REPORT OF THE 12th MEETING OF THE ADVISORY COMMITTEE TO ASCOBANS

Brest, France

12 - 14 April 2005

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

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Executive Summary - Points for Action

- ASCOBANS should inform OSPAR that it is involved in research on the impact of wind farms on marine mammals.

- The Secretariat will approach Jonas Teilmann to see if the projected Baltic workshop envisioned by the Jastarnia Group could be expanded to cover the whole of the ASCOBANS area.

- The Secretariat should encourage Parties submitting papers to the AC to provide a cover sheet with action points to encourage action by other Parties.

- A small drafting group will be established to work with Sonja Eisfeld and Karl-Hermann Kock in elaborating the North Sea Harbour Porpoise Recovery Plan. The drafting group would consist of Arne Bjørge, Jan Haelters, Sara Königson, Peter Reijnders, Mark Tasker and Ali Ross, and will would work mainly by e-mail. The review of threats and populations is to be completed before the next AC meeting in order to discuss it and provide a status report in time for the next Ministerial Conference in 2006.

- ECS, in collaboration with the WDCS will form a review group to consider the issue of extending the Agreement *ratione materiae* to cover all cetacean species. The review group will produce a paper for consideration by the next Advisory Committee meeting. This document will include an analysis of legal issues, and the relationship between ASCOBANS and other relevant organisations.

  By November 2005 the review group will provide expert opinion on the following:

  - § species concerned and their status in each range state;
  - § likely major impacts for each species by range state;
  - § legal competencies (i.e. the relationship between an extended ASCOBANS and other potentially overlapping international instruments); and
  - § changes in the focus of the issues that would likely be required to be addressed and associated consideration of potential influences on workload.

  Parties should consider this matter internally and liaise before the next AC particularly with their national IWC representatives in order to ensure co-ordination and agreement.

- ECS will synthesize the information on high speed ferries submitted to the Secretariat and put it into context. This synthesis will be undertaken one year in arrears.

- The Chairman will report to the next AC on the outcome of the workshop on military sonar activity and the research needed to assess the impact on the environment, to be held in Italy in May 2005.

- The issue of impact of military sonar on cetaceans is to be on the agenda of the next Advisory Committee. The documents produced as a result of the processes outlined under item 5.1.2.2. should be made available to the Parties for consideration in advance of the next Advisory Committee. The Secretariat will put such documents (or links to them) on the ASCOBANS website and notify Parties when these documents are available.

- A resolution emphasising the importance of strandings schemes will be drafted for consideration at the next Meeting of the Parties.

- The submission of data on fishing effort in the present format will be discontinued. EUROSTAT should be contacted by the Secretariat to determine the level of detail that could be made available to ASCOBANS.

- The Secretariat should urge those representatives that have represented ASCOBANS in other fora to report back within a month of attending the meeting, and to provide a report on discussions of relevance to ASCOBANS. In future these reports will be included in the agenda of the Advisory Committee.

- The Secretariat will inform the relevant Regional Fishery Advisory Councils (RACs) that most North Sea and Baltic Sea countries were Parties to ASCOBANS, and that the Advisory Committee would be willing to cooperate with them on issues relevant to the conservation of cetaceans.

- Parties should address the Russian Federation on the issue of approval for the Russian version of the amended Agreement text.

Report of the 12th Meeting of the Advisory Committee to ASCOBANS

1. Opening of the Meeting

The Chairman of the Advisory Committee, opened the meeting and welcomed the participants to the 12th meeting of the Advisory Committee.

On behalf of the French Government, Martine Bigan welcomed delegates to Brest. She noted that this was the first time that the meeting had been held in France and that France was currently in the process of ratifying the Agreement. She expressed the wish that the meeting would be a successful one, and ASCOBANS would increase its efforts given the expansion of the ASCOBANS Area to include the Atlantic coast. She hoped that delegates would enjoy their visit to Brest.

The Chairman drew attention to written opening statements by the Marine Connection and the North Atlantic Marine Mammal Commission (NAMMCO).

2. Adoption of Rules of Procedure

The Rules of Procedure (Document 5) were adopted. These were unchanged since the last Advisory Committee Meeting.

3. Adoption of the Agenda

The Draft Agenda (Document 1, cf. Annex 3) was adopted.

4. Implementation of the ASCOBANS Triennial Workplan (2004-2006)

4.1 Preparation and implementation of the new abundance survey ("SCANS-II")

Kelly Macleod of the SCANS-II coordinating team presented an update on the SCANS-II project. She reminded the Advisory Committee of its three components:

- estimating cetacean abundance,
- testing and recommending monitoring methods,
- developing a management procedure to set safe bycatch limits.

The SCANS-II surveys would be carried out between 27 June and 29 July 2005. Seven ships and three aircraft had been chartered and all observers chosen. The data collected would permit an abundance estimate by strata, and generate an estimate throughout the area. Spatial modelling would also be used to allow densities and abundance to be generated post-survey for any sub-area of interest. The survey methods and equipment

would be tested and cruise leaders trained on a visual and aerial pilot survey between 17 and 30 April 2005.

A Baltic subgroup had been established to decide on the monitoring work to be undertaken. There would be an acoustic and visual survey in Polish waters in July 2005. PODs would also be purchased and positioned in collaboration with groups undertaking harbour porpoise monitoring work in the inner seas and the Baltic. Other monitoring developments included the trials of bow-mounted hydrophones, successfully carried out in February 2005.

A summary was also presented of the Monitoring and Management Workshop that had been held on Monday, 11 April in cooperation with ASCOBANS. The aim of the workshop had been to engage those who worked in government with SCANS-II, since it aimed to make monitoring and management recommendations with a view to having them adopted and implemented. The workshop had been useful, with much discussion, particularly regarding the definition of conservation/management objectives. The reestablishment of an IWC/ASCOBANS harbour porpoise working group was favoured.

The workshop had also provided an opportunity to discuss plans to survey offshore European Atlantic waters. A proposal would be submitted to LIFE-Nature in September 2005 with a view to conducting the surveys in summer 2007. SMRU would again coordinate the work and would need European governments to commit themselves to provide funding; the UK had already done so. In light of the extension of the ASCOBANS agreement area these offshore surveys were particularly relevant. Countries that had fishing, military and oil and gas interests in these waters would also be looked to for support.

Finally, Kelly Macleod reported that Arliss Winship had been employed by SMRU to work on the development of the management procedure. Winship joined the unit from the University of British Colombia, Canada, where he had contributed to the management procedure prepared as part of the Steller's sea lion recovery programme.

The Chairman congratulated Kelly Macleod and the SCANS-II coordinating team on their work, and wished good luck to everyone involved with the project.

NAMMCO informed the meeting of its tentative plans for a joint international cetacean survey, to take place in 2007. Norway, Iceland and the Faroe Islands participated in the North Atlantic Sightings Surveys (NASS), and other countries, such as Spain, had also participated in the past. The most recent NASS extended to the south of Greenland on the western side (latitude 53 west), and to the latitude of northern Britain in the east. The next NASS were due to take place in 2007 and co-ordination of methods and survey areas with SCANS-II and the future possible survey in deeper waters to the west of Europe would allow broad coverage of the northeast and central North Atlantic. NAMMCO had contacted Kelly Macleod, and had also contacted Canada and the United States of America to promote such co ordination.

WDCS congratulated Kelly Macleod and the SCANS-II team. These surveys had been discussed for several years and WDCS also acknowledged the support provided by the UK for further offshore work.

The Chairman noted that the planned offshore surveys would be of particular relevance to ASCOBANS when the Agreement Area was extended.

4.2 Population distribution, sizes and structures (review of new information)

Sweden presented Document 11 on the results of a harbour porpoise sighting scheme that started in May 2003 at the Swedish Museum of National History in Stockholm and was funded by the Swedish Environmental Protection Agency (SEPA). The aims of the project were to learn more about harbour porpoises and to inform the public. An information leaflet was produced and distributed to fishermen, yacht clubs, shipping companies etc.

