrealistic and drastic measure and that therefore a reduction of net length and fishing effort could be a more realistic mitigation measure in the near future. An international approach will be essential to ensure an effective implementation of any mitigation measure. Germany mentioned that Parties and Range States should address the necessary measures as soon as possible in the competent bodies, e.g. IBSFC and CFP.

## 5.2 Pollutant issues

Reijnders reported on the work of the ASCOBANS Working Group on Pollutants. He focused on three major aspects: 1) a review of relevant publications; 2) progress of the IWC Research Programme on the Effect of Pollutants on Cetaceans and 3) the cooperation with HELCOM and OSPAR on pollutant issues.

### 5.2.1 Review of relevant publications

Reijnders presented several publications and bibliographies encompassing both recent publications and the current knowledge on marine pollutants and their effect on marine mammals:

- Aguilar, A. & Borrell, A. (1997) Marine Mammals and Pollutants: an annotated bibliography. Fundació pel Desenvolupament Sostenible, Barcelona.
- Long, A.K. & Renée, M (1998) Marine Mammal Commission Working Bibliography on Contaminants in the Marine Environment and Effects on Marine Mammals. 2<sup>nd</sup> Edition. Marine Mammal Commission, Bethesda (USA).
- O'Shea, T.J., Reeves, R.R. & Long, A.K. (1999) Proceedings of the Workshop on Marine Mammals and Persistent Ocean Contaminants, Keystone, Colorado, 12-15 October 1998.
- Reijnders, P.J.H., Aguilar, A. & Donovan, G.P. (1999) Chemical Pollutants and Cetaceans. J Cetacean Res Manage (Special Issue 1).
- ICES (1998) Report of the ICES Advisory Committee on the Marine Environment. Annex 10: Concentrations and relevant effects of non-ortho and mono-ortho chlorobiphenyls in marine mammals (submitted as Doc. 5).

Further to the literature reviews identified by the Chairman and the papers on chemical pollution collected and circulated to the Working Group by the Secretariat, WDCS had conducted a computer search of relevant publications. The working group had reviewed the literature generated and made the following conclusions:

Two new groups of chemicals of particular concern had recently been identified in the tissues of cetaceans:

i. **Polybrominated compounds.** These are similar in behaviour and toxicity to PCBs and DDT, but have not been banned. They have recently been identified in four species of marine animals from the Dutch coast: whitebeaked dolphins, sperm whales, minke whales, harbour seals and mackerel (de Boer *et al.* 1998). They concluded that the presence of PBBs (polybrominated biphenyls) and PBDEs (polybrominated diphenyl ethers) in sperm whales, the high levels of particularly PBDEs in seals and dolphins, and the ongoing industrial production of these compounds suggested that an environmental problem may be on its way.

ii. **Organotin compounds.** Organotin compounds have recently been identified in harbour porpoises and grey seals from England and Wales and in a range of marine organisms, including harbour porpoises, from the Polish coast of the Baltic. The working group noted that organotins had also been identified in sperm whales stranded on the Dutch and Danish coasts, illustrating that they were also now widespread marine pollutants. The reported experimental effects of butyltins in mammals include immunosuppression and they might also interact with the endocrine system in marine mammals (Law *et al.* 1998). They can also pass through the blood-brain barrier.

The working group also drew attention to the recent identification of tris(4-chlorophenyl) methane (TCPM-H) and tris(4-chlorophenyl) methanol (TCPM-OH) in the Baltic food web, including harbour porpoises (Falandyisz *et al.* 1999). The main source of TCPM-H and TCPM-OH appears to be technical DDT; however, these compounds seem to be more persistent in the environment than DDT and its analogues.

The literature review has further highlighted the relatively high contaminant burdens of the bottlenose dolphins in Cardigan Bay, UK. This was also illustrated in table A10.5 of the 1998 Report of the ICES Advisory Committee on the Marine Environment (Doc. 5).

### 5.2.2 IWC Research Programme on the effect of pollutants

Reijnders summarised the results of an IWC Planning Workshop to Develop a Research Programme to Investigate Pollutant Cause-Effect Relationships in Cetaceans – “Pollution 2000+”, held in March 1999 in Barcelona. The objective of the Workshop was to further develop an outline proposal “Pollution 2000+”, which is expected to start in the year 2000 and run for five years.

The Workshop decided to concentrate the investigations on bottlenose dolphins and harbour porpoises as priority species, predominantly because of the possibilities of obtaining adequate samples and the availability of relevant population data for these species. Of extra relevance to ASCOBANS is the fact that for studies on harbour porpoises the North and Baltic Seas were also identified as primary study areas. The programme will focus on measuring levels of organochlorines, especially PCBs, and identifying indicators for their effects. These indicators include sex- and thyroid hormones, vitamin A,

enzyme induction, and immune function related blood parameters, which will all serve to establish a matrix of suitable biomarkers for pollutant effects.

The connected biological variables considered during the programme will encompass age, length, sex, reproductive state, and nutritive condition. Detailed pathology will be carried out and be used to help interpretation of bioindicator data. Emphasis will be given to the development of sampling and analytical procedures and inter-calibration studies among the laboratories involved. For bottlenose dolphins, live and remote sampling by biopsy will be applied, whereas in the case of harbour porpoises by-caught and freshly stranded individuals shall be used.

The Working Group reiterated that various aspects of pathology form an important part of the programme. It would among others address the question as to how pollutant concentrations, bioindicators and tissue features might change in cetaceans after death.

The Advisory Committee once more endorsed the proposed research programme and invited Parties and Range States to contribute by facilitating sampling procedures and providing additional funding.

### **5.2.3 Cooperation with HELCOM and OSPAR on pollutant issues**

The Advisory Committee considered its role in giving advice to other fora where chemical pollutants are regulated (e.g. OSPAR and HELCOM) and concluded that it would be appropriate to highlight the new concerns that relate to potential effects of polybrominated compounds and organotins. It was pleased to note that the OSPAR "List of Chemicals for Priority Action" included organic tin compounds and brominated flame retardants, along with other compounds of direct concern to cetaceans because of their bioaccumulative capacities and toxicity or their potential to damage marine food chains.

