

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

Hindås, Sweden  
10 - 12 June 2002



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

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## **Points for Action**

### **Item 4.1. ASCOBANS Baltic Recovery Plan (Jastarnia Plan)**

The Secretariat in cooperation with the Chairman and Vice-Chairman will send the Jastarnia Plan and the “implementation plan” drafted by AC9 to IBSFC, HELCOM and other relevant bodies, with an appropriate cover letter outlining what is expected of them.

The Secretariat in cooperation with the Chairman and Vice-Chairman will initiate communication with competent fishery authorities to ensure that there is consistency between what is envisaged in the Jastarnia Plan with regard to changes in fishing gear and practices, and any measures that are being considered or taken by those authorities.

### **Item 4.2. Abundance survey planning**

The Chairman will bring MOP 3, Res.5 to the attention of Dr. Phil Hammond to clarify the projected coverage of SCANS II.

### **Item 4.5. Review of seismic disturbance and recommendations**

The Advisory Committee will aim to produce a report on seismic disturbance in time for MOP 4. Parties are encouraged to actively contribute to this process.

### **Item 4.6 Disturbance by shipping**

The Secretariat, in line with the ASCOBANS triennium workplan, should commission a report on disturbance to cetaceans by shipping in line with the terms of reference defined by the shipping working group established by AC9.

### **Item 5.2 Extension to the Agreement**

The Executive Secretary should write letters to the Irish and Spanish Governments seeking information on their possible accession to the Agreement and illustrating the proposed extension to the Agreement Area.

### **Item 5.4.2. Disturbance by military activities**

The Chairman and the Secretariat will explore possibilities of having a (military) expert address the next Advisory Committee on military sonar.

### **Item 5.6.2. PR Activities, Secretariat**

The Secretariat will present a proposal concerning the direction and scope of future ASCOBANS PR work to AC 10.

**Item 6.1. 5<sup>th</sup>North Sea Conference – Projected recovery plan for harbour porpoises**

The Advisory Committee will contact the NSC Secretariat to inquire as to what mechanism is intended for the elaboration of a harbour porpoise recovery plan and how ASCOBANS could be involved. The Chairman and Vice-Chairman in cooperation with the Secretariat will draw up a letter for circulation to Party coordinating authorities.

**Item 8. Norwegian Research**

The Vice-Chairman, Chairman and Executive Secretary should draft a letter offering to assist the Norwegian Government in seeking non-lethal alternatives to their proposed research. They will keep Parties informed intersessionally of progress on this issue.

# **Report of the 9<sup>th</sup> Meeting of the Advisory Committee to ASCOBANS**

## **1. Introduction**

Mark Tasker, Chairman of the Advisory Committee, opened the meeting, welcomed the participants to the 9<sup>th</sup> Meeting of the Advisory Committee and complimented the hosts on the beautiful setting. Ms. Christina Rappe of the Swedish Environmental Protection Agency welcomed delegates on behalf of the Swedish National Board of Fisheries and the Swedish Environmental Protection Agency. She expressed the hope that there would be progress in efforts to protect the harbour porpoise.

The Chairman introduced a talk by Jonas Teilmann of the Danish delegation on the satellite tracking of porpoises (see Annex 7), stating that an introductory talk on a topic relevant to the work of the meeting would be a feature of future meetings.

Mark Tasker extended a particular welcome to new participants of the Advisory Committee. He expressed his pleasure at the fact that this year's meeting was attended by observers from the European Commission, the Swiss Cetacean Society and the Swedish non-governmental organisation "Protect Whales and Dolphins". He also introduced Dr. Randall Reeves who had chaired the ASCOBANS workshop aimed at drafting a recovery plan for the Baltic harbour porpoise which took place in Jastarnia, Poland, from 9-11 January 2002. The draft "Jastarnia Plan" (Doc. AC9/DDoc. 7), drafted by Dr. Reeves would be discussed at Agenda Item 4.1.

The Chairman explained that three separate Working Groups on the Baltic Recovery Plan, on Bycatch and on Shipping would be established. He acknowledged that there was some overlap between these meetings, particularly between the Working Groups on the Baltic Recovery Plan and Bycatch.

In response to a suggestion by Denmark, and due to the level of interest in the Baltic Recovery Plan, it was agreed to discuss the Baltic Recovery Plan in plenary and to hold the other two Working Groups in parallel.

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

The Executive Secretary presented amended draft Rules of Procedure for the ASCOBANS Advisory Committee which contained an addition to Rule 5(2) concerning the re-election of the Chairperson or Vice-Chairperson.

The Rules of Procedure (AC9/DDoc. 5(S)) as amended were accepted by the Committee.

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

In response to a request from the Whale and Dolphin Conservation Society, it was agreed that the Pollutants Working Group also take into account noise.

The Draft Agenda was adopted (cf. Annex 3).

## **4. Implementation of the ASCOBANS Triennial Workplan (2001/2002)**

#### 4.1. ASCOBANS Baltic Recovery Plan (Jastarnia Plan)

The Chairman introduced this item. He quoted MOP 3 Res. 3, which urged the continuation of progress on this long-standing issue. He pointed out that according to the Triennial Workplan the Advisory Committee was to provide a recovery plan.

Dr. Reeves explained the process that had been undertaken for the development of the Draft Recovery Plan. An ASCOBANS workshop took place in Jastarnia, Poland from 9-11 January 2002. Based upon the outcome of this workshop, Dr. Reeves had produced two drafts, circulated them for further comments and incorporated many of the comments made into a third draft. An annotated version of this third draft was presented as Document AC9/DDoc. 7(S) (*Draft Recovery Plan for the Baltic Harbour Porpoise (Jastarnia Plan)*). The Secretariat had included all those e-mail comments received from workshop participants during the two rounds of review that had not been incorporated into the final draft as footnotes in the draft text. It had also been suggested that it would be helpful for the draft plan to be reviewed by the Scientific Committee of the International Whaling Commission (IWC) at its 54<sup>th</sup> Meeting in Shimonoseki, Japan (27 April-9 May 2002). The result of this review is presented as Document AC9/Doc. 15(S) (*Excerpt from 2002 Report of IWC Sub-Committee on Small Cetaceans*). The Scientific Committee had strongly endorsed the plan and its recommendations and made some supplementary suggestions with respect to pinger implementation.

On behalf of the Advisory Committee, the Chairman thanked Dr. Reeves for his hard work at the Jastarnia Workshop and in producing the draft Recovery Plan. He also thanked IWC's Scientific Committee for its consideration of the Jastarnia Plan.

The meeting agreed that it was not necessary to retain any comments in the final plan. The annexes, with the exception of Annex I, would also be removed as they simply provided the reports of the working groups and were not necessary for the interpretation of the final plan. These Annexes would not be lost as they remained part of AC9/Ddoc. 7. It was, however, decided to integrate the points raised by the IWC into the plan, rather than keep separate documents, as this would facilitate implementation of the plan.

The representative of the Polish Ministry of Agriculture and Rural Development expressed his concern regarding the transparency of some of the wording used to describe the state of harbour porpoises in the Baltic. He referred in particular to 80% of carrying capacity as the interim goal for the recovery plan<sup>1</sup>. Moreover, he understood the recovery plan to be based on the hypothesis that there were two separate porpoise populations inhabiting the Baltic Sea, which differed in abundance and had no defined distribution limits. Therefore it would be difficult to convince fishermen that severe regulatory measures for the Baltic cod and salmon fisheries operating with gillnets were justified. He went on to point out that in Poland, information on harbour porpoise bycatch was mainly provided by fishermen on a voluntary basis. The recovery plan pointed to fishing as the main factor causing harbour porpoise mortality. This would not contribute to close collaboration of fishermen, who would play a decisive role in the conservation of the Baltic harbour porpoise.

The Advisory Committee noted these comments and took them into consideration when developing the implementation suggestions for the plan (see below).

The Advisory Committee agreed to the final Recovery Plan and strongly commended it to the Parties. It then considered what steps needed to be taken to begin implementation of the Baltic harbour porpoise recovery plan. The following were identified in order of importance<sup>2</sup>.

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<sup>1</sup> Note: The interim goal of 80% of carrying capacity is entrenched in the relevant resolutions of the Meeting of the Parties, (cf. MOP 2 Res. on Incidental Take of Small Cetaceans, MOP 3 Res. No. 3)

<sup>2</sup> \*\*\* Top priority/immediate implementation

\*\*\*1. Establish an Advisory Group to oversee the process of identifying high-risk areas for bycatch mitigation. This group will have responsibility for further development of the Terms of Reference for needed studies, choosing consultants (or other individuals) to carry out the studies, and generally to carry forward the relevant recommendations in the Recovery Plan.

1a. Collation of data on the distribution and timing of porpoise bycatches in the Baltic, and on the distribution and timing of porpoise observations (including strandings) in the Baltic, over approximately the past 50 years.

It was agreed that this work should be conducted by a cetacean expert who is familiar with the Baltic literature. Preferably, this should be a scientist who is sponsored by an agency in one of the ASCOBANS Parties. Estimated time required : 1 month.

1b. Collation of data on fishing effort, following the terms of reference and example data sheet in the Recovery Plan.

It was agreed that this work should be conducted by someone with an intimate knowledge of Baltic fisheries and with a high degree of competence in dealing with fishery statistics. As part of this project, a steering group should be identified consisting of one contact person in each Baltic Range State who can help direct the contractor to relevant sources of data. Estimated time required: 4-6 months. Cost: up to 70,000 Euros.

\*\*\*2. Model pinger function in Baltic conditions. The simple modelling exercise called for in the Recovery Plan should be conducted to determine whether hydrographic conditions in the Baltic are sufficiently different to dramatically compromise pinger efficacy. It was agreed that Håkan Westerberg and Peter Evans would take responsibility for ensuring that this exercise is carried out independently in Sweden and the UK, with Peter first obtaining necessary hydrographic data from Håkan. Cost: none foreseen.

\*\*\*3. Send the Recovery Plan (and this "implementation plan") to IBSFC, HELCOM, and other relevant bodies, with an appropriate cover letter outlining what is expected from them. It is particularly urgent that the transmittal to IBSFC take place without delay, and that every effort be made to ensure that the Recovery Plan is on the agenda of IBSFC's September meeting this year and that a representative of the ASCOBANS Advisory Committee is present at the meeting to present the Plan in person. The responsibility for ensuring that this item is carried out should jointly fall upon the Secretariat and the Chairman-Vice-Chairman.

\*\*\*4. Initiate a review of all experiments to date with alternative gear and fishing practices that might be used to replace the current use of driftnets and bottom-set gillnets in the Baltic. The objective of this review will be to identify promising gear for further development and testing.