Germany reminded delegates that for the past three years Germany had been receiving reports of numerous opportunistic sightings of harbour porpoises from sailors and other small craft. The data would be published at the next ASCOBANS meeting and on the GSM website (www.gsm-ev.de). Germany noted that the paper presented at the last Advisory Committee had included some sightings data from the western coast of Sweden.

In 2005, and for the fourth consecutive year, Germany was conducting aerial surveys of harbour porpoises in German waters. However, due to changeable weather conditions in the last couple of years, Germany had had problems covering the entire German EEZ each year. Some of the data were being analysed and would be published shortly. A further analysis would be conducted this year and results would be presented to AC13 in 2006.

The Netherlands noted that the previous winter bottlenose dolphins had been observed entering the Wadden Sea area on two occasions. On both occasions, 40-50 dolphins had been observed. Sightings of harbour porpoises in Dutch waters continued to increase.

Document 10, also relevant to this item, was considered under agenda item 4.7.

It was noted that many marine mammal studies relating to the impact of wind farms were being undertaken across the ASCOBANS area, but that these were usually snap-shots with limited spatial coverage. The meeting discussed whether it was possible to link these studies together to get a picture over a larger spatial area. This issue had been discussed at length recently by the ECS, and Jonas Teilmann and Jakob Tougaard (Denmark) had been asked to organise an ECS workshop on this issue in spring 2006, where a comparison and an attempt at standardization of methodologies and assessment of impacts would be made.

The UK noted that the UK's Collaborative Offshore Wind Research into the Environment (COWRIE) group had been considering possible work on methodologies and funding from that group could be used to produce papers that could be presented at the workshop. The meeting agreed that ASCOBANS could collaborate with the ECS on the worksh op, with input from ASCOBANS through Zoë Crutchfield (UK). It was noted that the issue of wind farms was being discussed in a number of other fora, for example OSPAR, and OSPAR should be informed that ASCOBANS was undertaking work in this area. The meeting decided to reconsider windfarm issues at its next meeting .

Sweden introduced a review of the genetics of harbour porpoises in Swedish waters. The author of the review concluded that there was no urgent need for further sampling, but there was a need for more evaluation of genetic data. The Chairman pointed out that the report noted that much genetic data existed but was not readily available for analysis. He also expressed the view that there was a need for seasonal or time -based analysis. The Executive Secretary reported that work to start a joint Baltic genetic study was beginning within the Jastarnia process . Germany added that there had been some discussion of this at the meeting of the Jastarnia Group in March 2005 and it was concluded that not all data were easily comparable. It recommended that scientists decide what markers to work on and to collaborate in analyzing t he data and producing a paper.

The Executive Secretary explained that the Secretariat was involved in organising a workshop for the Baltic area with Jonas Teilmann , in accordance with the recommendations of the meeting of the Jastarnia group. The Chairman noted that w hilst there was a process in hand for genetic samples from the Baltic, this was only a small area of ASCOBANS inter est and that it would be of greater use for ASCOBANS if the workshop could consid er samples from the entire ASCO BANS area. The UK offered to provide support for such a workshop . The Secretariat would approach Jonas Teilmann to see if the workshop could be expanded to cover the whole of the ASCOBANS area .

Peter Evans gave a presentation on Europhlukes, a European -wide photo -ID catalogue. For the past three years, Europhlukes had received funding from the European Union, and had been coordinated by Leiden University, the Netherlands. Researchers from 47 groups in 14 countries had participated in the project. The bulk of photographs had been of bottlenose dolphins, and photo -identification was the principle way to determine its behaviour. However, many ot her species had also been covered, including sperm whales and beaked whales. The nicks in tail flukes and fins, and the patterns on tail flukes had been used to identify individual animals. Two databases had been developed by the Dutch group, Maris. One o f these databases was internet -based and allowed users access to pictures and data. The second was a stand -alone database for researchers. Using the databases, it was possible to search for matches and to trace individuals. These databases were freely av ailable. In addition, Jonathon Gordon of the Sea Mammal Research Unit had developed a website on best practice (www.photo -identification.org), which could be used as a training tool. Another organisation, CWI in Amsterdam, had been developing automated matching programmes. Europhlukes was useful for scientists working in different regions around the world. Long -distance movement could be detected more easily and whales' movements tracked over years. The main research used the following:

population size estimation; population trends; social structure; site fidelity; movements and distribution; and habitat choice and preference.

EC funding for the Europhlukes Project had ended in November 2004, and the European Cetacean Society (ECS) had agreed to oversee the project at least for the foreseeable future, committing 5,000 Euros of the total 30,000 Euros required overall. ACCOBAMS had also proposed to support the project financially, leaving approximately 10,000 Euros to be found from other sources. ECS asked parties to ASCOBANS to join its sister agreement in contributing at least some funding to this European-wide database, given its importance in developing knowledge of a range of cetacean species including bottlenose dolphin, in the context of conservation management.

The Advisory Committee noted that there was no provision in the present triennium budget to support this project, and Parties would need to consider this in relation to the next triennium budget or to voluntary contributions.

4.3 ASCOBANS Baltic Harbour Porpoise Recovery Plan ("Jastarnia Plan")

4.3.1 Implementation

Germany noted that several research projects were being conducted in Germany in order to implement the Jastarnia plan and gave a presentation on a new research project entitled "Study of Baltic Harbour porpoise as a Basis for the Implementation of the Jastarnia Plan" (the Jastarnia Project). Information on part of this project, the Baltic Sea Porpoise Database, was included in Document 7.

The study had begun in August 2004 and was intended to satisfy two recovery recommendations of the Jastarnia Plan regarding research and monitoring: the analysis of stock affinities in the "transition zone", and the development and application of acoustic monitoring techniques. The study involved four German institutions, would run until December 2007, and consisted of four components:

- Acoustic monitoring using porpoise click detectors;
- A management-oriented internet database;
- Analysis of genetic population structure;
- Analysis of reproduction, age-structure and health status.

Germany explained that funding for the database would only cover the initial establishment of the database, but ASCOBANS might consider funding its future maintenance. The Chairman suggested that possible funding from ASCOBANS for continuation of the database should be considered alongside other budgetary matters. Germany noted that this research did not include any management initiatives.

As a general point, the Chairman suggested that papers presented by Parties to the Advisory Committee should begin with a short introduction or action sheet. This could be used to encourage actions by other Parties. It was decided that, in future, the

Secretariat should encourage those submitting papers to provide such a cover sheet with action points.

Sweden reported that the National Board of Fisheries had been testing pingers on driftnets in the Baltic and on mackerel nets on the west coast of Sweden. Results of this study showed no negative impacts on the fishermen and no bycatch recorded in either pinger or reference nets. Alternative fishing gear for replacing bottomset gillnets had been and was currently being tested. Sweden also reported that it supported the development of alternative observation systems for fishing vessels less than 15 metres in length.

The Chairman encouraged Sweden to submit a paper concerning the pilot project on pingers on driftnets to the Secretariat for presentation at the next Advisory Committee meeting, and Sweden agreed to do so.

WWF reminded the AC of the risks of substituting gill nets with longlines in the Baltic cod fisheries, as noted in its paper presented at the AC meeting in Hindås in 2002 (AC9/Doc.11).

Owing to limited financial resources and sample size, Poland was collaborating with Germany and Sweden on various projects. In autumn 2004 a project had started on acoustic monitoring within two areas indicated to Natura 2000 (Odra Bank and Slupsk Bank). In 2005 public discussion had begun about implementation of the Jastarnia Plan in the context of EU Regulation 812/2004. In Poland this regulation was considered an inadequate measure to reduce the bycatch of harbour porpoises, and made the discussion with the fishery sector about other measures difficult.

Poland had reduced fishing effort by scrapping boats, but the effect on the harbour porpoise population was not yet known. Work on a national harbour porpoise protection plan was planned to start in autumn 2005.

Finland had recently established a working group on harbour porpoise issues and how to implement international agreements and obligations at the national level.