The Advisory Committee endorsed the work of OSPAR on hazardous substances and hoped that OSPAR could intensify its efforts especially with regard to organic tin compounds, nonylphenol/ ethoxylates (NP/NPEs) and brominated flame retardants. To convey this, the Secretariat will send a letter to OSPAR and also to other relevant organisations, including HELCOM, IMO, UNEP and OECD, in order to draw their attention to those pollutants, which are of major concern to ASCOBANS. A similar letter will be sent to the Parties asking them to support this initiative via their national OSPAR delegates.

The Working Group was requested to continue its work of monitoring the pollution literature and to report to the next Advisory Committee Meeting.

### **References**

- de Boer, J., Wester, P.G., Klamer, H.S.C., Lewis, W.E. and Boon, S.P. 1998. Do flame retardants threaten ocean life? *Nature* 394 (2): 28-29  
Kannan, K. and Falanczsz, S. 1997. Butyl tin residues in sediment, fish-eating birds, harbour porpoise and human tissues from the Polish coast of the Baltic Sea. *Marine Pollution Bulletin* 34:203-207  
Law, R.J., Blake, S.J., Jones, B.R. and Regan, E. 1998. Organic compounds in liver tissues of harbour porpoises (*Phocoena phocoena*) and grey seals (*Halichoerus grypus*) from the coastal waters of England and Wales. *Marine Pollution Bulletin* 36:241-247

### **5.3 By-catch issues**

Bravington presented the report of the IWC/ASCOBANS Working Group on Harbour Porpoises (Doc. 7). The WG advised ASCOBANS that its interim objective (maintaining or restoring population size to 80% of carrying capacity) is not likely to be met by reducing annual by-catch to 2% of estimated abundance. In order to meet the objective, by-catch must be reduced further. The figure to which by-catch rate should be reduced, depended on a number of factors, including the notional time of recovery that ASCOBANS chose to set. This figure would be explored further in a modelling study for which the UK Sea Mammal Research Unit had already received funds.

In addition, the Working Group recommended that porpoise by-catch should be estimated for all fisheries operating within the ASCOBANS area. In particular, estimates should be obtained for Norwegian gill net fisheries operating in ICES Area IVa. Abundance estimates for harbour porpoises are particularly required for the southern Baltic Sea. Molecular genetic (mitochondrial DNA sequence) and telemetry studies should be continued and/or conducted to obtain data on population subdivision and migration.

Bjørge regretted that there was no estimate available for by-catch of cetaceans in any Norwegian fishery. However, he pointed out that NAMMCO has been requested to assess by-catches of marine mammals in the member states. He therefore anticipated progress in the near future.

The Advisory Committee recorded its thanks to Andy Read (chairman) and the members of the IWC/ASCOBANS Working Group. It acknowledged the Recommendations listed in the report as priority actions for future research and advised all Parties to provide, if possible, funding for this research. The Committee welcomed the early decision by the German Government to fund the scientific work outlined in Recommendation 14.6 of the report. Donovan announced that the report of the IWC/ASCOBANS Working Group will be discussed by the IWC Scientific Committee at its next meeting in May. The Advisory Committee looked forward to seeing the results of this discussion.

Berggren presented Doc. 36. In this draft document potential limits to anthropogenic mortality were calculated for harbour porpoises in the Baltic region. The conservation objectives set by ASCOBANS were applied to the Potential Biological Removal (PBR) model currently used to assess status of small cetaceans in the United States. Minimum by-catch estimates were shown to exceed the calculated mortality limits for all the stock structure hypotheses tested, indicating that these catches will cause depletion. The document concluded that immediate management actions are necessary to reduce the magnitude of by-catches to meet the ASCOBANS conservation objectives.

Jepsen presented the Danish Action Plan for Reducing Incidental By-catches of Harbour Porpoises (Doc. 8). The Action Plan was drawn up in response to the ASCOBANS Resolution on Incidental Take and recommends that Denmark should as quickly as possible take measures to reduce the annual by-catch of harbour porpoises to less than 2% of the best available population estimate. Measures should take into account the socio-economic situation of the fishing industry and should be carried out without any delay related to possible uncertainties as to the results of ongoing research projects. Necessary mitigation measures should be implemented in cooperation by the Ministry of Food, Agriculture and Fishery and by the Ministry of Environment and Energy, each within their respective areas of responsibility and in cooperation with the Danish Fishermen's Association.

Special emphasis will be given to three mitigation techniques: acoustic alarms, modifications of fishing equipment and the regulation of certain types of fishery. In order to evaluate the long-term effect of acoustic alarms on the environment, the implementation of the Action Plan will be started by involving a suitable section of the fishing industry for a limited period of time. The results of this trial period will be used as a basis for the planning of more long-term measures.

A programme for the dissemination of information had already been initiated in cooperation with the Danish Fishermen's Association. This programme will inform the general public, fishermen and their organisations about: 1) incidental by-catches of harbour porpoises, including biological and ethical aspects; 2) the advantages, possible disadvantages and expenses connected with the use of preventative measures; and 3) research and monitoring of the harbour porpoise population and the need for further knowledge. Such information will be published in the Fisheries Bulletin (Fiskeritidende) and a popular brochure on this issue will be prepared.

The Danish Environmental Research Institute and the Danish Fisheries Research Institute will co-ordinate research and monitoring projects pertinent to the implementation of the Action Plan. The Ministry of Food, Agriculture and Fishery is asked to gather information from neighbouring countries in order to evaluate the total by-catch of harbour porpoises in the Skagerrak, Kattegat and the waters of the Great and Little Belts. The Ministry of Food, Agriculture and Fishery and the Ministry of Environment and Energy will provide funding for the implementation of the Action Plan, including the initiation of relevant research projects. Denmark will report to the ASCOBANS Advisory Committee at a future meeting on the initiatives taken to implement the relevant ASCOBANS resolutions.

The Advisory Committee expressed its appreciation for the Danish initiative, which was the first co-ordinated contribution from a Party to ASCOBANS to implement the Resolution on Incidental Take of Small Cetaceans adopted by the 2<sup>nd</sup> Meeting of Parties. It was stated that the acceptance from and the cooperation with fishermen was essential for the success of the Workplan, and that by-catch rates would have to be monitored in order to evaluate the effect of any mitigation measure.