It was agreed that this work would take about 2-3 months to complete, at a cost of about 30,000 Euros. Håkan Westerberg and Finn Larsen will be responsible for ensuring that an appropriate person is identified and engaged to do this work. Funding and implementation could be provided through partnership with one or more NGOs, but with the Terms of Reference developed by Håkan Westerberg and Finn Larsen on behalf of the Advisory Committee.

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\*\* high priority/implement without delay

\* to be implemented as soon as feasible

\*\*5. Initiate communication with competent fishery authorities to ensure that there is consistency between what is envisaged in the Baltic Recovery Plan with regard to changes in fishing gear and practices, and any measures that are being considered or taken by those authorities. This work is the joint responsibility of the Secretariat and the Chairman/Vice-Chairman. It should be completed at no cost.

\*\*6. Develop and implement a strategy for getting fishermen to support bycatch mitigation measures.

A key element of any pinger implementation will be educating fishermen on how to use them properly.

\*7. Improve effort and protocols for data collection from stranded or incidentally caught harbour porpoises in the Baltic.

Concerted efforts should be made to locate such animals and to perform comprehensive necropsies on them. Data and samples are particularly needed to expand work on stock identification, contaminant levels, diet, and reproduction.

\*8. Once sufficient data are available from items 1 and 2, an analysis should be initiated for the Baltic similar to that reported for the North Sea in 2000 by Hansen and Larsen. The aim will be to evaluate the potential for habitat exclusion caused by pinger use in the Baltic.

It was agreed that the eight points detailed above should be attached to the Baltic Recovery Plan.

#### **4.2. Abundance survey planning**

The Vice-Chairman, Peter Reijnders, introduced two papers, Document AC9/Doc. 20(S), *Small Cetacean Abundance in the North Sea and adjacent waters: Progress with SCANS-II* and Document AC9/Doc. 10 (P), *Testing T-pods, a new automated cetacean echo-location click logger with click timing, for its applicability*.

He explained that preparation for SCANS-II were in an early phase, and that the preparation involved three key stages:

1. establishment of an e-mail correspondence working group to ensure that all interested parties can contribute to the process leading to submission of the research proposal to the European Union, range state governments and other organisations;
2. planning for and hosting a meeting in the relatively near future as an aid to proposal preparation; and
3. determining the most appropriate routes to explore for EU and other funding.

The Advisory Committee discussed the coverage of SCANS-II, with two areas not covered by SCANS-I (waters immediately west of the Agreement area and the Baltic Sea) being under consideration. The Chairman concluded that, as regards the extent of the project area, it was sufficient to bring the existence of the Resolution of the Third Meeting of Parties to the attention of Dr. Phil Hammond and Dr. Kelly Macleod of the Sea Mammal Research Unit, who are planning SCANS-II.

Germany stressed the need for the Advisory Committee to give a strong signal of support for the SCANS-II project. The project would, however, need to be co-financed.

The Vice-Chairman urged all Parties to nominate focal points as soon as possible, in order to speed up the preparations. He noted that although it would be one or two years before the project was due to start, there was a need to get funding finalised as soon as possible.

The United Kingdom reported that it had begun to identify sources of funding, and had already provided funding to the Secretariat.

The Chairman acknowledged the support of the UK, the agreement that a wide survey area was required and that co-funding was required to ensure the success of the project. In regard to the latter, all Parties noted that a draft budget and project proposal were needed as soon as possible and at the latest by Autumn 2002.

Sweden reported that an aerial survey of the Baltic was scheduled for this year. The Swedish delegation's understanding was that unless this survey produced a different picture, the possibility of using the SCANS methodology in the Baltic seemed remote. It would be easier to decide on the feasibility after the survey.

Denmark stressed the importance of timing. The idea of SCANS was to conduct the survey in a narrow timeframe. Therefore, even though the techniques in the Baltic might be different, times should be similar.

Germany pointed out that considerable research on harbour porpoises was being carried out in Germany and that aerial and ship-based surveys were being undertaken in connection with projected wind-parks. The German delegation also highlighted the fact that some non-governmental organisations had sightings programmes, and suggested that SCANS-II should make use of these. The Vice-Chairman confirmed that under Resolution No. 5 agreed at the Third Meeting of Parties, such programmes could be taken into account.

The Whale and Dolphin Conservation Society requested clarification as to the future relationship between the SCANS-II and the Advisory Committee of ASCOBANS. The Vice-Chairman stated it was not possible to accurately predict the development of SCANS-II but as soon as a Working Group was established, the Advisory Committee could contribute intersessionally before the Advisory Committee's next meeting. While no definite answer could be provided at this stage, the Vice-Chairman assured the meeting that the planning of SCANS-II would not happen independently of the Advisory Committee.

#### **4.3. Bycatch issues, including in-depth review of Read Report and advice to Parties and**

#### **4.4. Terms of Reference for projected report on bycatch in the Agreement area**

As at AC8 in 2001, a working group (Chair: Mark Simmonds) met to consider bycatch issues. The Working Group Chair presented the findings of the working group including its review of documents (Report of the Bycatch Working Group at Annex 5).

The Advisory Committee expressed broad support for the Read review (AC8/ Doc. 5) and its recommendations, noting that the review identified the following as vital components of any bycatch mitigation attempts:

- clear statement of objectives
- involvement of stakeholders
- the need for independent observer programmes
- the need for case-specific approaches
- the importance of compliance and enforcement.

Noting that the next MOP expected a report on bycatch, it was agreed that a small intersessional meeting in the autumn of 2002 should be held or that an email group should be convened to further develop ASCOBANS work on bycatch mitigation.

This meeting would consider the results of the ICES review of bycatch and the STEFC review and, in light of this, give consideration to further actions by ASCOBANS, including terms of reference for a consultant(s) to help provide the report for MOP4.

Taking into account the commitments made at the last MOP, it was noted that the projected bycatch report should consider

- identifying gaps in bycatch monitoring and fisheries data and suggesting how these might be filled;
- priority cases for bycatch mitigation and related ASCOBANS work in the agreement area and adjacent waters; and
- a process for devising case-specific action plans (using the example of the Baltic Recovery plan, being mindful of the importance of involving stakeholders and including a list of options for bycatch mitigation -such as those outlined in the Read report).

The Advisory Committee Chair and Vice-Chair were entrusted with further developing this work. The draft bycatch report would be considered at the next AC and presented to the next MOP along with any other recommendations.

ASCOBANS should communicate to the European Commission its support for the key recommendations identified above as well as welcoming the Commission's published intent to bring forward a new set of technical measures designed to reduce bycatch of cetaceans.

The UK noted that little of what had been concluded at the last Advisory Committee meeting had been taken into account in the deliberations of the Working Group, and it was not evident from the report of the Working Group that any progress had been made.

The Chairman noted that many of the points raised at the last Advisory Committee meeting would be responded to in the ICES/STEFC advice to the European Commission in the ICES report. He suggested that some additional words be added to emphasise that the Advisory Committee was aware that there were other activities taking place on this issue.

The UK noted that there was nothing to prevent Parties undertaking additional activities at a national level.

The Chairman of the Working Group emphasised that if another Working Group was to be convened to discuss this issue, it should be allocated more time than was permitted at this meeting.

#### **4.5. Review of seismic disturbance and recommendations**

At the 7<sup>th</sup> Advisory Committee meeting (Bruges, March 2000), Parties had been requested to submit information on seismic disturbance in their waters in order to ascertain trends over time. At this meeting three papers were introduced on this subject:

- Document AC9/Doc. 9(P), *Preliminary Information on Seismic Activities*, (Germany)
- Document AC9/Doc. 19, *Disturbance by seismic surveys: Data submitted by Parties* (Secretariat)
- Document AC9/Doc.24 (P), *Progress report from UK by Joint Nature Conservation Committee (JNCC) on the implementation of Resolution 4 to develop a monitoring system that will enable adaptive management of seismic survey activities.*

The United Kingdom introduced their document and noted the UK's intention to establish the Digital Energy Atlas and Library (DEAL), produced by Common Data Access Ltd. (CDAL). DEAL promoted and facilitated access to data and information relevant to the offshore exploration and production of hydrocarbons on the United Kingdom Continental Shelf. It had used information on high intensity seismic surveys to compile as full a record as possible of past seismic survey activity from 1964. CDAL would also provide advice on the compilation of a report on seismic activity per quadrant per month since January 1997. It was also recommended that all Parties and Range States use the "close-out report" format, as illustrated in Doc. AC9/Doc. 24. Although it was thought that DEAL would be provided free of charge, the United Kingdom noted that it had provided the Secretariat with funding to cover possible charges.

Germany noted that it took some time to process data and that the processing of last year's data was still incomplete.

Belgium reported on new national legislation, which had recently been published. This legislation made seismic surveys subject to notification or licensing, which provided for the possibility to establish guidelines such as those used in the UK. Environmental impact assessments were required prior to the use of certain types of seismic equipment. The new legislation provided for the possibility to collect more information on seismic activities in Belgian waters.

The Chairman thanked those Parties that had provided information and encouraged the collection of further information, particularly from those Parties that had not yet submitted any information. He stated that the Advisory Committee should aim to produce a report in time for the Fourth Meeting of Parties, and this should be an area for action for all Parties in the next year.

#### **4.6. Terms of Reference for cetaceans/shipping report**

A working group on shipping, chaired by John Clorley, was established in response to a request from the Third Meeting of Parties for the Advisory Committee to provide a report on effects of shipping on cetaceans.

The Working Group concluded that the terms of reference should cover two main areas: physical damage and behavioural changes due to noise. The term "shipping" should cover a range of activities, in particular high-speed ferries, other shipping (including military activity), and recreational activities (including whalewatching and jet skis). It was noted that considerable attention had been paid to high speed ferry links by the Meeting of Parties. However only five Parties had reported on ferries in 2002 and consequently it had not been possible to build up a comprehensive picture of the activities.

The Working Group recommended that the report should not cover acoustic harassment devices or stationary platforms (e.g. wind farms, fixed oil rigs, or acoustic harassment devices (e.g. seal scarers). The report should identify areas where activities occur or are concentrated and, if possible, this should be related to cetacean distribution. It was also necessary to draw on existing information to identify possible effects. The report should propose possible mitigation methods as a basis for further discussion at next Meeting of Parties.

The Chairman questioned whether whalewatching should be included in this because it had been considered many times before and he understood that the Meeting of Parties had intended that new areas be considered.

Germany agreed that many workshops had been held on whalewatching and the subject was discussed annually by the IWC. Consequently Germany felt that ASCOBANS should not duplicate their efforts. The ECS supported this statement. It believed that while reference should be made to whalewatching, it should not be covered in any significant detail because it was not a major issue in the ASCOBANS area. The IWC delegate agreed that whalewatching should be mentioned in the report but should not be given detailed coverage.