In the last year, Germany had proposed seven potential candidates for Marine Special Areas of Conservation (SACs) in its EEZ to the European Commission in accordance with the EU Habitats Directive. Three of these were in the North Sea and four in the Baltic Sea. Where relevant, the management of these areas would take account of the needs of harbour porpoises. More information on these areas would be provided at the next Advisory Committee meeting.

The Chairman thanked Germany, Sweden, Poland and Finland for their efforts in implementing the Jastarnia Plan.

4.3.2 Results of the first meeting of the Jastarnia Group

Stefan Bräger, as Chair of the Jastarnia Group, presented the report of the first meeting of that group (Document 25). The Group met for the first time in March 2005 in Bonn. It was tasked with aiding the implementation of the Jastarnia Plan and a wide range of relevant topics were discussed, including Council Regulation (EC) 812/2004 and the need for alternative fishing arrangements. The Jastarnia Group would continue discussions by e-mail. Stefan Bräger thanked the Secretariat for organising the first meeting, and Karl-Hermann Kock for chairing it. As mentioned under Agenda Item 4.2, Jonas Teilmann had been asked to organise a workshop aimed at standardizing genetic methods.

The AC endorsed the following recommendations of the Jastarnia Group (as amended):

1. In light of the limited number of trials with alternative fishing gear, research on this subject should be stepped up.
2. More research should be conducted on the behaviour of harbour porpoises near pingers.*
3. The monitoring of population developments should be considered an ongoing project that should continue for many years to come.
4. Collation of data on fishing effort following the terms of reference and example sheet in the Recovery Plan was still outstanding. Therefore:
   - § AC12 should send a clear signal to Parties to provide the needed funding
   - § Terms of reference for a project request should be formulated
   - § Suggestions as to who should carry out the project should be made to the Secretariat;
   - § Once funding is in place and possible candidates have been identified, the Secretariat should coordinate the further steps.
5. Pilot experiments with pingers should be conducted in areas with conditions similar to those in the Baltic and with a clear halocline. *
6. Finn Larsen (Denmark) should be contacted by the Secretariat to inquire as to the need for additional funding for the finalization of his review of all experiments to date with alternative gear and fishing practices.
7. Parties are encouraged to introduce a scientific derogation from the Habitats Directive and other national legislation, permitting fishermen to recover bycaught animals. Fishermen should be contacted via fisheries organisations to stress the importance of recovering bycaught animals (cf. Document 25).
8. A joint Baltic genetic study should be undertaken to bring together information from the whole Baltic; Parties should be asked to provide funding for this.
9. A sub-group of 5 – 10 people should meet for a one-day workshop to discuss and agree on the methods to be used in the above study. The Secretariat should explore

* lower priority

the possibility of funding the workshop, which should be organised jointly by Jonas Teilmann and the Secretariat. The UK offered to provide support for such a workshop. The Secretariat should approach Jonas Teilmann to see if the workshop could be expanded to cover the whole of the ASCOBANS area.

10. A mapping study on the geographic distribution of anthropogenic noise and its impact on harbour porpoises should be undertaken; North Sea countries should be asked to contribute to this as the findings are relevant to both Recovery Plans.
11. The Advisory Committee should explore the possibility of commissioning or having the Secretariat produce a report on EU legislation relevant to harbour porpoise conservation and therefore to ASCOBANS.
12. The Secretariat, with the help of the Parties, should draw up a list of national focal points for public awareness.
13. A re-evaluation of the use of pingers should be undertaken in 2006, as provided for in the Jastarnia Plan.

4.4 Elaboration of a recovery plan for harbour porpoises in the North Sea

The Chair of the Scientific Group, Karl-Hermann Kock, presented the results of the stakeholder workshop which took place in Hamburg in December 2004.

Sonja Eisfeld, the drafter of the Recovery Plan, had received a considerable number of comments from workshop participants and the Steering Group and had tried to incorporate these into the draft plan, although this had not always proved an easy task. She had also taken into account all relevant international legislation, including the recent EU Regulation on bycatch. Sonja Eisfeld explained that she did not have expertise on activities in each country and therefore requested assistance from each Party for an implementation plan. She intended to include, at the end of the plan, recommendations for future activities, such as, for example, modelling. She noted that there remained many issues for consideration within the plan.

The Chairman thanked Sonja Eisfeld for her hard work and encouraged further efforts. However, he perceived that there were a number of areas of concern with the paper, and welcomed comments from delegations as to how to take the plan forward.

Peter Reijnders, as Chair of the recovery plan steering group, noted that there had been some discussions on the process for the development of the plan and on the content of the plan itself. The results of these discussions had been sent to Sonja Eisfeld and so far had been partially addressed. However, there remained some concerns over the scope of the plan, which covered the North Sea generally, whereas the steering group felt that it should be more specific and should point to threats to particular stocks. The group had expressed the view that the plan should begin with a brief preambular section covering the North Sea in its entirety and including the status of porpoises and threats facing them. This would be followed by an operative section which would be more specific as regards the threats facing porpoises and provide clear and specific objectives. The plan should also include performance criteria to monitor the recovery process towards the final goal.

The UK thanked Sonja Eisfeld for her efforts. Despite useful discussions at the workshop, the UK expressed serious and continuing concern about the current draft plan and its future. In its view, the plan should focus on areas where harbour porpoise populations were clearly in need of recovery (rather than in the whole North Sea) and there was a need to focus more clearly on risks, i.e. between high and low risks and between those affecting populations and those affecting individuals. The UK expressed the view that clearer recommendations were needed. This would also be necessary to encourage stakeholder involvement. Moreover, it was not clear how stakeholders were to be engaged. The UK suggested that approaching stakeholders directly would be more effective than inviting them to participate in workshops.

Norway noted that it was one of the North Sea nations that had signed the North Sea Ministerial Declaration, and therefore was supportive of work towards a North Sea recovery plan. It thanked ASCOBANS and the drafters for their work, and Germany for its financial support on this, and considered that the workshop in Hamburg had been useful. The workshop had discussed some of the plans for bycatch mitigation, some of which had already been addressed by legislation at the EU level (i.e. Council Regulation (EC) 812/2004). In Norway's view, the North Sea recovery plan had become a review of harbour porpoises in the North Sea and the threats facing them, and Sonja had done an excellent job in compiling this. However, Norway was concerned that it was not sufficiently specific.

The meeting agreed to establish a small drafting group to work with Sonja Eisfeld and Karl-Hermann Kock. It was stressed that this group should comprise representatives who had adequate time to commit to this work. The review of threats and populations should be completed, including an identification of which stocks were in need of recovery. The drafting group should also make suggestions as to the types of mitigation measures that might be needed, and how to engage stakeholder groups in order to obtain their views. The group might also develop recommendations for management measures. It was agreed that the group should be small in order to maximize efficiency. The drafting group would consist of Arne Bjørge, Jan Haelters, Sara Königson, Peter Reijnders, Mark Tasker and Ali Ross, and would work closely with Sonja Eisfeld and Karl-Hermann Kock. The drafting group would work mainly by e-mail. The review of threats and populations would be completed before the next AC meeting in order to discuss it and provide a status report in time for the next Ministerial Conference in 2006.

The Chairman thanked Sonja Eisfeld and Karl-Hermann Kock for their work, which provided a solid foundation for further work.

The meeting discussed whether to delay the development of the recovery plan until further information was available from the SCANS-II survey and on the effects of EU Regulation 812/2004. However, it was felt that the development of a plan should not be delayed. A plan should be formulated and reviewed when further information became available. The Chairman pointed out that the Jastarnia Plan was a 'live' plan, which

should be reviewed every five years and the same could apply to a future North Sea Recovery Plan.

Germany introduced Document 8. It noted that the authors had tried to correlate ship traffic with harbour porpoise distribution, but it was not yet known if there was a causal relationship. It hoped to present a further scientifically-reviewed paper next year.

4.5 Bycatch issues

The UK explained that European Regulation (EC) 812/2004 made the use of pingers mandatory. However, the UK was concerned that the message should reach fishermen and consequently had sponsored the production by the RSPCA of a video aimed at fishermen. This was shown to the meeting.