Kåmark informed the Advisory Committee that Sweden was in the process of developing a similar Action Plan for the Baltic, Kattegat and Skagerrak, which would be available next year. Sweden would benefit from the Danish experiences. The Baltic porpoise population might also benefit from a Baltic cod action plan, which could reduce fishing effort of gill-net fisheries.

Reijnders and Haelters reported that hardly any cetacean by-catch occurred in Dutch and Belgian fisheries within the ASCOBANS Area, because the prevailing fishing technique in these countries was beam trawling. Salmon stated that the results of research in the UK on by-catch in both gill-nets and pelagic fisheries should be available during the year. Pinger trials had been carried out on the Celtic Shelf. The trials had been unsuccessful due to technical failure of the devices. Within the framework of a biodiversity action plan, a series of meetings will be organised, involving different stakeholders, with the aim of drawing up a plan to reduce by-catch significantly.

Haupt announced that the German Government was funding a research project on the echolocation behaviour of harbour porpoises conducted by the University of Tübingen in collaboration with the University of Odense at the Fjord and Belt Centre in Kerteminde, Denmark. The objective of the project is to improve knowledge on the echolocation behaviour of harbour porpoises as a basis for the development of porpoise-friendly nets in order to reduce by-catch. By comparing modified and unmodified nets, their effect on the echolocation behaviour of foraging harbour porpoises will be studied. The research activities will be carried out at the outdoor pool of the Fjord and Belt Centre (FBC) in Kerteminde under near-natural but controlled conditions. During the trials, the foraging and orientating behaviour in correlation with living fish and different net types will be investigated by means of synchronised video and high frequency sound recordings. The nets are modified by reflectors and pingers in order to evaluate possible changes in foraging and avoidance behaviour. The project was supported by the Federal Ministry of Environment, Nature Conservation and Nuclear Safety in 1998 with a grant of DM 30,000.

Lockyer reported in general on the facilities of the Fjord and Belt Centre. A male and a female harbour porpoise have now been kept there for two years, in an spacious outdoor pool with natural bottom substrate, only separated from the fjord by nets. The Danish Institute of Fisheries Research is using the animals in a project called "Elimination of Porpoise Incidental Catch – EPIC" in order to study their foraging behaviour and their reaction to different types and arrangements of acoustic deterrents.

Håkansson presented the concern of the Danish NGOs that the long-term effects of acoustic deterrents were not clear at the moment (Doc. 9). Parties and Range States should therefore also consider other strategies to reduce by-catch, i.e. temporary area closures and changes in fishing gear.

Berggren presented the results of a field trial of acoustic alarms to reduce harbour porpoise by-catch in bottom set gill-nets (Doc. 34). The design was based on the two previous years' Swedish observer programmes and an analysis of the statistical power needed to detect a reduction in by-catch using pingers. No porpoises were caught in either control or active nets during the trial. The draft document outlined possible explanations for the results; shift in porpoise distribution, exclusion of porpoises and/or their prey, pingers functioning as passive reflectors or animals falling out of nets during hauling without being observed. To establish which of the explanations, or combination of explanations, are true, another long-term, repeated trial would be necessary. The document concluded that prior to repeating the trial it is necessary to consider whether the total by-catch could be reduced by use of pingers, or whether the by-catch simply would move to another area if porpoises are displaced by pingers. Further, the effects of animals being displaced to less optimal areas and the question of noise pollution in the environment due to extensive use of pingers also need to be considered. There was some discussion in the Advisory Committee regarding the various explanations for the outcome of the experiment, but no conclusion reached as to which was the most likely. It was noted that pingers have worked in some instances but not in others and that operational problems and enforcement are key issues to be taken into account.

Berggren also presented a draft form for the collection of information on the availability of effort data (Doc. 35). The Advisory Committee decided to distribute the table to Parties and Range States and encouraged Parties and Range States to provide such information in this form to the ASCOBANS Secretariat.

Deimer presented the video documentary "Small Whales in Big Trouble" (Doc. 15), which had been produced to raise public awareness for harbour porpoises and by-catch issues.

On behalf of ICES, Tasker informed the Committee that the Documents 37 and 38, submitted by ICES, supersede Doc. 11. The Committee noted documents 12 and 13.

Based on these discussions, the Advisory Committee recommended

- a) the organisation of a Workshop to Provide Guidance on the Practicability of By-catch Mitigation Measures. The Workshop should bring together cetacean biologists, fishery biologists and experts for fishing techniques and assess the principal needs within the ASCOBANS Area. Subsequently, meetings on a national level should involve fishermen and focus on the implementation. The Advisory Committee established an ad hoc Working Group to draft Terms of Reference for a Symposium and Workshop on the Review of By-catch Mitigation Measures with special reference to the ASCOBANS Area (Annex F). The Committee emphasised the need for Parties to continue their efforts to reduce by-catch and not to await the results of this workshop before taking action. It was important that the workshop learned from the experience of Parties.
- b) that the results of this workshop should be provided also to the European Commission to help meet the request given in Doc. 20, item 4.
- c) that forthcoming research should not prevent the immediate implementation of management actions in areas, where a by-catch problem has already been established.
- d) that for those areas, where the fishery is shared by different nations, concrete collaboration on an international level should be supported.
- e) that by-catch data should be collated by area in order to provide total by-catch estimates for any given area.

With regard to the proposed Workshop the Advisory Committee discussed possible ways to involve fishermen in the process. It was mentioned that the Workshop should include active discussion sessions and also reflect socio-economic aspects of the issue. The steering group should contact different fisheries organisations and further investigate the Terms of Reference (Annex F) in consultation with the relevant organisations.

#### **5.4 Disturbance by seismic surveys**

Tasker introduced Richard Lunam of Conoco (UK) Ltd. Lunam is Chair of the seismic subcommittee of the United Kingdom Offshore Operators Association. He presented a talk on methods of seismic surveys as well as on the Seismic & Marine Mammal Workshop, held in London in June 1998, and on the follow-up of that workshop.