## **5. Ongoing Information Issues**

### **5.1. National legislation/protected areas**

No reports or documents were presented under this Agenda item.

Germany noted that a new Nature Conservation Act had been passed which required the identification of areas suitable for windparks and the identification of areas in accordance with the Habitats Directive of the EU.

The UK reported that it was now in the process of preparing draft Regulations to extend the application of the Habitats and Birds Directives beyond 12 nm. The aim was to consult on the draft Regulations later in 2002. As part of the implementation of these Regulations, JNCC had been asked by the UK Government to provide information to enable the identification of offshore Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). The JNCC had therefore prepared a report on the identification and selection of offshore marine sites ("Natura 2000 in UK waters: Advice to support the implementation of the EC Habitats and Birds Directives in offshore waters"). JNCC welcomed comments on this by the end of September 2002 (see [www.jncc.gov.uk/marine](http://www.jncc.gov.uk/marine)). A European seminar would be held in the UK on 17-18 June 2002. This would consider the implementation of the EC Habitats and Birds Directives in offshore waters and the process of identifying SACs and SPAs beyond territorial waters. Representatives from the European Commission and a range of Member States and NGOs would participate in discussions. The results of a questionnaire to all Member State participants on the state of implementation of Natura 2000 in offshore waters would also be available on the above website.

The Netherlands noted that preliminary discussions were ongoing concerning the application of the Habitats Directive in the Dutch sector of the North Sea.

### **5.2. Accession of Range States; extension of Agreement area**

The Executive Secretary noted that no new accessions had taken place, Lithuania was however expected to accede in the near future. He was uncertain as to whether there were any new developments in Estonia, and there had been no news from Latvia or the Russian Federation.

The observer from Estonia confirmed that it was a priority of the Ministry of the Environment in Estonia to join ASCOBANS. Estonia intended to join the relevant CMS Agreements first, before acceding to the Convention itself at a later point in time. In October or November 2002 the necessary documentation would be passed to the Ministry of Foreign Affairs which was ultimately responsible for deciding the question of accession. However, it was not expected that there would be any strong arguments against joining ASCOBANS.

The Lithuanian observer stated that the general policy of the Ministry of Environment remained positive. The necessary documents needed to be prepared for presentation to the Lithuanian Parliament, and it was hoped that this accession would take place in autumn of 2002 or the first half of 2003.

France noted that three ministries were involved in the accession decision. Accession to both ASCOBANS and ACCOBAMS, and any extension to the ASCOBANS area remained on the agenda in France.

AC8 had requested that the Secretariat contact Spain, Portugal and Ireland to encourage their participation in the Agreement. In order to enable Spain and Ireland to join ASCOBANS without the delay caused by a formal extension of the Agenda area, the attention of the States in question had been drawn to the fact that under Article 1.2 (F) 8.4, the Agreement was open to accession by any states that exercised jurisdiction over any part of the range of a species covered by the Agreement. Portugal had meanwhile informed the Secretariat of its intention to accede only to ACCOBAMS. No response had been received from Ireland and Spain.

The Chairman suggested that the agreement boundary should be extended by including the European Fisheries Limits. The UK agreed that administratively this would be a practical solution. Belgium suggested that the area in which a country could take nature conservation measures should be taken into account. The Chairman responded that extending the Agreement area beyond 200 nm might cause problems and this would not be beneficial to ASCOBANS. WDCS noted its support for the Chairman's proposal but suggested that the extension might be facilitated by having a map of the proposed extended area to be presented to Ireland and Spain. The Advisory Committee supported this in principle, it was agreed that the Executive Secretary should write letters to Spain and Ireland along the lines suggested by Chair.

The UK explained that Jersey had recently passed a Nature Conservation Act which would allow the UK to ratify ASCOBANS on Jersey's behalf, and this process was underway.

### **5.3. Co-operation with ACCOBAMS**

The Executive Secretary of ACCOBAMS, Dr. Marie-Christine Van Klaveren, informed the Advisory Committee that the first Meeting of the Parties to ACCOBAMS had been held in Monaco in February 2002. At that meeting the institutional basis of the Agreement had been established and several resolutions had been passed. A Scientific Committee had been created and international implementation priorities for 2002-2006 had been laid out. These priorities, identified in Document AC9/Doc. 26(O) (*International Implementation Priorities for 2002-2006 for ACCOBAMS*), include research, monitoring and capacity building. The Scientific Committee would hold its first meeting in Tunis in October 2002. At this meeting it would prepare a programme of priorities for 2002-2004. Dr. Van Klaveren recognised the need for collaboration between ACCOBAMS and ASCOBANS since the Agreements shared common concerns, and noted that it was the intention of ACCOBAMS to invite ASCOBANS to participate in the first meeting of the Scientific Committee.

Dr. Van Klaveren also reported that a substantive review on the status of cetaceans in the Mediterranean and Black Seas, including threats to conservation, had been published and that this document was now available on the ACCOBAMS website (<http://www.accobams.mc>).

The Executive Secretary of ASCOBANS recalled that the 7<sup>th</sup> Advisory Committee meeting had asked the Secretariat to liaise with ACCOBAMS and had suggested that there should be reciprocity of representation at meetings. Consequently ACCOBAMS had been represented at all AC meetings since AC7 and excellent cooperation between the Secretariats had been established.

Both he and the AC Chairman had attended the First Meeting of the Parties to ACCOBAMS. This meeting had identified a number of practical areas for cooperation between the two Agreements. One of these was public education and awareness-raising, and the presentation by the Swiss Cetacean Society under item 5.6.2 was related to this. He felt that the ACCOBAMS information kit might be modified for use in the ASCOBANS area.

The Executive Secretary thanked ACCOBAMS for the invitation to the First Scientific Committee meeting, and expressed his hope that ASCOBANS would continue to be invited to these meetings in the future.

#### **5.4. Pollution, noise pollution, disturbance (except seismic disturbance, cf. 4.5)**

##### **5.4.1. High-speed ferries**

The Executive Secretary introduced Document AC9/Doc. 17(S) (*Update on High-Speed Ferries*). At its 7<sup>th</sup> Meeting in March 2000, the Advisory Committee had asked the Secretariat to continue monitoring information on high-speed ferries and their potential impact on small cetaceans. The Executive Secretary noted that the number of Parties and Ranges States that had provided information had dropped from seven in 2001 to five this year. Consequently, the compilation once again did not cover the whole of the Agreement area and the information received for certain other regions was likely to be incomplete. Although it was difficult to obtain an overall picture from the data provided, the general conclusion to be drawn was that the overall number of high-speed vessels operating in the Agreement area had not decreased, and had possibly increased. The Executive Secretary reiterated the request to Parties to provide information consistently.

With regard to the request of the 8<sup>th</sup> Meeting of the Advisory Committee to complement the Secretariat's updates on high-speed ferries with a map, the Executive Secretary explained that a map had been commissioned but not received in time for AC9. The map was being provided by the German Federal Maritime and Hydrographic Agency. It would be circulated as soon as possible.

Denmark presented its apologies for not having submitted the requested data in time for the meeting and announced that it would do so shortly. The question needed to be asked, however, for what purpose this information was collected and if there was a need to continue collecting it in the future.

The Vice-Chairman acknowledged that there was a need to consider how the information would be used. This also applied to other data collected by the Secretariat, such as that on post-mortem and stranding schemes.

WDCS noted that Laist et al. (2001)<sup>3</sup> had considered the type, sizes and speeds of vessels that most frequently caused injury and mortality to whales. The majority of reported ship-strikes, when ship speed was known, causing serious or lethal injuries to whales, occurred when the vessels were travelling at a speed of, or greater than, 10 knots, although collisions did occur at speeds as low as 6 knots. It was, therefore, suggested that for cetacean conservation management, the maximum speed for shipping in important cetacean habitats should not be greater than 10 knots.

ECS commented that their shipping Working Group had decided to consider high-speed ferries.

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<sup>3</sup> Laist, D.W., Knowlton, A.R., Mead, J.G., Collet, A.S. and Podesta, M. 2001. Collisions between ships and whales. *Mar. Mam. Sci.* 17. 1. P. 35-75.

The Chairman noted that one of the reasons that Parties were requested to continuously submit information on high-speed ferries was to maintain the awareness of Parties. The subject of high speed ferries would be covered in the shipping review.

ECS also expressed the view that it was necessary to identify why the information was being collected. Thus, for example, ASCOBANS might only have a watching brief. It was, moreover, necessary to consider how the information was to be collected. It might, for example, be solely up to Parties to provide the information or it might be the responsibility of the Secretariat, which could obtain information from both Parties and other sources.

It was decided to consider this further at the 10<sup>th</sup> Advisory Committee meeting. In order to facilitate this discussion, it was agreed that the Chair and Vice-Chair should produce a proposal on this for consideration at that meeting and before the next triennial work plan for the Advisory Committee was produced for presentation at the Meeting of Parties.

The WDCS stated that it was collecting information on noise pollution. However there was no real item for this in the agenda, and it was felt that progress on this should be noted somewhere in the report. The Advisory Committee took note of this, and WDCS agreed to draft a document for consideration at AC10.

#### **5.4.2. Military**

The Chairman stated that no further information on disturbance by military activities was available from Parties at this time.

WDCS, with support from the other conservation groups present, noted that there was continuing concern about military sonar. WDCS expressed gratitude that this was an agenda item but also expressed disappointment that nothing had been reported by Parties this year. WDCS referred to the discussion from last year about strandings in the Bahamas linked to sonar. U.S. authorities had now completed their investigations (see Annex X). WDCS noted that it very much appreciated the sensitivities relating to this matter of national security, but the conservation groups were still seeking reassurances about how mitigation was to be achieved in the ASCOBANS area. It was noted that both Germany and the UK were conducting environmental impact assessments, which was welcomed.

WDCS commented that the deployment of military sonar would be of importance to the work of ASCOBANS, possibly affecting surveys, and that LFAS was to be tested in waters in or adjacent to ASCOBANS waters this summer. It was suggested that ASCOBANS might be the competent body to establish dialogue with the relevant military authorities. The representative of WDCS proposed that an expert could be invited to the next Advisory Committee.

The Vice-Chair suggested that this could be considered in the shipping Working Group and could also be added to the discussion on noise pollution.

The Chair noted that the U.S. authorities had organised a small workshop on medium frequency tactical sonar which indicated that it was not necessarily noise that was causing a problem. The sonar might not cause damage to the auditory system, but could be causing disturbance or be having other physiological effects influencing nitrogen absorption. He noted that, as far as he was aware, no such gear was being used by the United Kingdom in or near the ASCOBANS area. It was also noted that this was a developing issue and it was hoped that the shipping report would cover this issue.