The RSPCA stated that the video was intended to familiarize fishermen with the new European legislation and the use of pingers, and to give them an indication of the potential benefits of pinger use. It welcomed the offer from ASCOBANS to provide funding to translate the video into other languages. The video was to be translated into French, German and Spanish, and further translations into Polish and Swedish were being considered. The video was to be available in English the following week and in the other languages thereafter. It would be distributed free of charge to UK fishermen via the RSPCA and port offices, and posters advertising the video were to be distributed in ports. The RSPCA welcomed feedback as to what other language versions should be produced and how to distribute the video in other countries.

The Chairman welcomed this initiative, and congratulated the RSPCA for organising the video and thanked DEFRA and ASCOBANS for providing funding. WDCS suggested that the video should include some information explaining why observers were needed.

The Netherlands stated that, as reported to AC11, pathological examinations of stranded harbour porpoises on the Dutch coast (1990-2000) led to the diagnosis that at least 50 % of those stranded animals had died as a result of bycatch in fisheries (cf. AC11/Doc. 24). This finding had prompted a small pilot study in the Netherlands to investigate this matter further, particularly as to which fisheries might be responsible for this bycatch. The outcome was:

- bycatch could not yet be proven in bottom-set gillnets;
- pelagic trawls (of Dutch origin) mainly operated in foreign waters; only a few vessels catching herring operated in Dutch waters, and possibly these have a high bycatch rate;
- demersal fisheries, likely to have a low porpoise bycatch rate, may still have an impact as hundreds of them operated in Dutch waters.

It was proposed to *a)* make registration and collection of bycaught animals obligatory, *b)* interview fishermen in ports to obtain information on which fisheries have high bycatch

rates, and *c)* install some form of monitoring on board of vessels where hi gh bycatch rates were expected.

Peter Reijnders added that in his view priority should be given particularly to investigating possible bycatch on the small vessels (less than 12 metres) used in bottom - set gillnet fisheries.

Belgium pointed out that it had provided information on bycatch for 2004 in its national report. In 2004, Belgium had at least ten bycaught porpoises and another eight bycatches were suspected, which was considerably more than in previous years. Probably all these were caught in small-meshed gillnets (90 – 100 mm mesh) used in recreational and professional fisheries, and all but one were very small animals. None of this bycatch had been directly reported by fishermen.

France introduced Document 27, which outlined three projects: Petracet, Necessity and Procet. A summary of these projects is attached at Annex 4 and more information is available at http://www.rivo.dlo.nl/sites/necessity/. The final report of Petracet would be sent to the European Commission in autumn 2005, the final report of Necessity was planned for 2007.

The Chairman noted that the research activities undertaken by France clearly documented the need for French participation in ASCOBANS. He congratulated France on its research and the European Commission for co-funding the Petracet and Necessity projects.

The Chairman welcomed further investigations into bycatch, and noted that the UK was also undertaking postmortem work. He expressed the view that the focus should be on observer schemes, rather than further research on detection of the occurrence of bycatch.

The Netherlands agreed that it was preferable to have observer schemes, but the situation was complex and it was often not possible to put observers on small boats.

Norway agreed that it was necessary to consider the primary sources of bycatch in order to find a solution. The ECS noted that bycatch as identified from strandings may not come from the Dutch fleets, but could come from fishing of other vessels. Thus observer schemes on Dutch vessels would not necessarily show the extent of the problems.

4.6 Disturbance to small cetaceans due to seismic surveys

The UK presented Document 13 on behalf of the Department of Trade and Industry (DTI). It noted that the number of seismic surveys undertaken had fallen over the last few years, possibly due to oil prices. The UK welcomed feedback from other countries. It noted that the DTI had been amending its reporting measures and any comments would be incorporated into a paper for next year.

The ECS commended the UK for its excellent model and hoped that other countries might follow it. WDCS and Germany also congratulated the UK. The UK stated that it could produce a similar report for oil well abandonments if this was considered useful. It noted that the DTI was conducting ongoing research, and reports on observations of marine mammals were available on the JNCC website.

The Chairman suggested the Netherlands, Denmark and Norway provide similar information on the scale and distribution of seismic surveys in order to obtain an overview of the situation in the North Sea and how it was changing over time. He noted that Sweden and Poland had made verbal statements in the past about their activities, but their industry was more limited and therefore there was less to report on. The UK explained that the DTI had experienced difficulties in the way information was reported, which had made it difficult to compile. Standard sheets for reporting had been developed and, in order to assist with the collection of data, the UK offered to share these with other countries.

Germany asked what further analysis would result from the collection of seismic data. Norway noted that similar discussions had taken place at a previous Advisory Committee, when requests had been made for all Parties and non-Party Range States to report on seismic surveys, fishing effort and ferry lines. Norway had stated at that time that it would not produce further information until it was clear in which way this would benefit harbour porpoise conservation. There was a need to prioritise activities.

The WDCS noted that there had been some recent developments on the significance of noise to small cetaceans, and highlighted the report of the IWC's Scientific Committee on noise. The Scientific Committee would review seismic noise next year. Furthermore there was also new literature concerning the effects of noise, and reference was made to the WDCS "Oceans of Noise 2004" report (cf. www.wdcs.org).

The Chairman thanked DTI for their excellent report and reminded Parties of the need to keep priorities in mind.

4.7 Issues specifically related to the conservation of Bottlenose dolphins

Peter Evans reported on the *Tursiops truncatus* workshop organised by the ECS on 7 April 2005 and co-funded by UNEP/ASCOBANS. The workshop, entitled "How Science can best inform managers: the role of field studies in the conservation management of European bottlenose dolphin populations" included presentations on six main themes: population abundance and trends; spatio-temporal patterns of distribution and habitat use; population genetics and stock structure; social organisation and feeding; acoustics; conservation and management.

Bottlenose dolphin abundance assessments had been made for localised populations, but the species ranged over wider areas and included an offshore component. As yet it was unclear whether offshore populations were distinct from nearshore ones. Likewise, ranging movements between nearshore groups needed further elucidation to better

understand temporal changes in their distribution, whilst habitat needs also remain ed unclear. These questions were of particular importance in the context of conservation management of bottlenose dolphins both within and outside SACs.

It was proposed to submit a *Tursiops* Survey of the European Atlantic S eaboard (SEAS)", under EU LIFE Natura 2005 . Its research objectives were:

- Comprehensive assessment of abundance
- Distribution with identification of potential new SACs
- Ranging patterns of identified individual dolphins
- Population and social structure and gene flow
- Common and integrated monitoring protocol to assess conservation status of populations that use SACs

A management stru cture was also developed involving a steering group with regional co - ordinators, an institute responsible for experimental design, and co -ordinators for photo - ID programmes, genetics and stable i sotope studies, and conservation management. It was aimed to submit a proposal to the EU by September 2005.

It was intended that the proceedings from the workshop would be published, perhaps with the help of ASCOBANS.

The Chairman thanked Peter Evans for his presentation and noted that, as the Agreement area extended, ASCOBANS would become more involved in issues relating to the conservation of *Tursiops*.

Belgium presented Document 10 on the occurrence of the bottlenose dolphin in Belgian waters, and noted that, in the past, there had probably been a populat ion in the southern North Sea. Of special interest were the observations of bottlenose dolphins in 2004.

The Chairman thanked Belgium and repeated the request for such information to be provided by other Parties as had been agreed at the last Advisory Committee.

4.8 Amendment of Agreement to include all cetaceans

The Chairman noted that a letter had been received from the Spanish Ministry of the Environment (Document 23). Spain expressed interest in extending the scope of the Agreement to cover all cetacean speci es. It had also been agreed at MOP4 that this issue should be considered at this meeting of the Advisory Committee.

Following the last Advisory Committee, WDCS had consulted with some experts in the field, and had concluded that extending the Agreement a rea would not add to the number of species being considered. However, an amendment of the Agreement to cover all cetacean species might make a difference to the issues to be addressed.