Seismic surveys are conducted during offshore oil and gas exploration in order to investigate the sub-surface layers of the sea floor. Arrays of airguns are used to abruptly release compressed air into the water in order to generate a short, sharp acoustic pulse, which will travel through the water column and penetrate into the seafloor. The reflections are recorded by streamers towed behind the survey vessel.

To protect marine mammals from impacts by the potentially harmful noise levels, guidelines have been developed by JNCC. They require monitoring of marine mammals before a survey line is started to ensure that there are no marine mammals within 500 m of the survey vessel. A gradual increase in output levels (soft start) should enable marine mammals to safely leave the survey area. In general, the lowest practicable noise level should be used and all sightings of marine mammals must be reported.

The Seismic & Marine Mammal Workshop, held in London in 1998 (summarised in Doc. 39), provided many recommendations. These included the need to further describe the distribution of cetaceans with respect to spatial and temporal variability and to determine areas/times of particular sensitivity. Most of the recommendations are being taken forward under funding from the oil and seismic industry contractors. As recommended by the Workshop, the industry investigates the output levels of seismic sources over the full frequency bandwidth. A historic database on survey effort has been established.

About fifty percent of the seismic exploration activity in the ASCOBANS area is carried out in the UK sector. The Committee noted that the UK guidelines were the only such guidelines available, and noted that these were frequently used by seismic contractors when working in other areas. Despite this it was felt that other Parties should be encouraged to formally adopt these or similar guidelines.

Adams informed the Advisory Committee that no seismic surveys had been conducted on the German continental shelf in recent years. The German Ministry of Defence is currently involved in an American research project to develop mitigation measures to reduce potential impacts of explosives used during military tests.

The Advisory Committee expressed its appreciation of the UK initiative to develop guidelines to mitigate potential impacts on cetaceans of seismic surveys and acknowledged that these guidelines already cover a substantial proportion of the seismic survey activity in the ASCOBANS area.

The Advisory Committee recommended that

- a) the abundance, distribution and behaviour of cetaceans should be further investigated to review seasonal and regional variations; therefore Parties and Range states are encouraged to undertake year-round monitoring of cetacean abundance and to use already existing data in guiding mitigation measures;
- b) other Parties should apply similar guidelines to those developed by JNCC for the UK.
- c) details of the publication of the Seismic and Marine Mammal Workshop held in Summer 1998 should be forwarded to the Parties as soon as it is available.

The Advisory Committee felt that it did not have the necessary literature available to allow it to comment fully on the issue of potential acoustic disturbance of cetaceans by seismic activities. The Committee will consider this issue further at the next meeting.

The Advisory Committee asked the Parties to submit available information on the location and extent of seismic activities in the ASCOBANS and neighbouring areas during 1997 and 1998 and provide details of any mitigation measures taken to reduce possible effects of such activities on small cetaceans (according to the Resolution on Further Implementation of ASCOBANS, adopted by the Second Meeting of Parties). This information should be submitted to the Secretariat by the end of 1999. This issue should be included in the Agenda for the next Advisory Committee meeting.

### **5.5 Disturbance by high-speed ferries**

The Secretary presented a report on the potential impact of high-speed ferries on small cetaceans in the ASCOBANS area and adjacent waters (Doc. 17). Jepsen reported that the high-speed ferry route investigated during the Danish study was no longer in operation. Environmental impact assessments are now required before new high-speed ferry routes are established.

The Advisory Committee acknowledged the report and stated that many of the routes identified were probably operating in areas of low cetacean density, thus limiting the extent of the problem. The Committee asked the Secretariat to continue to collect relevant information, also from outside the ASCOBANS area.

### **5.6 Post-mortem research and stranding schemes**

With regard to the questionnaire on post-mortem research on stranded cetaceans (Doc. 18), Belgium, Denmark and Sweden will present relevant data to the Secretariat soon. Denmark and UK informed the Advisory Committee that extensive tissue banks have been established in both countries and that they would welcome requests from other Parties to provide material for scientific research.

### **5.7 Whale-watching**

The UK presented two sets of brochures, one for minimising disturbance to cetaceans from whale-watching operations, the other on minimising disturbance to cetaceans from recreation at sea. Belgium and the Netherlands stated that there were no commercial whale-watching operations in their countries. Germany announced that the area off the Isle of Sylt was the only location for shore-based whale-watching in Germany.

Tasker pointed out the difficulties that can arise from whale-watching operations that arise rapidly following the arrival of cetaceans in an unusual area. Such an arrival had occurred with northern bottlenose whales off the west coast of Scotland in 1998. This had caused a very rapid rise in the number of vessels in the area, with attendant disturbance risks. This emphasised the need to have information available at a relatively local level to enable the rapid implementation of measures to minimise disturbance.

The Advisory Committee congratulated the UK on these guidelines and recommended that guidelines to minimise disturbance from these sources should be developed in other countries.

## **5.8 Further survey and research needs**

The Advisory Committee discussed possible research strategies to obtain absolute and/or relative abundance estimates, and established an intersessional email working group which should prepare a report for the next Advisory Committee Meeting. The Terms of Reference for this WG are appended as Annex E.

## **6 Matters related to Parties and Range states**

### **6.1 Meeting with the Swedish coordinating authority**

The Secretary presented his report on the meeting in Stockholm (Doc. 19). With regard to the cooperation between ASCOBANS and HELCOM on the implementation of HELCOM Recommendation 17/2, the Advisory Committee encouraged the Secretary to consult with HELCOM on the harmonisation of reporting schemes.

### **6.2 Meeting with the European Commission**

Reijnders presented the report on the meeting between the Chair, Vice-chair and Secretary of ASCOBANS and representatives of the European Commission (Doc. 20). The meeting was considered useful and communication with the Commission improved. The meeting was organised on request of ASCOBANS to establish good working relations with the Commission. Representatives from both DG XI and DG XIV participated. The main items discussed were focal contact persons, participation of the Commission in Advisory Committee meetings, possibilities for funding projects related to small cetacean protection, reduction of by-catch in the frame of the Common Fisheries Policy – a Community competence. Personnel and financial restrictions would prevent the Commission participating in all Advisory Committee meetings, however, the Commission would like to be informed about the ASCOBANS activities. With respect to a reduction of by-catch, the Commission invited the Advisory Committee to prepare a scientific report describing the by-catch problem and proposals for practicable mitigation measures. It was furthermore suggested addressing ASCOBANS concerns about the by-catch issue to the Commission in the framework of the ongoing planned revision of the Common Fisheries Policy. The meeting decided that both actions would be useful and instructed the Secretariat, in consultation with the Chair and Vice-chair, to act accordingly.