In response to WDCS' suggestion to have an expert address the next Advisory Committee meeting, the UK stated that a specialist had recently addressed DEFRA specifically on passive sonar and offered to

investigate the possibility of this expert addressing a wider audience. Since it could not be guaranteed that he would be willing to do so, it was agreed that the Chairman and the Secretariat would also explore the possibilities of having an expert address the next Advisory Committee.

### **5.4.3. Wind Energy**

Germany noted that a new Nature Conservation Act had entered into force on 4 April 2002. Germany intended to extend its supply of wind energy and preparations were being made, mainly by the Ministry of Transport. These preparations included compiling a list of areas that might be suitable. Areas were indicated that could be taken into account for wind energy in the North Sea and the Baltic. Germany was aware that this might cause ecological problems and had therefore set up a large research programme. This programme had several components which looked at the effect of windmills on marine mammals and on distribution and abundance of harbour porpoises. This research would be conducted independently of SCANS.

The Vice-Chair thanked Germany. He suggested that for the next AC meeting, parties concerned should provide information on plans regarding wind parks. Germany responded that the issue of windmills was being examined by OSPAR. The United Kingdom stated that OSPAR was doing work in this area and suggested that the Secretariat should contact them in order to coordinate rather than duplicate efforts. Belgium informed the meeting that while information on windmills was collected by OSPAR, their effects on small cetaceans were not being discussed in any great detail. It was therefore concluded that the ASCOBANS Advisory Committee should examine this matter.

### **5.4.4. Report by Pollutants Working Group**

The Report of the Pollutants Working Group is provided at Annex 6.

The Vice-Chair explained that this was a joint effort between himself and Dr. Mark Simmonds of WDCS. The first part of this report concerned research on chemical pollution and included a literature search that was by nature not comprehensive. Only items of particular interest to ASCOBANS had been included. The second part of the report referred to noise pollution.

It was noted by Mark Simmonds that the report was similar in nature to those produced in past years, containing a list of references that had been brought to the attention of the Working Group intersessionally. He highlighted some items on wind farms, and noted that this report served as background information for Parties to ASCOBANS.

The Chairman thanked Peter Reijnders and Mark Simmonds for compiling this document and requested that participants contribute information in the future.

## **5.5. Post-mortem and stranding schemes**

Document 16 was introduced.

The Executive Secretary explained that France had not submitted any information on post-mortem and stranding schemes this year as there had been no change over the previous year.

The French observer pointed out that France was involved in the EU BIOCET (bio-accumulation of persistent pollutants in cetaceans) programme. Within the framework of this programme France was collecting samples. France was asked to provide a paper on this for the next AC.

## **5.6. Publicity/PR Issues**

### **5.6.1. Parties/Range States**

Document AC9/ Doc 27 and Document AC9/Doc. 28 were introduced.

Lithuania made a presentation on educational programmes by the Lithuanian Sea Museum, Klaipėda. A programme entitled the "The Mysterious World of Whales and Dolphins" had commenced which circulated information on the biology of small cetaceans to schools. A second programme focussed upon the ASCOBANS display which had been exhibited in the Museum for five months and had been visited by up to 200,000 visitors. Educational programmes were being developed to provide information on biology and conservation measures. A puppet play had also been developed. It was intended to extend the programme over more of Lithuania. The Lithuanian observer requested that if any other parties had any slides or information that could be used in the education programme, it would be appreciated if these could be made available to Lithuania.

The Vice-Chairman commended the development of the Lithuanian programme, especially since Lithuania had so few cetaceans in its waters.

Finland made a presentation on a project on public awareness and harbour porpoise sightings in Finland. This project had commenced in summer 2001 with the production, in collaboration with several organisations, of a brochure about harbour porpoises. This brochure had been distributed to all fisheries and nature organisations dealing with marine areas. Television, magazine and newspaper articles had resulted from this activity and consequently there had been a noticeable increase in information obtained from the public. This summer the ASCOBANS exhibition would travel to four locations in Finland.

### 5.6.2. Secretariat

The Chairman opened this item by congratulating the Secretariat on producing a high quality website.

The Swiss Cetacean Society presented the ACCOBAMS Training Kit. The Society stated that it was pleased to attend the Advisory Committee meeting. The Swiss Cetacean Society was a non-governmental organisation dedicated to marine mammal species conservation. It had two main areas of activity, an educational element comprising training courses, conferences for the public and in schools, exhibitions etc., and logistical support for research and the financing of volunteer programmes. Through its activities in the Mediterranean area, the Society had developed close contacts with ACCOBAMS and had been asked to create an educational tool for that agreement. The "ACCOBAMS Educational Kit" was aimed at biologists dealing with cetacean issues in the ACCOBAMS area. It was noted that input from the scientific community, which had already contributed to the kit, would be required in order to keep the Kit up-to-date. Attempts were being made to standardise the format of the Kit so that all data provided could be incorporated. The Society requested that they would welcome the submission of photographs and sounds for Mediterranean species, if these were available. The ACCOBAMS observer noted that it was the intention to add some new documents for young people to this project.

Following discussion it was agreed that target audiences were a primary consideration in the production of information material. There might be some overlap between the audiences of ACCOBAMS and ASCOBANS, but it was more likely that local material would be required.

It was agreed that a proposal concerning the direction and scope of future PR work should be presented to next year's Advisory Committee meeting by the Secretariat.

The Executive Secretary thanked the Chairman for his very positive comments on the website. He stated that the Secretariat would continue to update the ASCOBANS website, however this was a difficult task due to lack of time and staff. He went on to provide an overview of ASCOBANS PR activities since AC8. Events to celebrate the 10<sup>th</sup> anniversary of ASCOBANS had been important in 2001, and had included the production of a 10<sup>th</sup> anniversary publication and an exhibition of Polish art which had been displayed in Bonn. This exhibition had received considerable attention in German papers. It would be shown again in Poland later this year.

The ASCOBANS exhibition "Harbour Porpoise in Distress" was currently touring the Eastern Baltic region. After having been shown in Klaipėda, Lithuania from September - December 2001, in Jastarnia, Poland in January 2002, and in Riga, Latvia from February to May this year, it was currently in Finland where it would be shown at four different locations until September. It would be displayed in Russia in September and in Estonia from October to December of this year.

The Executive Secretary stated that many of these projects had only been possible due to the voluntary contribution of Germany, and thanked the German Government once again for their support.

The Executive Secretary asked the meeting whether the publication of an ASCOBANS newsletter would be a valuable initiative. The Advisory Committee discussed this and concluded that the ASCOBANS website should be the principle vehicle for dissemination of information and that a newsletter was not needed for the time being - particularly bearing in mind the time pressures on the Secretariat.

The Advisory Committee further discussed whether ASCOBANS should collect and make available relevant documentation and publications. It was decided that because there were websites that made documents available electronically, this was not a high priority. The Executive Secretary nevertheless urged all to submit relevant abstracts for the ASCOBANS website in order to keep it up to date. The Advisory Committee noted that it would be useful if full reference and author contact details accom-

pany all abstracts. The report of the Pollutants Working Group could also be reformatted for the website.

WDCS drew attention to its website ([www.wdcs.org](http://www.wdcs.org)), which was trying to provide a considerable quantity of educational material, and which now also included a free screensaver giving identification information.

ECS informed the meeting that a dolphin watch was being organised at the end of July in order to raise public awareness of the diversity of species in the UK. In addition, between 9<sup>th</sup> and 13<sup>th</sup> September 2002, the ECS in conjunction with the University of Valencia (UIMP) was organising a course on marine mammals, their biology, conservation and management. The course was aimed at university students, professional researchers, educators and conservation managers. Further details are available on the ECS website ([web.inter.nl.net/users/J.W.Broekema/ecs](http://web.inter.nl.net/users/J.W.Broekema/ecs)).

## **6. Other issues**

### **6.1. 5th North Sea Conference – Projected recovery plan for harbour porpoises**

The Executive Secretary introduced Document AC9/Doc. 12 a and b. He explained that Ministers had met in Bergen this year. One of the results of their meeting had been a declaration covering a wide range of environmental issues related to the North Sea, such as protection of species and habitats and sustainable fisheries. He noted that the Declaration did not explicitly mention ASCOBANS. But since ASCOBANS was the only international institution dealing exclusively with the conservation of cetaceans in the North Sea area, pooled a considerable amount of expertise and had just successfully elaborated a recovery plan for Baltic harbour porpoises, he felt that ASCOBANS clearly had a role to play and should be involved in producing a North Sea recovery plan.

The UK stated that the reference to the 1.7% rate of unacceptable take illustrated that ASCOBANS did influence international bodies. From the UK point of view, ASCOBANS should indeed be involved in the development of the plan for the North Sea. The UK encouraged work with other organisations and competent authorities, and noted that the experience of ASCOBANS in the development of the plan for the Baltic could be used to progress a plan for the North Sea.

Germany agreed with the statement by the UK, and noted that this was a serious matter because it related to international decision-making. It drew attention to page 1, paragraph 5 of the Bergen Declaration, which welcomed the statement of the 9<sup>th</sup> Trilateral Governmental Wadden Sea Conference to the 5<sup>th</sup> NSC as a valuable contribution to this Declaration. In Germany's view ASCOBANS should encourage the drafting of a declaration that could be passed on as soon as possible to the European Commission.

The Netherlands supported the previous statements by the U.K. and Germany, and noted that the North Sea plan would be a vehicle to further the ASCOBANS objectives.

The Chairman noted that Ministers would develop and adopt a recovery plan, in collaboration with relevant authorities, and ASCOBANS needed to work with them in its development. It was necessary for the Advisory Committee to make suggestions as to how the process should operate. However he acknowledged the potential difficulties in promoting a plan in an area where there were still a considerable number of porpoises, and so the focus should be on areas in the North Sea where problems were known to exist.

Denmark pointed out that due to limited resources it might prove to be problematic to both produce a North Sea recovery plan and to undertake the SCANS II survey.

Germany noted that the Advisory Committee should be pro-active rather than waiting for a direct request from the Ministers. The possibility of German funding for this recovery plan could be explored. This was welcomed.

WDCS noted that the Ministerial conference had not considered noise pollution in their agenda, and suggested that the communication by the Advisory Committee should make reference to this concern. It was suggested by WDCS that the letter should contain a query as to the objectives of the plan.

The Vice-Chairman suggested that the Secretariat of the NSC could be contacted and inquiries made as to what mechanism was intended. The Advisory Committee could also ask how ASCOBANS could be involved. If the NSC Secretariat provided a clear statement that they wished for ASCOBANS to be involved, then the Advisory Committee could consider convening a workshop.