The meeting decided that it was premature to discuss this matter in detail because it was not yet clear what the implications of an extension of the agreement area might be. It was decided that ECS, in collaboration with the WDCS, would consider this matter further and produce a paper for consideration by the next Advisory Committee meeting. This document would include an analysis of legal issues, and the relationship between ASCOBANS and other relevant organisations.

By November 2005 the review group would provide expert opinion on the following:

- species concerned and their status in each range state;
- likely major impacts for each species by range state;
- legal competencies (i.e. the relationship between an extended ASCOBANS and other potentially overlapping international instruments); and
- changes in the focus of the issues that would likely be required to be addressed and associated consideration of potential influences on workload.

The meeting decided that Parties should consider this matter internally and liaise before the next AC particularly with their national IWC representatives in order to ensure co-ordination and agreement.

France noted that it was already a Party to ACCOBAMS which covered all cetaceans, and suggested that ASCOBANS including large cetaceans within its remit would be a logical extension of ASCOBANS work, although it would result in an increase in the workload, not only by adding a list of great whales but also by making a review of the objectives of the Agreement necessary.

5. Ongoing Issues

5.1 Effects of pollution, noise pollution and disturbance

5.1.1 High Speed Ferries

The Secretariat introduced Document 14, which presented information on high speed ferries. Most but not all Parties and no non-Party Range States had submitted data, and consequently the compilation did not cover the whole of the Agreement area. A comparison between this year's report and those of previous years was therefore once again likely to be of limited use in ascertaining trends.

The ECS recalled that at the previous Advisory Committee, it had offered to synthesize information on high speed ferries and to put it into context. However, data needed to be submitted in time for them to undertake this task. The Executive Secretary would be happy to forward these data to the ECS provided this information was made available to the Secretariat in good time. The Advisory Committee agreed that the synthesis would be undertaken one year in arrears and hoped that this might stimulate further submissions from the Parties in the future.

It was noted that special concern had been given to high speed ferries, but studies had shown that any vessel travelling above 14 knots and of reasonable size can cause serious injury to cetaceans. The Advisory Committee agreed that, in the context of its review, the ECS could consider ship collision risks in general.

5.1.2 Military Activities

5.1.2.1 Reports by Parties on approaches and progress in reducing/eliminating adverse effects of military activities

Belgium introduced Document 12 on the influence of active sonar on marine mammals. In 2004, a workshop was organised at the Belgian Army Headquarters which was attended by officers from several relevant Departments of the Belgian defence authorities, researchers from NATO Undersea Research Centre, staff members of the Federal Environmental Conservation Administration and Dr. Ron Kastelein of Seamarco, Netherlands. The purpose of the workshop was to discuss the possible impacts of active sonar on marine mammals, and to determine possible options and mitigation procedures for the future. The military authorities explained the need to develop sonar systems, but expressed their concern about possible environmental impacts that the use of this equipment might have. Belgium would continue to inform the Advisory Committee about any future meetings.

5.1.2.2 Other related issues

The Chairman noted that the European Commission had asked ICES about the impact of sonar on cetaceans (and fish) as a consequence of questions it had received from the public and the European Parliament. As a result, ICES had set up a working group, which was chaired by Mark Tasker. The working group had put together a report which had been sent along with ICES advice based on the report to the European Commission.

The Chairman also noted that a workshop on military sonar activity and the research needed to assess the impact on the environment was to be held in Italy in May 2005. He would report to the next Advisory Committee on the outcomes of this workshop.

ECS noted that a workshop on beaked whales and sonar had been organised by Peter Tyack and Peter Evans at the ECS conference in April 2005. This workshop had provided an update of a previous workshop held two years before. A global review had found evidence of many more mass strandings than had previously been identified, and had linked these to military activities. There had been a significant increase in such strandings from the 1960s onwards. The results of this research would be included in the proceedings of the ECS conference.

The WDCS noted that the IWC's Scientific Committee had recently considered this matter and its report was available on the IWC website. It stated that the US Marine Mammal Commission was also reviewing the impacts of noise on marine mammals and a

meeting was to be held in Washington the following week as part of this ongoing process, which should be concluded this year. WDCS stressed that this was an important topic for ASCOBANS and recommended that the Advisory Committee give it serious consideration before the next Meeting of the Parties.

The UK reported that their Ministry of Defence (MoD) shared with the Belgian Navy the concerns they had highlighted in their report. The UK MoD had held a similar conference on marine mammals in March 2004, and the UK supported many of the comments raised in the discussion brief at the conclusion of the Belgian report.

The Advisory Committee felt it should not to duplicate the work taking place on this topic in other fora. It decided that this item would be on the agenda of the next Advisory Committee. The documents produced as a result of these other processes were to be made available to the Parties for consideration in advance of the next Advisory Committee. The Secretariat was requested to put such documents (or links to them) on the ASCOBANS website and to notify Parties when these documents were available.

5.1.3 Report by the Pollutants Working Group

Mark Simmonds introduced the Working Group's Pollution Review (cf. Annex 5), which concerned recent papers on chemical and noise pollution. He explained that this report was part of a watching brief on pollution, and the report followed the same format as in recent years. The papers were listed in alphabetical order and some had summaries attached.

He made special mention of the excellent work done by the UK Strandings Network, noting in particular that its long-term nature had allowed a significant number of animals to be examined. Amongst other things, this has allowed a statistically significant examination of the relationship between persistent organic pollutants and health status in harbour porpoises which, he suggested, went a long way towards answering the important, long-standing questions about the level of body pollution burdens at which health concerns begin. WDCS referred to the recent paper by Jepson et al, 2005. The WDCS report, Oceans of Noise 2004, was available on the WDCS website (www.wdcs.org) (cf. 4.6 above).

The Chairman thanked Mark Simmonds and Peter Reijnders for their work in producing the review, which provided useful background literature for ASCOBANS work on pollutants.

The meeting agreed that, in future, short abstracts would if possible be provided for each paper in the review. The Chairman also suggested that ICES reports on noise (http://www.ices.dk/advice/Request/EC/DG%20Env/sonar/) and reports commissioned by DTI on acoustic disturbance (available on the DTI website www.og.dti.gov.uk) could be included for completeness.

5.1.3.1 Review of results of IWC programme Pollution 2000+; recommendations

Peter Reijnders (coordinator of the IWC Pollution 2000+ Programme and IWC observer at this meeting) informed the meeting that Phase I of this programme was progressing. The bottlenose dolphin section had been completed and publications prepared, some already had been submitted. The harbour porpoise section was not yet completed, some sample analyses still had to be carried out. It was envisaged to present a more comprehensive interim report at the next AC meeting.

5.1.4 Report on International Policy Workshop on Sound and Marine Mammals, London, 28-30 September 2004

The UK gave a draft presentation on the International Policy Workshop on Sound and Marine Mammals that was held from 28-30 September 2004 in London. The workshop was sponsored jointly by the US Marine Mammal Commission (MMC) and the Joint Nature Conservation Committee (JNCC). Over 100 participants from more than 20 countries attended. The 2003 US Congress mandate directed that the Marine Mammal Commission's efforts to address acoustic impacts on marine mammals be international in scope, so the Commission decided to attempt to investigate directly how the issue was (or was not) being addressed outside the United States. It hoped, in the process, to build relationships to improve international communication and cooperation. The goals of the workshop were to:

- determine the range of existing efforts to manage, mitigate, and prevent impacts of human-generated sound on marine mammals outside the United States;
- determine the extent to which legal and regulatory frameworks, other than those provided by U.S. domestic laws and regulations, address acoustic impacts on marine mammals;
- identify cross-boundary or multilateral issues regarding the management and mitigation of acoustic impacts on marine mammals; and
- identify innovative management strategies and policies that might be incorporated within national and international frameworks.