### **6.3 Progress in the accession of Range states**

The UK informed the Advisory Committee that the Channel Island States of Jersey and Guernsey had indicated their intention to be added to the UK's ratification of the Agreement. Jersey is waiting for the enabling legislation that will come into force very soon.

Further, the UK reported on a high-level meeting with officials from Ireland regarding the extension of the ASCOBANS geographic boundary to facilitate the Republic of Ireland acceding to it. The discussions indicated no progress in this direction was likely before the next Meeting of Parties.

There was no official information on the progress of the accession of France to the Agreement. Latvia and the Russian Federation stated that their countries were unlikely to accede to the Agreement in the near future.

The Advisory Committee urged the Secretariat to continue its efforts to persuade Ireland and France of the desirability of their acceding to the Agreement. The Secretariat should continue to invite Range states to attend Advisory Committee meetings.

### **6.4 Applications for observer status**

The Common Wadden Sea Secretariat, HELCOM, ICES, IWC, OSPAR and Peter Evans, principal editor of the document on establishing criteria for protected areas to be discussed at the next Advisory Committee meeting, were invited to attend the next Advisory Committee meeting.

### **6.5 National legislation**

At its meeting in Hel, the Advisory Committee very briefly discussed possible conflicts between national legislation and activities initiated to achieve the ASCOBANS conservation objectives. To follow up this discussion, Bjørge reported on some problems experienced by Norway in the past triennium. He drew the Advisory Committee's attention to four topics:

1. Differences in national implementation of CITES regulations may hamper the exchange of cetacean samples across borders.
2. It seems that the landing of by-caught cetaceans for post-mortem studies is prohibited in some countries that are Parties to ASCOBANS. This may hamper the research activities recommended by ASCOBANS.
3. Research to mitigate the problem of by-catches may include experiments with pingers on real type fishing gear and live capture of cetaceans for telemetry studies. Such research involves an extra risk of mortality in small cetaceans. Norway has experienced increased interest by scientists from ASCOBANS Parties wishing to conduct such experiments in Norwegian waters. This may indicate that there are difficulties in some ASCOBANS Parties in obtaining permits to conduct research recommended by ASCOBANS.
4. The "European Convention for the Protection of Vertebrate Animals Used for Experimental and other Scientific Purposes" requires special approval for scientists conducting experiments on live animals. When ASCOBANS encourages increased international collaboration entailing scientists involved in experiments abroad, the need for national implementation of this convention should be underlined by ASCOBANS.

The Advisory Committee asked the Secretariat, in cooperation with Adams, to prepare a paper on potential conflicts between national legislation and the Agreement for the next Advisory Committee meeting.

## **7 Cooperation with IWC, OSPAR, HELCOM and other international organisations**

### a. IWC

Reijnders reported on last year's meeting of the IWC Scientific Committee, and focussed on pollutant issues (see para. 5.2) and by-catch (Doc. 7). The IWC welcomed the cooperation with ASCOBANS, particularly the establishment of the joint harbour porpoise working group and ASCOBANS involvement in its pollution research programme. Donovan emphasised the common interests of both organisations on scientific issues and suggested exploring further possibilities for future cooperation.

### b. HELCOM and OSPAR

The Advisory Committee acknowledged the reports on the structure of HELCOM and OSPAR (Doc. 24 and 25) prepared by the Secretariat as background information for further cooperation.

The relevant work conducted within OSPAR on hazardous substances was discussed under Agenda item 5.2. The Secretariat was asked to enquire and to clarify whether protected areas for small cetaceans can be designated within the framework of OSPAR and to look at ways ASCOBANS could cooperate with OSPAR on this issue.

## **8 Web page**

The Secretary informed the Advisory Committee that the designs of a new web page for ASCOBANS have been completed. The ASCOBANS homepage is available under the address [www.ascobans.org](http://www.ascobans.org) and further contributions and constructive comments are welcome.

## **9 Business Session**

### **9.1 Budgetary issues**

The Secretary presented a preliminary outline of the 1998 budget. The final version will be distributed to the Co-ordinating Authorities after auditing. Germany announced that they would shortly be writing to the Parties regarding some aspects of the budget.

Adams stated that the German Government intended to allocate its voluntary contribution of DM 50,000 to the following three projects:

- a) travel subsidies for some delegates of Range States attending the Advisory Committee Meeting;
- b) a molecular genetic research project on the population structure of harbour porpoises to be conducted by the University of Kiel, as recommended by the IWC/ASCOBANS Workshop on Harbour Porpoises (Recommendation 14.6);
- c) reproduction of the existing exhibition "Schweinswal in Not" (Harbour porpoise in danger) to be donated to the ASCOBANS Secretariat for its public relations activities. To allow the exhibition to be shown in other countries the texts should be bilingual (English – German). One exhibition panel should

be redesigned for more wide-spread use, e.g. as a poster, which could then be produced in various languages of the Parties and/or Range States.

The Advisory Committee welcomed this contribution.