The Chairman concluded that the Advisory Committee should offer the services of ASCOBANS, because ASCOBANS had the experience in developing similar a plan. However, it was not possible to proceed until the views of the Ministers had been obtained. It was decided that the Chairman and Vice-Chairman, in cooperation with the Secretariat, draw up a letter, which could be circulated to Party co-ordination authorities for comment.

## **6.2. CFP Reform**

The Chairman noted that many of the relevant points under this Agenda item had been considered in relation to the discussions of the bycatch Working Group. Document 25 was one of many documents circulated by the European Commission on CFP reform, the most relevant one being a document dealing with environmental integration and taking into account small cetaceans in European Union waters. Numerous issues that had been discussed in ASCOBANS had reached the CFP and the Chairman commended the EC on its efforts to include small cetacean bycatch in its considerations and on taking a more progressive stance on these issues.

## **7. Business Session**

### **7.1. Budgetary issues**

#### **7.1.1. Outline of budget for 2001**

The Executive Secretary introduced Document AC9/Doc. 23 "Outline of Budget for 2001". He noted that this budget summary had been prepared by the Secretariat due to the fact that the closure of accounts exercise for 2001 had not yet been completed by UNEP/UNON and a final budget report from Nairobi was not ready in time for the meeting. The Secretariat had based the report on records kept by the ASCOBANS and CMS Secretariats. The document was accepted as being preliminary in nature, and thus some figures could be subject to change.

On behalf of the Parties, the Chairman thanked the Executive Secretary for providing the preliminary report, which was beyond his role as this was clearly the task of UNEP/UNON. He also expressed disappointment that CMS and UNEP/UNON were not providing the support to which the ASCOBANS Secretariat was entitled.

Belgium pointed out that one of the main reasons for integrating the Secretariat into the CMS Agreements Unit had been to relieve the Secretariat of time-consuming administrative and budget-related work. The Belgian delegate expressed his concern at the fact that this objective had not been achieved so far.

The Executive Secretary pointed out that a number of factors had contributed to the current, unsatisfactory, situation. Thus, the problems were partly due to the fact that the Administrative and Fund Management Officer of CMS, who had to work for three Agreements Secretariats in addition to the Convention Secretariat, was overworked. This situation was compounded by the fact that the CMS Secretariat's very experienced Finance Assistant had left the Secretariat in September of 2001, and it had taken considerable time to fill the post. Moreover, a new accounting system (IMS) had been set up within the UN and this was not compatible with the CMS system. In some ways, the situation had however improved since the entry on duty of the new Finance Assistant, who had started work in February. Moreover, an additional UNEP/UNON staff member had been seconded to the CMS Secretariat in June and would stay in Bonn for several weeks. He would hopefully contribute to further alleviating the situation. Therefore, there was some hope that the situation might improve in the not too distant future.

The United Kingdom reminded the meeting that complaints had been presented to UNEP last year, and expressed its dissatisfaction that these had not been addressed.

The Advisory Committee concluded that the situation should be reviewed in some depth at the Meeting of Parties if matters had not improved by that time.

The budget summary showed that there was a surplus for last year. It was for the Meeting of Parties to decide how to use this leftover money.

### **7.1.2. Establishment of AC Budget Working Group**

Following a decision of AC8, the Advisory Committee once again considered whether there was a need for this Working Group. It was decided that there was currently no need for the re-establishment of such a Working Group.

### **7.2. Administrative issues**

The Executive Secretary reported on the operation of the CMS Agreements Unit, which has been in operation since 1 January 2002. He noted that when one institution was integrated into another, there were inevitably "growing pains". Thus the recruitment of Secretariat staff had taken longer than had been hoped. As noted above, there had also been problems related to budgetary issues. The administrative and budget-related workload of the Secretariat had not decreased.

Overall, however, he felt that the advantages of integration still outweighed the disadvantages. The collocation of three Agreements Secretariats in Bonn created useful synergies that could not otherwise be achieved. Moreover, the association of ASCOBANS with the UN system lent greater weight to the Secretariat and facilitated contacts and cooperation with national and international institutions. He concluded that if the administrative problems that had proved to be a hindrance to the smooth operation of the Secretariat within the Agreements Unit could be overcome, the Agreements Unit could live up to its full potential, to the benefit of all institutions involved.

The Executive Secretary also reported on progress concerning the long-standing issue of a Headquarters Agreement for CMS and the Agreement Secretariats. It was to be assumed that this issue could be resolved in the not too distant future. The question of applicability of the Headquarters Agreement to the ASCOBANS Secretariat would then have to be examined.

### **7.3. Meetings to be attended in 2002/2003**

Document AC9/Doc. 13(S) (*Dates of Interest to ASCOBANS in 2002/2003*) was discussed and attached as an annex.

## **8. Any other business**

ECS introduced information on "EUROPHLUKES", a three-year EU concerted action project. The aim of the project was to develop and maintain a Europe-wide digital catalogue of individually recognisable cetaceans. It was acknowledged that it was easier to obtain information on some species than others, and therefore prioritisation was required. The project included a website ([www.europhlukes.net](http://www.europhlukes.net)) which allowed the public to view the images. There had been considerable debate as to what would happen when EU funding ended. If the project was to achieve its scientific objectives, funding was required for the longer-term. A liaison committee had been formed which included representatives from ASCOBANS, ACCOBAMS and the IWC. It was agreed that a short paper should be presented to the next meeting of the Advisory Committee.

The observer from ACCOBAMS noted that the EUROPHLUKES project and in particular its extension to the non-European countries among the agreement's range states was one of the priorities of ACCOBAMS, and that a meeting would be held to decide how to contribute to this project.

ECS noted that it was comprised primarily of scientists and many members of ASCOBANS were members. It was hoped to collaborate more closely with ASCOBANS, and suggested that ECS conferences and ASCOBANS Advisory Committee meetings could be held back-to-back to facilitate the participation of scientists at both events. The ECS had previously provided reports on what events at ECS conferences and enquired whether this was still required. ASCOBANS had since become a special member of the ECS and the Secretariat also received information.

The Executive Secretary stated that organisation of ECS meetings would be borne in mind when planning where and when Advisory Committee meetings were to be held. The Chairman added that a summary provided by the ECS would be useful. ASCOBANS representatives did attend the ECS meetings, but further linkages should be developed.

The Executive Secretary introduced Document AC9/Doc. 21 on the Global Register of Migratory Species (GROMS). This was an instrument that has been developed by small team in Bonn, in cooperation with CMS and with funding from the German Government. However, the project had been finished and would be handed over to CMS later this year.

There were several scenarios for future of GROMS (Continue the maintenance of GROMS as a comprehensive, centralised database, maintained by one organisation or by a small consortium of organisations or deconstruct GROMS into different "modules" to be given back to the organisations that originally contributed the data for each module, and use these modules to establish a decentralised, interna-

tional system on migratory species.). If GROMS was handed over to CMS, this would raise the question as to how the Agreements would contribute to the future of the database. AEWA has discussed this issue at its last two Technical Committee meetings, but had postponed a decision on participation. It was agreed that this would be considered as an agenda item at the next meeting of the Advisory Committee, when more information would be available. The Executive Secretary also noted that there were plans to distribute more ample information on GROMS to the Parties of ASCOBANS.

The Executive Secretary introduced Document AC9/Doc. 14 on the joint CMS/CBD work programme. He drew attention to the fact that the 6<sup>th</sup> meeting of the CBD had recognised CMS as lead party on migratory species. This also had implications for CMS-related Agreements. It was noted that the process of co-ordination within the CMS family on this issue was ongoing.

The observer for ACCOBAMS noted that the next Meeting of the Parties to ACCOBAMS would not be held until 2004 and that it was necessary to have meeting with CMS and ASCOBANS to discuss this issue. The ASCOBANS Executive Secretary agreed to raise this with the CMS Secretariat.

Germany introduced Document 29, and expressed its concern at Norway's projected new dolphin research programme that involved lethal methods. Germany understood that the Norwegian research would probably not be carried out in 2002 due to lack of funding. However, the German Minister for the Environment had written to the Norwegian Fisheries Minister on 16 May 2002 expressing Germany's concern and referring to a previous letter from Germany written on 5 April 2001. In its 2002 letter, Germany noted that it is not necessary to kill dolphins because the required information could be obtained by non-lethal means. Germany had also invited to Norway consider participating in ASCOBANS meetings again in the future.

Denmark expressed its disagreement with the statement by Germany. Denmark also wanted Norway to return as observer, and this statement was not helpful. The Advisory Committee had already responded to the Norwegian government, and this was sufficient. The lethal part of the research plan had not yet been decided upon and would be appraised by the Norwegian authorities before implementation. Denmark acknowledged that useful information was being produced by the project, including information on pollution. It was suggested that the Advisory Committee should rather offer help to Norway and review the project before any further measures are taken. It was not constructive for ASCOBANS to criticise the programme prematurely.

The Chairman remarked that many Advisory Committee members had not seen all the information on the Norwegian project, and so were not able to pass judgement on this.

Denmark noted that there were some considerations of an ethical and animal welfare nature, and that Norway had stated that it welcomed public debate on its research programme. Denmark urged that more information be obtained from Norway before ASCOBANS progressed any further.

The Netherlands noted that the concern expressed by Germany was valid and probably most Advisory Committee participants had similar feelings about the programme. However, ASCOBANS could provide input to the Norwegian debate based on its experience. The Pollution 2000+ programme was attempting to answer scientific questions without the need to kill whales, and was using bycaught and stranded animals. It was suggested that the Advisory Committee contribute to the debate and in the

event that the programme turns out to be contrary to the ASCOBANS objectives, the Advisory Committee could react at that point.

Germany agreed with the objective to bring Norway back to the ASCOBANS table. However it could not ignore the fact that Norway was proposing lethal research.

UK noted that the ASCOBANS Agreement excluded lethal research. If the Advisory Committee was able to provide expertise on how to use non-lethal means, then it should engage in dialogue with Norway. This approach might facilitate the renewed participation of Norway in ASCOBANS.

The Chairman noted the obvious concern expressed by many Parties. He suggested that the Advisory Committee should be positive in its approach, and noted that the Vice-Chair had valuable expertise. It was decided that the Vice-Chairman, Chairman and Executive Secretary should draft a letter offering to participate in the Norwegian debate. It was also agreed to keep Parties informed intersessionally of progress on this issue. If Norway ignores this offer, the Advisory Committee should consider this further.

#### **9. Date and venue of next meeting**

Germany offered to host the 10<sup>th</sup> meeting of the Advisory Committee next year. Although the venue and date had not yet been finalised, the meeting would take place in Bonn in the second half of April 2003. Germany looked forward to welcoming participants to Bonn.

#### **10. Agreement on draft report**

The draft report was agreed in plenary.