It was stressed that the purpose of the workshop was not to examine scientific research but to discuss policy. The focus was on establishing dialogue across international boundaries and on widening the perspectives and strengthening the knowledge base of participants. Although no formal effort was made to reach prescriptive conclusions or to develop lists of recommendations, a number of common themes emerged from the workshop. In particular, it was noted that in managing the risks of sound to marine mammals, "one size does not fit all." In other words, strategies must be tailored to the situation in such a way that appropriate mitigation tools were employed to address particular types and levels of sound and to protect particular species from harm. The report of the workshop, as part of the MMCs ongoing review, would be available soon on the website.

Germany noted that the workshop highlighted the trans-boundary nature of sound. The ASCOBANS resolution on noise was the only international resolution in existence to deal with this issue. Germany highlighted the clear need for international regulations on effects of noise on the marine environment.

5.2 Post-mortem and stranding schemes

The Secretariat introduced two documents (Documents 18 and 26) which provided information submitted by Parties in response to the post-mortem research questionnaire.

Germany pointed out that, with the exception of the UK, stranding schemes in many countries did not include consideration of acoustic disturbance, and expressed the view that it was necessary to get information on the magnitude of acoustic disturbance throughout the agreement area.

The ECS reported that a workshop on strandings had been organised by Paul Jepson of the UK at the ECS conference. The main outcomes of that workshop were to improve co-ordination between strandings programmes throughout Europe and this included greater attention to identifying symptoms of acoustic disturbance. The results of the workshop would be posted on the ECS website.

Germany stated that there had been no changes in the strandings scheme in Germany in the last year.

The Netherlands pointed out that from the technical side, there was development and coordination for both. What was of greater concern was that in some countries the future functioning of stranding schemes may not be secured. It should be stressed to the next MoP that adequately functioning stranding schemes should be guaranteed in each country.

France stated that information was available on its stranding network group. Data was available from the 1970s, and France would provide a summary of an English version of its annual report for the next Advisory Committee.

The Advisory Committee agreed that a resolution emphasising the importance of strandings schemes would be drafted for consideration at the next Meeting of the Parties.

5.3 Collection of data on fishing effort

The Secretariat submitted documents 16 and 28 which provided fishing effort statistics.

Several Parties questioned the value of submitting statistics on fishing effort, and expressed the view that the data were too general to be of any real value for conservation in particular areas. Belgium expressed the view that while some of the data submitted to ASCOBANS were not very relevant, the effort data for areas where there was a problem were relevant, particularly in cases where some Parties had monitoring schemes for an

area, but others did not have such schemes for the same area. Most Parties felt that there were some irrelevant parts and some relevant parts of this reporting. The Advisory Committee agreed to discontinue submitting data on fishing effort, as there was no support amongst the Parties for carrying on with the reports in the present format.

It was therefore agreed that other ways to obtain data for specific areas should be considered. Eurostat should be contacted by the Secretariat to determine the level of detail that could be made available to ASCOBANS. It was noted, however, that Eurostat did not collect data on bycatch. It was also noted that the IWC collected statistics on bycatch, and that every two years, ICES delivered information on the Baltic to HELCOM and was likely to be carrying out similar reviews on other parts of the ICES area on an approximately three-year cycle.

The chairman concluded that any additional reporting would be welcomed, and the next Advisory Committee should focus on any information Parties had on the sub-15 metre fleet. Papers on how bycatch could be observed in these small boat fleets would also be welcomed. He also underlined the difficulties of obtaining effort statistics on small vessels, and welcomed further discussion on relatively simple ways to consider the effort in small vessel fleets. In addition, information on bycatch submitted to the IWC could be copied to the Advisory Committee.

It was agreed that the annual reports required under EU regulations should be sent to ASCOBANS.

5.4 Publicity/PR Issues

5.4.1 Parties/Range States

Germany reported that the sightings programme for dolphins and porpoises, which had been started in 2002 by GSM was continuing. It hoped to submit another paper at a subsequent Advisory Committee meeting. A mini-poster, bookmark and questionnaires had been sent to 160 agencies. It also had an award for the most sightings reported. A press conference had been held in 2004 by GSM, and this conference would probably be repeated this year in collaboration with the Federal National Conservation Agency and the German Oceanographic Museum. An upcoming episode of a popular German prime-time TV serial called "Die Küstenwache" ("Coastguard") would revolve around harbour porpoise conservation. Media releases and press conferences had received good coverage in newspapers, magazines, etc. throughout Germany.

Finland was continuing its harbour porpoise sightings programme. It had launched a new poster about the harbour porpoise and how to identify it, and had also created a new website to provide information on harbour porpoises, which included links to all Finnish sites containing relevant information. In 2004, Sarkänniemi Dolphinarium had participated in the International Day of the Harbour Porpoise and would do so again in 2005.

France noted that the Océanopolis centre in Brittany had an exhibition on marine mammals, and there was also a travelling exhibition. Océanopolis had an educational department that had developed various educational workshops, three of which were concerned with marine mammals. There was also a website providing information on the research programme and which would also include information on strandings and sightings. Océanopolis also participated in the annual "Science en fête" festival.

IFAW Russia reported that it had begun a project to put information on harbour porpoises into magazines, and collect data on sightings from various sources. This project was being conducted in cooperation with GSM, Germany.

Poland stated that it was continuing its PR activities and information on these activities was provided in its national report. A new radio programme on small cetaceans was produced, including on-line lectures available on the webpage of the radio station PR3 (www.radio.com.pl/nauka/zooptikon_new). An initiative had been started to distribute instructions to naval ships on what to do when cetaceans were sighted.

The Vice-Chairman of the Advisory Committee noted that at the annual meeting of the European Association of Aquatic Mammals (EAAM) a presentation had been given outlining the work of ASCOBANS. The vice-chairman understood that the EAAM would encourage some form of co-operation with the Agreement.

The UK government continued to support the SeaWatch Foundation's programme to encourage public observations of cetaceans. For the last three years, a national sightings weekend had been organised which had attracted local and national media attention. Approximately 2,000 people had participated each year. There was also a regional reporting scheme which was linked to a national database. Information on these sightings schemes were provided on the SeaWatch Foundation's website.

Belgium noted that its public awareness initiatives had been outlined in its national report. The ASCOBANS leaflet had been translated for distribution in Belgium and the Netherlands. Belgium thanked the Secretariat for their support in this.

The AC took note of the fact that a permanent exhibition on the Baltic marine environment had been prepared and set up in five ferry terminals in Helsinki and Tallinn by the Helsinki Environmental Centre, in cooperation with various Finnish and Estonian nature protection organisations. Part of the exhibition concerned harbour porpoises and their protection.

5.4.2 Secretariat (Report on PR activities in 2004/2005)

The Executive Secretary presented his report on the Secretariat's public information and educational activities (Document 21). These included the translation into Danish, Dutch, Estonian, Finnish, French, Lithuanian and Swedish of the ASCOBANS brochure. These versions would be available within a few weeks. A Spanish version was under preparation and Portuguese and Russian versions were planned. Preparations for the

Third International Day of the Baltic Harbour Porpoise were underway, and the Executive Secretary urged Parties to publicise this event. The ASCOBANS Baltic poster had also been translated into all Baltic languages with the exception of Russian. A Russian version would follow. In addition, the Executive Secretary would be making presentations on the work of ASCOBANS to the University of Bonn and at a local school.

Poland suggested that official leaflets aimed at children could be developed and translated into different languages. The Executive Secretary welcomed this suggestion and would look into this. He noted, however, that funding would be required and urged Parties to consider making voluntary contributions.

5.5 Annual National Reports

The Executive Secretary introduced Document 20, the Compilation of Annual National Reports for 2003, and Document 17, the annual national reports for 2004 submitted to date. He explained that the compilation of annual national reports had been delayed due to the late submission of information by some Parties. He stressed the importance of these reports, particularly given that triennial national reports were no longer required, and requested that Parties submit them by the required deadline, March 31, in future years.

5.6 Accession of new Parties

The Executive Secretary informed the Advisory Committee that according to the Secretariat's information, Estonia was reconsidering its position as regards ASCOBANS in light of the PODs survey undertaken in 2004. Latvia remained unwilling to accede to the Agreement on the grounds that small cetaceans did not occur in Latvian waters. However, the Executive Secretary had had the opportunity to speak to the President of Latvia during her recent visit to Bonn. He had explained the relevance of Latvian accession to ASCOBANS and had handed over a letter written by the Executive Secretary of CMS on behalf of ASCOBANS and AEWA, urging Latvia to accede to both agreements.