During the business session the Advisory Committee considered a list of meetings to be attended by ASCOBANS during 1999:

- a. Reijnders will represent ASCOBANS at the IWC Scientific Committee and the Commission meeting at the IWC 51<sup>st</sup> Annual Meeting (May 1999, Grenada)
- b. The Secretary should, if possible, attend the conference "Has fishing a future in the eastern Channel and southern North Sea?" (20 – 21 May, Folkestone, UK).
- c. The Secretary should represent ASCOBANS at the 16<sup>th</sup> Baltic Marine Biologists' Symposium (21 – 26 June, Klaipeda, Lithuania).
- d. Kåmark will inform the Secretariat on the Agenda for the IBSFC meeting to be held in Warsaw from 6 – 10 September. If appropriate the Secretary should represent ASCOBANS at that meeting in order to give information about the organisation of ASCOBANS to the fishermen and administrators.
- e. Haelters will represent ASCOBANS at the OSPAR IMPACT meeting in September/October.
- f. Tasker will represent ASCOBANS at the ICES Annual Science meeting (28 September – 3 October).
- g. The Secretary should attend either the HELCOM Environment Committee meeting EC 10/99 (4 – 8 October, Copenhagen) or HELCOM EC NATURE 9/99 (17 – 21 May, Vilm).
- h. Adams will represent ASCOBANS at the 6<sup>th</sup> Conference of Parties to CMS (November, Cape Town)
- i. The Secretary will attend the annual ECS conference to be held in Cork, 1 – 5 April 2000.
- j. Lockyer and/or Bjørge will represent ASCOBANS at the NAMMCO International Symposium on Harbour Porpoises in the North Atlantic (11 – 13 September 1999, Norway).

## **9.2 Future status of the ASCOBANS Secretariat**

The Secretary presented Doc. 31 regarding the future status of the ASCOBANS Secretariat. The Advisory Committee recommended the establishment of a joint ASCOBANS/EUROBATS Working Group, which will include inter alia representatives from Germany, the Netherlands and the United Kingdom. This Working Group will consider Terms of Reference for Secretariat Arrangements under UNEP administration and will present a paper on this issue to the Parties in August 1999 for further discussion during the Sixth Conference of the Parties to CMS in Cape Town, November 1999.

The Advisory Committee decided that the proposed Workshop on By-catch Mitigation Measures should be funded, if possible. It was emphasised that a final decision on this issue can only be reached after the forthcoming financial audit.

## **10 Agreement on the draft report**

The Advisory Committee adopted the draft report prepared by the Secretariat.

## **11 Date and venue of next meeting**

On behalf of the Belgian Government, Haelters invited the participants to the 7<sup>th</sup> Meeting of the Advisory Committee to ASCOBANS, to be held in Belgium in March 2000. Jepsen offered to host the 8<sup>th</sup> Advisory Committee Meeting on the Danish west coast in 2001. The Chairman thanked both Belgium and Denmark for their kind offers.

## **12 Any other business**

The Advisory Committee took note of the document describing the global register of migratory species (Doc. 32), which is being funded by the German Government. The Committee also noted the letter of introduction from the Whale & Dolphin Roadshow (Doc. 33). The roadshow was considered to be a good opportunity to generate public awareness. The meeting discussed whether this was an opportunity to implement ASCOBANS plans on improving public awareness and how specific information about the ASCOBANS objectives could be combined with this.

Adams reported on the progress of the implementation of a protected area for harbour porpoises off the Isle of Sylt. He explained that in a first step in the autumn of this year a protected area for small cetaceans will be designated within the framework of the extension of the Wadden Sea National Park. Decisions on specific conservation measures will be made later. Restrictions on shipping, including fast vessels, jet skis and regulations on speedboat races, lie within the legislative competence of the federal government, whereas proposed fisheries regulations must be presented to the EU Fisheries

Council. The Land of Schleswig-Holstein also intends to propose this protected area for the Natura 2000 network.

The Advisory Committee welcomed the German initiative to designate this protected area and the progress made.

On behalf of the German Government, Adams invited all participants of the 6<sup>th</sup> Advisory Committee Meeting to celebrate the 20<sup>th</sup> Anniversary of the Bonn Convention on the Conservation of Migratory Species of Wild Animals on 23 June 1999 in Bonn.

### **13 Close of meeting**

The Chairman thanked all participants for their attendance and contributions. On behalf of the Advisory Committee, the Chairman thanked the Secretary Auel and Administrative Assistant Stadié for their efficient work and closed the meeting.

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**List of Documents**

<b>Number</b>	<b>Agenda Item</b>	<b>Document Title</b>	<b>Submitted by</b>
Doc. 1	-	List of Participants	
Doc. 2	2	Rules of Procedure for the ASCOBANS Advisory Committee	
Doc. 3	3	Agenda	
Doc. 4	4	Statement by the World Wide Fund for Nature (WWF)	WWF
Doc. 5	5.2	Extract of the 1998 Report of the ICES Advisory Committee on the Marine Environment, Annex 10	ICES
Doc. 6	5.2	OSPAR strategy with regard to hazardous substances	Secretariat
Doc. 7	5.3	Report on the "Meeting of the IWC/ASCOBANS Working Group on Harbour Porpoises", 8 - 10 March, St. Andrews, Scotland	Working Group, Chairman: Andy Read
Doc. 8	5.3.	Danish Action Plan for Reducing Incidental By-catches of Harbour Porpoises	Denmark
Doc. 9	5.3	Complaint by the Danish NGOs against the "Action Plan for Reducing Incidental By-catches of Harbour Porpoises"	Danish Society for the Conservation of Nature
Doc. 10	5.3	An assessment of the relationship between the by-catch of selected marine organisms and specific fishing gears on a regional basis in the north east Atlantic	WWF
Doc. 11	5.3	Report "Information on the incidental mortality of marine mammals owing to fishing activities", presented by ICES during the OSPAR IMPACT 98 meeting	RSPCA
Doc. 12	5.3	Comments by BirdLife International and WWF on the document "Information on the incidental mortality of marine mammals owing to fishing activities", presented by ICES	WWF
Doc. 13	5.3	Resolution on the Commission communication to the Council and the European Parliament: Report on the implementation of the "statement of conclusions from the intermediate ministerial meeting on the integration of fisheries and environmental issues 13-14 March 1997 in Bergen", adopted by the European Parliament on 10 March 1999	Secretariat
Doc. 14	4	Opening statement by the Nordic Fishermen's Council	Nordic Fishermen's Council
Doc. 15	5.3.	Presentation of the video documentary "Small Whale in Big Trouble"	GSM
Doc. 16	5.4	"Does acoustic testing strand whales?", by A. Frantzis (Nature, Vol. 392, 5 March 1998)	Secretariat
Doc. 17	5.5	Report on the potential impact of high-speed ferries on small cetaceans in the ASCOBANS Area and adjacent waters	Secretariat
Doc. 18	5.6	Compilation of institutions involved in post-mortem research on stranded cetaceans and the kind of data collected	Secretariat
Doc. 19	6	Report on the meeting with the Swedish Coordinating Authority	Secretariat