#### **11. Close of meeting**

The Chairman closed the meeting at 4 p.m.

ASCOBANS  
9<sup>th</sup> Advisory Committee Meeting  
Hindås, Sweden, 10 - 12 June 2002

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### List of Documents

| Number                    | Agenda Item | Document Title  | Submitted by |
|---------------------------|-------------|---|--------------|
| Doc. 1                    | 3           | Draft Agenda  | Secretariat  |
| Doc. 2                    | 3           | Draft Annotated Agenda  | Secretariat  |
| Doc. 3                    | -           | List of Documents   | Secretariat  |
| Doc. 4                    | -           | List of Documents by Agenda Item  | Secretariat  |
| Doc. 5                    | 2           | Draft Amended Rules of Procedure  | Secretariat  |
| Doc. 6                    | -           | Provisional List of Participants  | Secretariat  |
| Doc. 7                    | 4.1         | Draft Annotated ASCOBANS Baltic Recovery Plan   | Secretariat  |
| Doc. 8                    | 4.3         | Mitigation of Small Cetaceans Bycatch; evaluation of acoustic alarms (MISNET)   | Per Berggren |
| Doc. 9                    | 4.5         | Preliminary Information on Seismic Activities   | Germany      |
| Doc. 10                   | 4.2         | Testing T-Pods  | Germany      |
| Doc. 11                   | 4.3         | Rettung für die Schweinswale. Elements of a harbour porpoise by-catch reduction plan for the North and Baltic Sea                                     | WWF          |
| Doc.<br>12a<br>12b        | 6.1         | Fifth International Conference on the Protection of the North Sea:<br>Main Outcome<br>Bergen Declaration  | Secretariat  |
| Doc. 13                   | 7.3         | Dates of Interest to ASCOBANS 2002/2003   | Secretariat  |
| Doc.<br>14a<br>14b<br>14c | 8           | CBD/CMS Joint Work Programme<br>Letter from CMS Executive Secretary re CBD/CMS JWP<br>Excerpt from CBD Decision VI/20<br>CBD/CMS Joint Work Programme | Secretariat  |
| Doc. 15                   | 4.1         | Excerpt from 2002 Report of IWC Sub-Committee on Small Cetaceans  | Secretariat  |
| Doc. 16                   | 5.5         | Information submitted by Parties and Range States in response to post-mortem research questionnaire   | Secretariat  |
| Doc. 17                   | 5.4.1       | High-speed ferries - Secretariat's update   | Secretariat  |
| Doc. 18                   | 4.3         | Fisheries statistics. Data submitted by Parties   | Secretariat  |
| Doc. 19                   | 4.5         | Disturbance by seismic surveys. Date submitted by Parties   | Secretariat  |
| Doc. 20                   | 4.2         | Small cetacean abundance in the North Sea and adjacent waters:<br>Progress with SCANS-II  | Secretariat  |

|         |       |  |                        |
|---------|-------|--|------------------------|
| Doc. 21 | 8     | Minutes of workshop on GROMS, 6 May 2002   | Secretariat            |
| Doc. 22 | 7.2   | Letter from the Executive Secretary of CMS re Headquarters Agreement for CMS and Agreement Secretariats  | Secretariat            |
| Doc. 23 | 7.1.1 | Budget Outline for 2001  | Secretariat            |
| Doc. 24 | 4.5   | Progress report from UK by JNCC on the implementation of Resolution 4 to develop a monitoring system that will enable adaptive management of seismic survey activities | United Kingdom         |
| Doc. 25 | 6.2   | Communication from the European Commission setting out a Community Action Plan to integrate environmental protection requirements into the Common Fisheries Policy     | Secretariat            |
| Doc. 26 | 5.3   | International Implementation Priorities for 2002 - 2006 for ACCOBAMS   | ACCOBAMS               |
| Doc 27  | 5.6.1 | Educational Programs in the Lithuanian Sea Museum  | Lithuania              |
| Doc. 28 | 5.6.2 | Information on ACCOBAMS Training Kit and Swiss Cetacean Society  | Swiss Cetacean Society |
| Doc. 29 | 8     | Norwegian Dolphin Research   | Germany                |

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## Agenda

1. Introduction
2. Adoption of Rules of Procedure
3. Adoption of the Agenda
4. Implementation of the ASCOBANS Triennial Workplan (2001/2002)
  - 4.1. ASCOBANS Baltic Recovery Plan ("Jastarnia Plan")
  - 4.2. Abundance survey planning
  - 4.3. Bycatch issues, including in-depth review of Read Report and advice to Parties on bycatch mitigation
  - 4.4. Terms of Reference for projected report on bycatch in the Agreement area
  - 4.5. Review of seismic disturbance and recommendations
  - 4.6. Terms of Reference for cetaceans/shipping report
5. Ongoing Information Issues
  - 5.1. National legislation/protected areas
  - 5.2. Accessions of Range States; extension of Agreement area
  - 5.3. Co-operation with ACCOBAMS
  - 5.4. Pollution, noise pollution, disturbance (except seismic disturbance, cf. 4.5)
    - 5.4.1. High-speed ferries
    - 5.4.2. Military
    - 5.4.3. Report by Pollutants Working Group
  - 5.5. Post-mortem and stranding schemes
  - 5.6. Publicity/PR Issues
    - 5.6.1. Parties/Range States
    - 5.6.2. Secretariat
6. Other issues
  - 6.1. 5<sup>th</sup> North Sea Conference – Projected recovery plan for harbour porpoises
  - 6.2. CFP Reform
7. Business Session
  - 7.1. Budgetary issues
    - 7.1.1. Outline of budget for 2001
    - 7.1.2. Establishment of AC budget WG
  - 7.2. Administrative issues  
Report of the Secretariat on operation of the CMS Agreements Unit
  - 7.3. Meetings to be attended in 2002/2003
8. Any other business
9. Date and venue of next meeting
10. Agreement on draft report
11. Close of meeting



## ANNEX 4

### **RULES OF PROCEDURE FOR THE ASCOBANS ADVISORY COMMITTEE**

*As amended at the 9th ASCOBANS Advisory Committee meeting 10 - 12 June 2002  
Hindås, Sweden*

#### **PART I**

#### **DELEGATES, OBSERVERS, SECRETARIAT**

##### **Rule 1: Delegates**

- (1) A Party to the Agreement (hereafter referred to as a 'Party')<sup>4</sup> shall be entitled to appoint one member of the Advisory Committee (thereafter referred to as a Committee Member) and such advisers as the Party may deem necessary.
- (2) The voting rights of the Parties shall be exercised by the Committee Member. In the absence of the Committee Member, an adviser may be appointed by the Committee Member to act as a substitute over the full range of the Committee Member's functions.

##### **Rule 2: Observers**

- (3) All non-Party Range States and Regional Economic Integration Organisations bordering on the waters concerned may send observers to the meeting, who shall have the right to participate but not to vote.<sup>5</sup>
- (4) Any body or individual qualified in cetacean conservation and management may request admittance to plenary sessions of the Advisory Committee. Appropriate written applications for attendance should be received by the Secretariat at least 60 days before any Committee meeting, and circulated to Parties by the Secretariat forthwith. Parties shall inform the Secretariat of their acceptance or rejection of all applications no less than 30 days before that meeting. An applicant shall be permitted to attend as non-voting observer, if two-thirds of the Parties accept their application. Decisions on whether such bodies or individuals may attend Committee meetings should take into account possible seating limitations. Information on limitations of the venue shall be provided to the Secretariat by the host in time for circulation with any applications received
- (5) The Advisory Committee may, as appropriate, invite any other body or individual qualified in cetacean conservation and management to participate in a meeting. Such persons shall not have the right to vote.
- (6) Seating limitations may require that no more than two observers from any non-Party State or body be present at sessions of the Advisory Committee.

##### **Rule 3: Credentials**

- (7) Each contracting Party shall appoint a Committee Member and alternate, when appropriate, to the Advisory Committee, who shall represent the Party. Contracting Parties shall submit the names of these delegates to the Secretariat through their coordinating authorities by the start of the Meeting.
- (8) The appointed Committee Member or alternate shall be available for consultation inter-sessionally.

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<sup>4</sup> See Agreement, paragraph 1.2, sub-paragraph (e), and paragraphs 8.4 and 8.5. A Party is a Range State or a Regional Economic Integration Organisation which has deposited with the United Nations Headquarters by 27 August 1994 its consent to be bound by the agreement.

<sup>5</sup> See Agreement, paragraph 6.2.1.

**Rule 4: Secretariat**

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

**PART II****OFFICERS****Rule 5: Chairpersons**

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

**Rule 6: Presiding Officer**

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

**PART III****RULES OF ORDER AND DEBATE****Rule 7: Powers of Presiding Officer**

- (1) In addition to exercising powers conferred elsewhere in these Rules, the Presiding Officer shall at Advisory Committee meetings:
  - (a) open and close the sessions;
  - (b) direct the discussions;
  - (c) ensure the observance of these Rules;
  - (d) accord the right to speak;
  - (e) put questions to the vote and announce decisions;
  - (f) rule on points of order; and
  - (g) subject to these Rules, have complete control of the proceedings of the Meeting and the maintenance of order.

- (2) The Presiding Officer may, in the course of discussion at a meeting, propose:
  - (a) time limits for speakers;
  - (b) limitation of the number of times the members of a delegation or observers from a State which is not a Party or a Regional Economic Integration Organisation, or from any other body, may speak on any question;
  - (c) the closure of the list of speakers;
  - (d) the adjournment or the closure of the debate on the particular subject or question under discussion;
  - (e) the suspension or adjournment of any session; and
  - (f) the establishment of drafting groups on specific issues.

#### **Rule 8: Right to Speak**

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

#### **Rule 9: Procedural Motions**

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

#### **Rule 10: Arrangements for Debate**

- (1) The Meeting may, on a proposal by the Presiding Officer or by a Committee Member, limit the time to be allowed to each speaker and the number of times anyone may speak on any question. When the debate is subject to such limits, and a speaker has spoken for the allotted time, the Presiding Officer shall call the speaker to order without delay.
- (2) During the course of a debate the Presiding Officer may announce the list of speakers, and, with the consent of the Committee, declare the list closed. The Presiding Officer may, however, accord the right of reply to any individual if a speech delivered after the list has been declared closed makes this desirable.
- (3) During the discussion of any matter, a Committee Member may move the adjournment of the debate on the particular subject or question under discussion. In addition to the proposer of the motion, a Committee Member may speak in favour of, and a Committee Member of each of two Parties may speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.