The Executive Secretary reported that Lithuania had stated that it was in the process of acceding to the agreement. The relevant papers had been forwarded to the Lithuanian Parliament approximately one month before, and Lithuania hoped to be able to deposit the instrument of accession in 2 – 3 months' time. France was in the process of acceding to ASCOBANS. The Executive Secretary recalled the letter from the Spanish Ministry of the Environment to the AC (Document 23). This letter stated that Spain was seriously considering the issue of accession and stressed the particular relevance to Spain of the extension of the Agreement to cover all cetaceans. Portugal had not responded to communications from the Secretariat. The Executive Secretary noted that there still appeared to be considerable reluctance on the part of Ireland to participate in the Agreement.

The UK reported that due to its close links with Ireland, it had taken every opportunity at both administrative and ministerial levels to press for Ireland's accession to ASCOBANS, and remained hopeful that some progress would be made.

5.7 Extension of Agreement area

The Executive Secretary explained that the Russian Federation had still not approved the Russian version of the amendment, despite repeated communications with the Russian Embassy in Berlin. Ratification was, however, contingent on the availability of authentic versions of the Agreement in all four languages (English, French, German and Russian).

IFAW Russia offered its help to promote the conservation of small cetaceans in Russian Baltic waters and to help promote Russian accession to ASCOBANS. The Committee welcomed IFAW Russia's offer to assist in moving this forward.

The Executive Secretary explained that new Parties acceding to the Agreement prior to the entry into force of the extension would accede to the Agreement within its current boundaries.

The UK noted that its Crown dependencies had agreed to the extension of the agreement area and the UK government was currently making preparations for formal ratification.

5.8 Cooperation with international organisations

The Executive Secretary noted that ASCOBANS continued to co-operate with relevant organisations, such as the IWC, HELCOM, OSPAR, as well as CMS and CMS-related Agreements.

The NAMMCO observer expressed his concern at the lack of interaction and co-operation between ASCOBANS and NAMMCO. He noted that both ASCOBANS and NAMMCO were working on research, conservation and the management of marine mammals in their respective areas and, in many cases, on the same species. He expressed the view that there were many areas where increased communication and co-operation would be beneficial, and encouraged the exchange of information and observers.

The Chairman of the Advisory Committee noted that the objectives of ASCOBANS and NAMMCO differed, but acknowledged there were overlapping interests. He noted that the abundance surveys which would be coordinated by the NAMMCO Scientific Committee in 2007 would be of value to the work of ASCOBANS. He also pointed out that the first Executive Secretary of ASCOBANS, Dr Christina Lockyer, had recently been appointed as the General Secretary of NAMMCO, and extended the Committee's greetings and best wishes to her.

Representing the IWC, Peter Reijnders noted the continuing co-operation with the IWC.

The Advisory Committee regretted that ASCOBANS had not formally been engaged by the European Commission in its preparation of the European Marine Strategy. The meeting felt that it would have been useful to have ASCOBANS represented in discussions for the Strategy alongside other regional organisations. However, it was noted that national interventions in discussion for the Strategy had taken into account responsibilities under ASCOBANS. It was decided that no further action would be taken on this matter since most of the consultative phase of the European Marine Strategy was over.

6. Administrative and budgetary issues (closed session)

6.1 Budgetary Issues

6.1.1 Report on budget for 2004

The Executive Secretary introduced a summary of the income and expenditures and provisional Trust Fund balance (Document 6), and explained that the overspend in personnel budget lines was due to fluctuations in the exchange rates between the US dollar and the Euro. He noted that CMS and some related Agreements were also experiencing this problem. The overspend had taken the necessary operational reserve below the threshold of 100,000 USD. He reported that there were ongoing discussions in CMS and other Agreements to drop the threshold from 50% to a lower percentage. This was possible also for ASCOBANS and Parties might consider taking such action.

In the light of this situation, Parties would also need to review the option of drafting the budget for the coming triennium in Euros. This option was expressly provided for in MoP4, Resolution 3.

The Advisory Committee agreed that at each meeting it should formally acknowledge the receipt of the final UNEP statement of account for the previous year.

6.2 Administrative Issues

6.2.1 Report on operation of CMS Agreements Unit

The Executive Secretary reported that the CMS Secretariat had undergone considerable changes since the last AC. Mr Ulf Müller-Helmbrecht had retired as the Executive Secretary of CMS and had been replaced by Mr. Robert Hepworth, as Acting Executive Secretary. Mr Lahcen El Kabiri from Morocco had replaced Mr. Douglas Hykle as Deputy Executive Secretary of CMS. In addition, the post of Information Officer, which had been vacant for some time, had been filled in January 2005, and several new posts that had been approved at the last Conference of the Parties to CMS had also been filled. He explained that owing to a shortage of space, the ASCOBANS Secretariat and the secretariats of the other two co-located Agreements had moved to offices outside the UN

premises, provided free of charge by the German government. However, the Secretariats of CMS and the CMS-related Agreements in Bonn would re-group later that year on the new UN Campus.

The Executive Secretary noted that, because the posts of Executive Secretary and Assistant had been upgraded, the upgraded posts of both ASCOBANS staff members had recently been re-advertised in accordance with UN regulations. The current incumbents of the posts would therefore have to reapply for their positions. It was hoped that the recruitment procedure could be finalised by the end of 2005.

The Advisory Committee expressed concern that it would not have adequate input into the recruitment process as provided for in the Terms of Reference for the Agreement to co-locate the Secretariat in the CMS Agreements Unit, and agreed that, on behalf of the Parties, the Chairman of the Advisory Committee would write to the Executive Director of UNEP expressing this concern.

6.2.2 Meetings to be attended during 2005

Document 19, listing dates of interest to ASCOBANS was adopted as amended (cf. Annex 6).

The Advisory Committee agreed that the Secretariat should urge those representatives that have represented ASCOBANS in other fora to report back within a month of attending the meeting, and to provide a report on discussions of relevance to ASCOBANS. At the suggestion of the Netherlands, it was agreed that in future these report would be included in the agenda of the Advisory Committee.

After discussion, the Parties agreed that the Secretariat would inform the relevant Regional Fishery Advisory Councils (RACs) that most North Sea and Baltic Sea countries were Parties to ASCOBANS, and that the Advisory Committee would be willing to cooperate with them on issues relevant to the conservation of cetaceans.

6.2.3 ASCOBANS Award

The first ASCOBANS award for PR and educational activities was awarded to Hel Marine Station, Poland, in recognition of their outstanding work in this field. The terms of reference for the ASCOBANS Award were adopted as amended (Document 22).

7. Date and venue of next meeting

Finland announced its intention to host the 13th Meeting of the Advisory Committee in the last week of April 2006. Precise dates and the exact location were not yet available. The Chairman thanked Finland for this offer.

The Netherlands had offered to host the Fifth Meeting of the Parties to ASCOBANS, which would take place in either July or September 2006.

8. Agreement on draft report

The report was agreed.

9. Close of meeting

The Chairman summarised the results of the meeting and highlighted a number of points for action. He invited Parties to address the Russian Federation on the issue of approval for the Russian version of the amended Agreement text. He also reminded participants that the next meeting of the Advisory Committee would be a pre-MOP meeting, needing particularly intensive preparation, and encouraged Parties to submit papers for that meeting. The request by the SCANS-II organisers to submit papers on management objectives that could be addressed by ASCOBANS was stressed once again. The Chairman also pointed out that it was helpful if papers were submitted prior to rather than at the actual meeting, as this gave participants a chance to read the papers in advance, thus promoting an informed discussion of the papers in question.