Doc. 20	6	Report on the meeting between representatives of the European Commission and ASCOBANS, Brussels, 26 January 1999	Secretariat
Doc. 21	6	Letter from the Department of Agriculture and Fisheries of the States of Jersey regarding Jersey's accession to ASCOBANS, and the response by the United Kingdom	Secretariat
Doc. 22	6	Report on Jensen's meeting with Ireland, 2 March 1998	Secretariat
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Doc. 24	7	The "Baltic Marine Environment Protection Commission - Helsinki Commission" - The Structure of HELCOM	Secretariat
Doc. 25	7	The "OSPAR Commission for the Protection of the Marine Environment of the North-East Atlantic" - The Structure of OSPAR	Secretariat
Doc. 26	7	Report on the 9 <sup>th</sup> Meeting of the Environment Committee to HELCOM, Isle of Vilm, Germany, 28.09 - 02.10.1998	Secretariat
Doc. 27	7	Decision by the Ministerial Meeting of the OSPAR Commission, Sintra, 22 - 23 July 1998: "The Protection and Conservation of the Ecosystems and Biological Diversity of the Maritime Area"	Secretariat
Doc. 28	7	OSPAR Strategy on the Protection and Conservation of the Ecosystems and Biological Diversity of the Maritime Area	Secretariat
Doc. 29	7	"Sintra Statement" by the Ministerial Meeting of the OSPAR Commission, Sintra, 22 - 23 July 1998	Secretariat
Doc. 30	9	List of relevant meetings for ASCOBANS participation in 1999	Secretariat
Doc. 31	9	Considerations on the future status of the ASCOBANS Secretariat	Secretariat
Doc. 32	12	Summarizing knowledge for conservation: Global register of migratory species (GROMS) by K. Riede	Secretariat
Doc. 33	12	"The Whale & Dolphin Roadshow": letter of introduction from Andy Starbuck	Secretariat
Doc. 34	5.3	A Field Test of Acoustic Alarms to Reduce Harbour Porpoise By-Catch in Bottom Set Gill-Nets	Per Berggren, Sweden
Doc. 35	5.3	Table for Compilation of Available Fishery Statistics for Parties and Range States within the ASCOBANS Agreement Area	Per Berggren, Sweden
Doc. 36	5.3	Potential Limits to Anthropogenic Mortality for Harbour Porpoises in the Baltic Region	Per Berggren, Sweden
Doc. 37	5.3	Extract of the 1998 Report of the ICES Advisory Committee on the Marine Environment, Section 12	ICES
Doc. 38	5.3	Extract of the 1998 Report of the ICES Advisory Committee on the Marine Environment, Annex 9	ICES
Doc. 39	5.4	Marine Mammals and Seismic: The London Workshop	Tasker
Doc. 40	12	Towards the protection of harbour porpoise ( <i>Phocoena phocoena</i> ) in the waers off Sylt and Amrum (German Wadden Sea): a baseline study	Prochnow/Kock

## Agenda

**1. Introduction**

The Chairman will open the meeting at 10 a.m. on Monday 12 April.

**2. Adoption of Rules of Procedure**

**3. Adoption of the Agenda**

**4. Opening statements by Parties and Observers**

Opening statements should be submitted as documents. Oral presentations should be minimised as far as possible.

**5. Matters related to research**

**5.1 Research options for the Baltic**

Progress report of the Baltic Discussion Group

**5.2 Pollutants issues**

Reporting of the Working Group on Pollutants and recommendations for dealing with marine pollution. Possible co-operation with HELCOM regarding hazardous substances.

Possible co-operation with OSPAR to assist in implementing the OSPAR Strategy with Regard to Hazardous Substances adopted by the Ministers of Environment in Sintra, Portugal, July 1998 – with particular attention to endocrine disrupting chemicals.

**5.3 By-catch issues**

Report on the results of the IWC/ASCOBANS workshop on harbour porpoise by-catch; development of conservation objectives.

New Danish Action Plan concerning the reduction of harbour porpoise by-catch.

Danish Society for the Conservation of Nature's complaint to the EU regarding Danish by-catch situation (Håkansson).

Bjørge and Berggren will present data on by-catch in the Skagerrak.

WWF to comment on the concept of No-take-zones

Showing of video documentary "Small Whale in Big Trouble" (Deimer/Schütte)

**5.4 Disturbance by seismic surveys**

Tasker will present a document on the extent of seismic surveys in the ASCOBANS area, potential disturbance to cetaceans and possible mitigation measures.

**5.5 Disturbance by high-speed ferries**

The Secretary will present a report on high-speed ferry connections in the ASCOBANS area and their potential impact on small cetaceans.

**5.6 Post-mortem research & stranding schemes**

The Secretary will present a compilation of institutions involved in post-mortem research on stranded cetaceans and the kind of data collected.

**5.7 Whale-watching**

Guidelines, effect assessment (will be discussed during the excursion on Sunday)

**6. Matters related to Parties and Range States**

**6.1 Meeting with the Swedish Co-ordinating Authority**

**6.2 Meeting with the European Commission**

**6.3 Progress in the accession of Range States (Jersey, France and Ireland)**

**6.4 Applications for observer status**

**6.5 National legislation**

Bjørge will present a document identifying possible conflicts between the ASCOBANS Agreement and national legislation

**7. Co-operation with IWC, OSPAR, HELCOM and other international organisations**

Report on the co-operation between IWC and ASCOBANS. The Secretariat will present a paper describing the structures of OSPAR and HELCOM and providing recommendations for future work with these organisations. Actions arising out of the HELCOM EC 9/98 meeting.

Investigations on the potential benefit of protected areas for small cetaceans in the NE Atlantic (based on the new Annex and Strategy to the OSPAR Convention on the Protection and Conservation of Ecosystems and Biological Diversity signed by the Environmental Ministers in 1998 and the Sintra Statement, i.e. the commitment to establish a network of marine protected areas in the NE Atlantic).