- (4) A Committee Member may at any time move the closure of the debate on the particular subject or question under discussion, whether or not any other individual has signified the wish to speak. Permission to speak on the motion for closure of the debate shall be accorded only to a Committee Member from each of two Parties wishing to speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.
- (5) During the discussion of any matter a Committee Member may move the suspension or the adjournment of the session. Such motions shall not be debated but shall immediately be put to the vote. The Presiding Officer may limit the time allowed to the speaker moving the suspension or adjournment of the session.

## **PART IV**

### **VOTING**

#### **Rule 11: Methods of Voting**

- (1) Without prejudice to the provisions of Rule 1, Paragraph 2, each Committee Member duly accredited according to Rule 3 shall have one vote.
- (2) The Committee shall normally vote by show of hands at a meeting, but any Committee Member may request a roll-call vote. In the event of a vote during an inter-sessional period, there will be a postal ballot.
- (3) At the election of officers, any Committee Member may request a secret ballot. If seconded, the question of whether a secret ballot should be held shall immediately be voted upon. The motion for a secret ballot may not be conducted by secret ballot.
- (4) Voting by roll-call or by secret ballot shall be expressed by "Yes", "No" or "Abstain". Only affirmative and negative votes shall be counted in calculating, the number of votes cast by Committee Members present and voting.
- (5) If votes are equal, the motion or amendment shall not be carried.
- (6) The Presiding Officer shall be responsible for the counting, of the votes and shall announce the result. The Presiding Officer may be assisted by the Secretariat. Inter-sessional voting by postal ballot will be co-ordinated by the Secretariat.
- (7) After the Presiding Officer has announced the beginning of the vote, it shall not be interrupted except by a Committee Member on point of order in connection with the actual conduct of the voting. The Presiding, Officer may permit Committee Members to explain their votes either before or after the voting, and may limit the time to be allowed for such explanations.

#### **Rule 12: Majority and voting procedures on motions and amendments**

- (1) All votes on procedural matters relating to the forwarding of the business of the meeting shall be decided by a simple majority of Parties.
- (2) Financial decisions within the limit of the power available to the Advisory Committee shall be decided by three-quarter majority among those Parties present and voting.
- (3) Amendments to the Rules of Procedure require a three-quarter majority among those present and voting.
- (4) All other decisions shall be taken by simple majority among Parties present and voting.

- (5) When an amendment is moved to a proposal, the amendment shall 'be voted on first. If the amendment is adopted, the amended proposal shall then be voted upon.

## **PART V**

### **LANGUAGES AND RECORDS**

#### **Rule 13: Working Language**

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

#### **Rule 14: Other Languages**

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

#### **Rule 15: Summary Records**

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

## **PART VI**

### **OPENNESS OF DEBATES**

#### **Rule 16: Committee meetings**

All sessions of meetings shall be closed to the public.

#### **Rule 17: Sessions of the Working Groups**

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

## **PART VII**

### **WORKING GROUPS**

#### **Rule 18: Establishment of Working Groups**

The Advisory Committee may establish working groups as may be necessary to enable it to carry out its functions. It shall define the terms of reference and composition of each working group, the size of which may be limited according to the number of places available in assembly rooms.

#### **Rule 19: Procedure**

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

## **Report of the Bycatch Working Group**

### **1.1 Agenda.**

The working group agreed to an agenda that would take into account the actions agreed at the last MOP; the work of other bodies that are considering cetacean bycatch; the documents provided to the meeting (i.e. AC9/Docs. 8, 7, 11, 15, 18 and "The Read Report" AC8/DDoc. 5). The group also agreed that its aims were to

- i. provide guidance to the Parties about bycatch mitigation; and
- ii. define/outline future activities of ASCOBANS on bycatch.

### **1.2 Actions from last Meeting of Parties**

The group noted that the following had been agreed by the last MOP (i.e. Resolution 3 and the plan for the activities of the ASCOBANS Advisory Committee 2001-2003 and the Triennium Work Plan):

- a recommendation that relevant Parties and Range States should continue to make estimates of annual bycatch for North Sea set nets and pelagic trawls where they are currently lacking
- continue to collect fisheries effort data;
- promote integration of bycatch issues into CFP and national fisheries policies;
- continue to review on an annual basis new information on population distribution/bycatch and on the basis of this provide recommendations;
- review in 2002 knowledge on bycatch in the ASCOBANS area with a view to providing recommendations on further bycatch monitoring
- formulate advice by 2002 on bycatch mitigation measures applicable to the ASCOBANS area to Parties, Range States and other relevant authorities
- produce for the AC9 a review of known problem zones and identify means to counteract the problems encountered – and on the basis of this, provide advice on further bycatch monitoring
- produce a progress report on bycatch mitigation for the 10<sup>th</sup> AC meeting, and produce a written report of progress for MOP4.

The group noted that, to date, the UK and Denmark had provided updates of bycatch estimates. Some participants noted that they had had some difficulties in getting data from small scale fishing operations. In the German fisheries in the Baltic no fishing effort or landing data are collected for vessels under 10 meters. A harmonisation of fishing data submissions was recommended and it was reiterated that the Belgian data format was exemplary.

AC 7 noted that these data could be of particular value in locating gaps in information and concluded that data on fishing effort should continue to be collected but that future reporting should be modelled on the summary style of reports submitted by Belgium. The representative from IWC noted the importance of identifying data-gaps in estimates of bycatch and fishing effort in terms of identifying region and fisheries of concern and in developing effective mitigation methods. The WG chair also asked the group to take into account the report of the previous AC.

### **1.3. Parallel Processes**

The Advisory Committee Chairman provided an overview of the ongoing review of bycatch being conducted by ICES following a request from the European Commission to consider this issue. The original review by ICES (2001) had been updated and expanded (now including update by species/gear/sea area and consideration

of pingers and other deterrents) and was presently being considered by the ICES Advisory Committee on Ecosystems. The ICES documents should shortly become public.

It was noted that there was no formal relationship between ICES and ASCOBANS but that some scientists participated in meetings of both bodies.

The European Commission had also commissioned a review by the Scientific, Technical and Economic Committee for Fisheries (STECF) (a process that also encompassed the Mediterranean – which the ICES review did not). The European Commission has recently adopted a set of proposal for reform of the CFP. The representative of the European Commission informed participants that environmental integration, including possible measures to address bycatch of cetaceans was among the Commission's priorities. He also emphasized that the marine environment would benefit primarily from an overall reduction in fishing effort.

The importance of involving fishermen as full stakeholders in any bycatch mitigation measures was again emphasised by the group. The Polish representative highlighted the point that fishermen needed to be involved in a positive way in any process and should not simply be used as a "scape-goat". WWF noted a report from the Danish Fisherman's Union that a change in fishing methods in the Baltic Sea (i.e. fishing for cod using long-lines rather than nets) had resulted in some environmental benefits without causing any economic loss for the fishermen.

## **2. Papers submitted for consideration.**

A report of recent research into porpoise behaviour related to pingers was considered (AC9/Doc. 8) but not reviewed in any detail. The group welcomed studies such as those presented in the paper, noting that relatively few such studies had been conducted. The report confirmed that porpoises were excluded from an area around the pingers although there are difficulties in the interpretation of results. This paper was also reviewed at the recent IWC Scientific Committee meeting (the report is available at [www.iwcoffice.org](http://www.iwcoffice.org)).

AC9/Doc 18 contained the Fisheries statistics provided by Parties. The working group welcomed the data provided by Finland, Sweden and Germany and thanked one range state, France, for providing the same information. The group noted that the level of detail varied between submissions, for instance the fact that no bycatch was reported did not indicate that it did not occur. The working group encourages other Parties to provide these data.

The bycatch reduction component of the Baltic Recovery Plan (Document 7) was briefly considered by the group along with the review made on this issue by the IWC Scientific Committee (Document 15). The group welcomed the Committee's review, including the precaution and conditions mentioned that should apply to pinger deployment – i.e. that pinger implementation must be accompanied by an observer programme to verify compliance; on-board observation at an appropriate sampling level; that the possible exclusion of porpoises by pingers should be taken into account in the draft recovery plan before pingers become widespread; that pinger deployment should be seen as short-term and subject to a review in three years; and, most importantly, that rapid development of medium and long term approaches to mitigation is vital.

Pinger deployment had also been considered over recent years by the IWC Scientific Committee and its reports could usefully inform further considerations in the context of pinger deployment in general.

WWF presented its review paper "Elements of a harbour porpoise bycatch reduction plan in the North and Baltic Sea" (Document 11), stressing the need for urgent action. The Group welcomed the paper but did not review it given the lack of time. Instead delegates were invited to provide comments to the WWF delegate. The WWF report provided a draft scheme of actions for the Parties to consider and draft management objectives for har-

bour porpoise conservation. The WWF review paper is available from the WWF website at <http://www.wwf.de/imperia/md/content/pdf/kampagnen/walstudie.pdf>.

Finally, the group considered the report from Andy Read (AC8/DDoc. 5) concerning bycatch mitigation, commissioned by ASCOBANS. At AC8, Parties had noted that they had not had enough time to consider this important review and deferred review to this meeting. The Advisory Committee Chairman noted that, in the interim, this document has been used to help inform the reviews conducted by the ASCOBANS Baltic Working Group, ICES and STECF.

The representative of the Netherlands described it as very helpful, balanced and noted that it provided much useful background information. The UK agreed, noting that no one method could be expected to address the bycatch problem in any particular area and that the review usefully emphasised the importance of stakeholder dialogue and observer programmes. Other parties also welcomed the report and Sweden noted that it was very good but that not all recommendations would apply in all conditions. Reeves drew attention to the serious problems that had been encountered with pinger compliance in the Gulf of Maine.

The Belgian representative reported new developments in Belgian legislation which ban the use of bottom set gill nets below the low water mark in recreational fisheries provides the possibility to put observers on board of fishing vessels in order to monitor bycatch of protected species, and require that cetaceans be reported to the relevant authority, and bycaught animals - if technically feasible - be provided to this authority.

Reeves highlighted that there had been some progress since the Read report, in the testing of modified gillnet. New research in Denmark on “reflective nets” was briefly considered. Larsen noted that preliminary results (already presented to IWC – see Document 15 - and ICES) indicated that the nets were not “reflective” but that an observed reduction in the porpoise impact on bycatch rate (using nets containing iron oxide) related to “stiffness” of nets, which may, however, also adversely affect target catch.



## Report of the Pollutants Working Group

### A. New Reports on Chemical Pollution

**Aguilar, A., A Borrell & P.J.H. Reijnders 2002. Geographical and temporal variation in levels of organochlorine contaminants in marine mammals. Mar. Environm. Res. 53: 425-452.**

The paper reviews published data on contaminants in marine mammals globally, with the aim to investigate geographical and temporal variation in levels of organochlorine contaminants in marine mammals. It was noted that most research is concentrated in Western Europe, Northern America and certain areas of Asia, while it is extremely limited in Africa and most regions of the Southern Hemisphere.

It is concluded that the Arctic and the Antarctic will become the major sinks for organochlorines in the future. It is recommended to devote effort to both assess OC trends in now highly polluted marine mammal populations and implement long-term monitoring of marine mammal populations inhabiting polar regions.

**Borrell, A., G. Cantos, T. Pastor & A. Aguilar 2001. Pollution by organochlorine compounds in common dolphins (*Delphinus delphis*) from the Atlantic and Mediterranean waters off Spain. Environm. Poll. 114: 265-274.**

This paper elucidates that levels of organochlorines (i.e. PCBs, DDT, DDE) in this species were extremely high in animals from the Mediterranean compared to animals from the Atlantic.

**ICES 2001. Report of the Working Group on ecosystem effects of fishing activities. ICES/ACME: 09.**

This report has a section discussing the advantages and disadvantages of potential Ecological Quality Objectives for contaminants in seals. In general it concluded that considerable further work was required before any such objective could be used operationally.

**IWC 2001. Report of the Standing Working Group on Environmental Concerns. I Cetacean Res Manage (Suppl) 3: 00-00.**

The report contains a section devoted to a specific IWC initiative to investigate pollution cause-effect relationship in cetaceans: Pollution 2000+. Part of this Pollution 2000+ programme is to sample live bottlenose dolphins to evaluate potential biomarkers of exposure to organochlorine contaminants and their effects. Some preliminary results are given. The other component of Pollution 2000+ is the harbour porpoise sub-project. This sub-project is designed to enable the use of samples from bycaught animals by calibrating for post-mortem times. A detailed field protocol to that end has been developed and is described. Data on contributing projects to Pollution 2000+ are provided and include investigations on influence of pollutants on the immune and endocrine system. Other aspects discussed in the report are related studies on a) effects of contaminants on bowhead, grey, white whales and bottlenose dolphins and harbour porpoises, b) developments in biomarkers and toxicopathology, and c) risk and hazard assessment.

**Koschinski, S. 2002. Current knowledge on harbour porpoises (*Phocoena phocoena*) in the Baltic Sea. Ophelia 55 (in press).**

This paper is an extensive review on harbour porpoises in the Baltic Sea and includes comprehensive discussions on distribution, abundance, by-catch, pollution, population structure, migration, reproduction, diet, habitat utilisation.

**Reeves, R.R. & P.J.H. Reijnders 2002. Conservation and Management. In: R. Hoelzel (ed.) Marine Mammal Biology: An Evolutionary Approach. Blackwell Science, Oxford.**

A section of this paper is devoted to pollution and describes that there is a lack of direct evidence of effects of pollutants on cetaceans and of mechanistic understanding related observed effects suspected of being caused by pollutants. Much of the concern about effects is rooted in the extrapolation from results of experimental work

with pinnipeds. Available knowledge on some possible mechanisms and approaches to fill the gap in knowledge on cause-effect relationships between presence of contaminants in marine mammals and physiological responses in the animals.

**Reijnders, P.J.H. & A. Aguilar 2002. Pollution and Marine Mammals. In: W. Perrin, Academic Press, London.**

The aspects elaborated in this paper are substances of concern, pollution from an environmental perspective (prey depletion, habitat disturbance, disease, overall environmental changes), factors in assessing pollution impact (biological factors affecting variability in pollutant levels, diet, age and sex, nutritive condition, body size, body composition, analysis and sampling), impacts of pollution on marine mammals (impaired reproduction, disease, direct mortality, endocrine-disrupting chemicals), species vulnerability, developments in spatial and temporal trends of pollutants, a fundamental approach to address pollution impact on marine mammals.

**Weisbrod, A.V., D. Shea, M.J. Moore & J.J. Stegemans. 2001. Species, tissue and gender-related organochlorine bioaccumulation in white-sided dolphins, pilot whales and their common prey in the Northwest Atlantic. Mar. Environm. Res. 51: 29-50.**

The paper provides data on PCBs, DDE, HCH in white-sided dolphins, pilot whales and their prey. Although these marine mammals feed at the same trophic level, dolphins bioaccumulated higher PCB and DDE concentrations from food in their more geographically restricted range.

#### **B. New publications relating to “noise pollution” and disturbance**

**NOAA and US Navy, 2001. Joint Interim Report Bahamas Marine Mammal Stranding Event of 14-16 March 2000.**

Investigations into a live multi-species stranding event in the Bahamas during March 2000 led to a joint report, produced by the US National Marine Fisheries Service and the US Navy. The report states in its Executive Summary that:

*‘Based on the way in which the strandings coincided with ongoing naval activities involving physiological effects experienced by the dead animals, and the absence of any other acoustic sources, the investigation team concludes that tactical mid-range frequency sonars aboard US Navy ships that were in use during the sonar exercise in question were the most plausible source of this acoustic or impulse trauma’.*

**Morton, A.B. and Symonds, H.K. 2002. Displacement of *Orcinus orca* (L.) by high amplitude sound in British Columbia, Canada. ICES Journal of Marine Science 59: 71-80.**

The study concludes that whale displacement resulted following the introduction of acoustic harassment devices on fishfarms.

**Shrimpton, J. (2001) The impacts of fish-farming on the harbour porpoise (*Phocoena phocoena*). Hebridean Whale and Dolphin Trust, Mull. 21pp.**

Shrimpton (2001) investigated the use of Acoustic Harassment Devices (AHDs; seal-scrammers) in fish farms in West Scotland and assessed the potential impacts of the scale of use of these devices on populations of coastal cetaceans, notably the harbour porpoise.

(A report on the potential impacts of acoustic deterrent devices on Scottish Marine wildlife is expected to be released by Scottish Natural Heritage in the near future.)

**Dolman, S. and Simmonds, M.P. 1998. The threat posed by noise to cetaceans: preliminary considerations with particular reference to anti-predator devices. Paper submitted to the Scientific Committee of the IWC: IWC 50/E8.**

The authors report a growing interest in mitigating against this threat via legislation and the application of new technology and new approaches to the deployment of noise sources is reported and this review also provides an overview of the published literature relating to boat-cetacean interactions.

**Malakoff, D. 2001. A roaring debate over ocean noise. *Science*, 291. pp 576-578 AND**

**McCauley, R. D. and Duncan, A. J. 2001. Marine acoustic effects study, Blue whale feeding aggregations, Otway Basin, Bass Strait Victoria. Project CMST 319. Report R2001-7. 46 pages.**

Preliminary NOAA studies, using listening posts moored along the mid-Atlantic ridge, have sometimes been overwhelmed by low-frequency pulses produced thousands of kilometres away by oil exploration ships using pressurised air-gun arrays (Malakoff, 2001).

McCauley and Duncan (2001) commented that, of man-made noises, seismic airgun noises present the greatest environmental threat.

**Harwood, J. and Wilson, B 2001. The Implications of developments on the Atlantic Frontier for marine mammals. *Continental Shelf Research* 21: 1073-1093.**

The authors concluded that some species may suffer “permanent or temporary hearing loss if they are in the immediate vicinity of vessels conducting seismic surveys” and listed a range of mitigation measures that can be applied in the context of seismic surveys some of which could be identified without any further research, including: avoiding areas where densities of marine mammals are known to be high; conducting initial surveys for marine mammals in the vicinity of deployment; and “soft start” procedures that may allow any animals present within a certain radius to depart. They also commented that “There is considerable potential to incorporate additional information on marine mammal behaviour into seismic survey design and block licensing. For example, efforts to reduce output of high frequencies from air guns could be increased (rather than onboard filtering [of unwanted frequencies] after the sound is produced), [seismic gun] arrays can be towed in paths that do not entrap animals wishing to escape the survey area, and surveys could be co-ordinated so that entire habitats or migration paths are not blocked.”

**Vella, G., Rushforth, I., Mason, E., Hough, A., England, R., Styles, P., Holt, T. and Thorne, P. 2001. Assessment of the effects of noise and vibration from offshore windfarms on marine wildlife. ETSU W/13/00566/00/REP. AND**

**Henriksen, O. D., Teilmann, J. and Dietz, R. 2001. Does underwater noise from offshore wind farms potentially affect seals and harbour porpoises? 14th Biennial Conference on the Biology of Marine Mammals, Vancouver, BC.**

Possible direct negative impacts to cetaceans might include noise-induced disturbance and displacement. Indirect impacts of development of the turbines and connecting sub-sea cables may result in changes to the local sediment patterns, which may lead to habitat changes in the vicinity of the wind farm.

**Williams, R., Trites, A.W. and D.E. Bain. 2002 Behavioural responses of killer whales (*Orcinus orca*) to whale watching boats: opportunistic observations and approaches. *J. Zool. Lond* 256: 255-270**

A study concerning whale reactions to vessels, how to measure reactions and relating this to management measures, particularly distance limits. (Recognised as an exemplary study by the recent meeting of the IWC sub-committee on whale watching.)



**Abstract of Presentation by Jonas Teilmann****Satellite tracking and diving behaviour of harbour porpoises in ASCOBANS waters**

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The harbour porpoise has a very discrete behaviour and individual identification is impossible. Therefore, to gain information on movements and diving behaviour of harbour porpoises, satellite transmitters was mounted on 48 harbour porpoises in Danish water. The animals were live bycaught by fishermen in pound nets during 1997 and 2002 in the Danish waters. Contact with individual porpoises remained for up to 310 days. The animals utilised all Danish waters with frequent visits to UK, German, Norwegian and Swedish waters. Some animals spend the winter in the North Sea while others remained in the southwestern Baltic. Indications of stock separations were seen between animals tagged in the Skagerrak and in the Kattegat/Belt Seas region. Maximum daily dive depth corresponded to the depth of the waters utilised by the animals. Maximum dive depth recorded was 200m from an animal in Skagerrak. Dive durations of more than 10 min were frequently recorded. The time spent at the surface was on average 40% (<1m) and 53% (<2m). The diurnal pattern shows that harbour porpoises dive continuously during day and night but with peak activity during daylight hours. Seasonal activity reveal a much higher diving activity during winter (October-March) than during summer (April-September), probably due to the higher energy requirements during the cold months. A mother and its calf were both tagged and swam together throughout the deployment period in May-June. The calf made more but shorter dives while the female made fewer but longer dives. We do not know whether the mother and calf synchronised their dives, but the diurnal dive pattern show a correlated dive rhythm in May, but not in June. This change in diurnal diving behaviour suggests that the calf was becoming more independent from its mother prior to the breeding season in July. This long-term study has proven successful in elucidating the first information on movements and diving behaviour of harbour porpoises in the eastern Atlantic.