**8. Web page**

The Secretariat will present the newly designed ASCOBANS web page.

**9. Business session** (Observers will be excluded from this session).

**9.1 Budgetary issues**

Germany will report on the voluntary contribution for projects. The Secretary will report on the financial situation and will present a list of meetings to be attended.

**9.2 Future status of the ASCOBANS Secretariat**

**10. Agreement on the draft report**

**11. Date and venue of the next meeting**

**12. Any other business**

**13. Close of meeting**

## **The Protected Area Working Group**

### **Terms of Reference**

In accordance with the request of the 2<sup>nd</sup> Meeting of Parties (Annex M, 4<sup>th</sup> operative clause) that it produce guidance to Parties:

Recognising that the EU Habitats & Species Directive proposes a network of protected areas, termed "Natura 2000", for particular habitats (Annex I) and species (Annex II), and that it is due to assess sites proposed at an Atlantic moderation meeting;

Acknowledging the work of the Bern Convention in proposing a similar network termed "The Emerald Network" (relating to Appendices I and II) which applies also to non-EU states (i.e. Baltic countries); and

Recognising the current work being undertaken by other international conventions such as OSPAR and HELCOM in considering the establishment of marine protected areas,

The ASCOBANS Advisory Committee proposes a working group with the following main objectives:

1. To review those criteria that have been used in the establishment of protected areas for cetaceans, and weigh up the strengths and weaknesses of each; and
2. To examine the role of protected areas for the conservation of cetacean habitats and species not otherwise specially provided for in the above Conventions or Agreements (e.g. Annexes I and II of the EU Habitats and Species Directive) and, where appropriate, to consider a mechanism for their establishment and management.
3. The Working Group shall endeavour to liaise and, where appropriate, present reports to relevant OSPAR and HELCOM meetings. A final report shall be presented at the 7<sup>th</sup> Advisory Committee Meeting.

## **Terms of Reference for the Research Working Group\***

In the light of the data requirements identified by the Advisory Committee, notably those related to by-catch and seismic surveys, the Working Group will consider further the contribution to be made by

- absolute abundance estimates
- relative abundance estimates

The Working Group will also consider how related behavioural data may be collected and analysed with particular respect to

- the further identification of critical habitat
- the implications of seismic survey.

In addition the Working Group will examine, in a general manner, the logistical and financial implications of their conclusions and suggest a mechanism to facilitate progress and an indication of time frames.

The Working Group will continue their discussion as an intersessional email group and will produce a report for presentation at the next Advisory Committee Meeting.

\* Note: The intention is that this is to be a scientific working group and the membership should reflect this and may include invited outside experts.

Some potential participants:

Hiby	Øien	Palka	Berggren	A seismic expert
Buckland	Simmonds	Donovan	Larsen	N.N. (Germany)
Hammond	Evans	Northridge	Bravington	

**Draft Outline****Meeting and workshop:****"A Review of By-catch Mitigation measures with special reference to the ASCOBANS Area"****FOCUS**

A review of by-catch mitigation measures that will provide advice and information to feed into national implementation

**INTRODUCTION**

ASCOBANS has identified problem regions/fisheries where the level of incidental take of small cetaceans is unsustainable (see Resolution at the 2<sup>nd</sup> MOP). At present, only Denmark has established an Action Plan. The Advisory Committee agreed that regional problems require regional solutions but that there are a number of shared features in terms of measures for mitigation and the process of developing local solutions. In order to improve awareness of the problem and to assist Parties and Range States to identify and establish appropriate mitigation measures, the holding of an 'Open' Meeting followed by a specialised Workshop is proposed. The following terms of reference are suggested to assist in the planning process. The meeting/workshop will address such issues as fishing gear and practice, cetacean biology, season/area closures, the process of developing an Action Plan, funding and legislation.

**AIMS**

1. To review experience from other areas, including the USA, where mitigation measures have been implemented
2. To identify positions of commonality and divergence in the context of the actual situation in the ASCOBANS area
3. To recommend approaches that may be considered at a national level

**STRUCTURE OF MEETINGS**

1. A 2-day meeting for presentation of invited background papers. The meeting would have a relatively broad participation. Papers intended for presentation at the meeting should be distributed well in advance.
2. A 3-day follow-up workshop of invited experts.

The output from the Workshop will be a report investigating approaches exploring the implications of different mitigation measures. It will also be made available to other relevant organisations.

**DETAILS:**

Suggested topics for invited background papers (in no special order):

1. ASCOBANS objectives and the background to the Workshop, including an overview on experiences in the ASCOBANS area.
2. Case studies (e.g. US Gulf of Maine; IATTC experience of interacting with fishers and complex national/international legislation).
3. Mitigation measures including gear modifications and practices, acoustic measures, time/area closures, monitoring.
4. The biology of entrapment.
5. An overview from each of the ASCOBANS parties/range states which have a by-catch problem including information on fisheries (type, effort etc.) and by-catch knowledge
6. Fishing sector viewpoints (within and outside the ASCOBANS area)
7. Legislative framework, funding mechanisms, monitoring and enforcement.
8. The views of other interested parties.

The open meeting will require a steering group and funding. A location for the workshop needs to be agreed. The Advisory Committee agreed that the steering group will consist of Mark Tasker as convenor, Simon Northridge, Per Berggren, Christina Lockyer, Karsten Krog as representative of the Nordic Fishermen's Council, Arne Bjørge, Greg Donovan (IWC) and the Secretary to ASCOBANS. Additional views will be sought from Helen McLachlan and Karl-Hermann Kock.

It was proposed that the steering group should convene for a one day-long face-to-face meeting, to be followed by an email discussion. Parties should be prepared to fund attendance at this group.

If the timing of the meeting is October/November 1999, there should be time for the Parties to consider their response and report before the next Advisory Committee meeting. [On the other hand, it is more important to ensure the correct experts are at the workshop to ensure the best possible result, so early 2000 might be better.]

The estimated cost is GBP 15,000 to pay for invited attendees and organisational overheads.