On behalf of the Advisory Committee and the Secretariat, the Chairman congratulated Helen McLachlan, a long-standing AC participant, and her husband, Per Berggren, on the birth of their daughter. Again on behalf of the Advisory Committee and the Secretariat he then thanked Dr Tilman Pommeranz, who would be retiring in 2005, for many years of fruitful cooperation with ASCOBANS, both as head of the German AC delegation and as German Coordinator for the Agreement. The Chairman thanked the French Government and Oceánopolis and in particular Martine Bigan and Sami Hassani for the excellent organisation of the meeting and the high quality of the facilities provided. Finally, he thanked the Secretariat for their very efficient work in organising and servicing the meeting.

Germany, speaking on behalf of all participants, thanked the Chairman and Vice-Chairman for their work both during the meeting and intersessionally.

The meeting was closed at 12.40 p.m.

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List of Documents

No.	Agenda Item	Document Title	Submitted by
Doc. 1	3	Draft Agenda	Secretariat
Doc. 2	3	Draft Annotated Agenda	Secretariat
Doc. 3	-	Provisional List of Documents	Secretariat
Doc. 4	-	Provisional List of Documents by Agenda Item	Secretariat
Doc. 5	2	Rules of Procedure for the ASCOBANS Advisory Committee	Secretariat
Doc. 6 (Restricted)	6.1	Budget 2004 – Summary of Income and Expenditures and Provisional Trust Fund Balance	Secretariat
Doc. 7	4.3.1	Baltic Sea Porpoise Database	Germany
Doc. 8	4.4	Distribution of harbour porpoise (*Phocoena phocoena*) in the German North Sea in relation to density of sea traffic	Germany
Doc. 9	4.3	Warning sounds at reflective nets: triggering and improving echolocation in harbour porpoises *Phocoena phocoena*	Secretariat
Doc. 10	4.7	On the occurrence of the bottlenose dolphin *Tursiops truncatus* in Belgian waters	Belgium
Doc. 11	4.2	Tumlarobservationsprogrammet i Sverige: maj 2003 – september 2004	Sweden
Doc. 12	5.1.2	The influence of active SONARs on marine mammals: A new concern for the Belgian defence	Belgium
Doc. 13	4.6	Report on information on seismic survey activities by the United Kingdom 1997 – 2003	United Kingdom
Doc. 14	5.1.1	High-speed ferries: Secretariat's update	Secretariat
Doc. 15	5.5	Annual National Reports for 2004 as submitted to the Secretariat as of 7 April 2005	Secretariat
Doc. 16	4.5	Fisheries Statistics. Data submitted by Parties	Secretariat
Doc. 17	4.4	ASCOBANS Recovery Plan for Harbour Porpoise (*Phocoena phocoena*) in the North Sea	Secretariat
Doc. 18	5.2	Information submitted by Parties in response to post-mortem research questionnaire	Secretariat
Doc. 19	6.2.2	Date of interest to ASCOBANS in 2004/2005	Secretariat
Doc. 20	5.5	Eighth Compilation of Annual National Reports	Secretariat
Doc. 21	5.4.2	ASCOBANS Secretariat Report on PR Activities (1/2005)	Secretariat
Doc. 22	6.2.3	Draft Terms of Reference for the ASCOBANS Award	Secretariat
Doc. 23	4.8 5.6. 5.7	Letter from Spanish Ministry of Environment to ASCOBANS	Secretariat
Doc. 24	4.5	The diagnosis of by-catch: Examining harbour porpoises (*Phocoena phocoena*) stranded on the Dutch coast from 1990-2000	IFAW
Doc. 25	4.3.2	Report of the First Meeting of the Jastarnia Group	Secretariat
Doc. 26	5.2	Information submitted by France in response to the post-mortem research questionnaire	Secretariat
Doc. 27	4.5	French observers programmes in the ASCOBANS area (1994-1996) and programmes in progress	Secretariat
Doc. 28	5.3	French fishing effort statistics in the ASCOBANS area	Secretariat
Doc. 29	5.5	Annual National Report for 2004: Denmark	Secretariat

Annex 3

Agenda

1. Opening of Meeting
2. Adoption of Rules of Procedure
3. Adoption of the Agenda
4. Implementation of the ASCOBANS Triennial Workplan (2004 – 2006)
   - 4.1. Preparation and implementation of the new abundance survey ("SCANS-II")
   - 4.2. Population distribution, sizes and structures (review of new information)
   - 4.3. ASCOBANS Baltic Harbour Porpoise Recovery Plan ("Jastarnia Plan")
     - 4.3.1. Implementation
     - 4.3.2. Results of first meeting of Jastarnia Group
   - 4.4. Elaboration of a recovery plan for harbour porpoises in the North Sea
   - 4.5. Bycatch issues
   - 4.6. Disturbance to small cetaceans due to seismic surveys
   - 4.7. Issues specifically related to the conservation of *Tursiops truncatus*
   - 4.8. Amendment of Agreement to include all cetaceans
5. Ongoing Issues
   - 5.1. Effects of pollution, noise pollution and disturbance
     - 5.1.1. High Speed Ferries
     - 5.1.2. Military Activities
       - 5.1.2.1. Reports by Parties on approaches and progress in reducing/eliminating adverse effects of military activities
       - 5.1.2.2. Other related issues
     - 5.1.3. Report by the Pollutants Working Group
       - 5.1.3.1. Review of results of IWC programme Pollution 2000+; recommendations
     - 5.1.4. Report on International Policy Workshop on Sound and Marine Mammals, London, 28-30 September 2004
   - 5.2. Post-mortem and stranding schemes
   - 5.3. Collection of data on fishing effort
   - 5.4. Publicity/PR Issues
     - 5.4.1. Parties/Range States
     - 5.4.2. Secretariat (Report on PR activities in 2004/2005)
   - 5.5. Annual National Reports
   - 5.6. Accession of new Parties
   - 5.7. Extension of Agreement area
   - 5.8. Cooperation with international organizations
6. Administrative and budgetary issues (closed session)
   - 6.1. Budgetary Issues
     - 6.1.1. Report on budget for 2004
   - 6.2. Administrative Issues
     - 6.2.1. Report on operation of CMS Agreement Unit
     - 6.2.2. Meetings to be attended during 2005
     - 6.2.3. ASCOBANS Award
7. Date and venue of next meeting
8. Agreement on draft report
9. Close of meeting

Outline of the projects Petracet, Necessity and Procet.

Petracet (Pelagic trawls and Cetaceans)

Petracet is a European project granted by DG fish to study the interactions between pelagic trawls and cetaceans in ICES area VII and VIII. The fisheries to be investigated were listed in the call for tenders. A sampling effort of at least 5 % in each fishery listed was required with observer coverage cover the month(s) having the greatest fishing effort. Some of the fisheries concerned operate in the English Channel, which is relevant to the Ascobans areas : these are the UK and FR bass fishery in the channel, the NL and DK fishery for mackerel.

The project is coordinated by MEP (UK) with the scientific direction of S. Northridge (SMRU, UK). The scientific institutes which participates are Ifremer (FR), SMRU (UK), RIVO-WUR (NL), DIFRES (DK), BIM (IR), UCC (IR) and CRMM (FR). The main objectives are to obtain estimates of incidental bycatch in the pelagic trawl fisheries, to increase the knowledge of incidental by-catch in those fisheries and to collect additional biological data for small cetacean research. A one year observation is scheduled to be collected through the seasonal fisheries; Half of the observation effort concerns France (320 days at sea) on sea bass areas VII;VIII, albacore (area VII-VIII) and anchovy area VIII (spring; autumn).
The French observations started in july 2004. The final report to EC is planned for autumn 2005.

Necessity-Cetaceans

The Necessity project is an European project (6 th PCRD) containing a sub-project on the interaction of pelagic trawl fisheries and small cetacean populations. The project is under the coordination of RIVO-WUR (B. Von Marlen). The main framework consists in

1. to collate data on fleet activity, cetacean distribution, biology and by-catch with a view to identifying alternative tactics for bycatch-reduction.
2. to develop effective and acceptable gear modifications or acoustic systems to reduce mortality of cetaceans in pelagic trawl fisheries
3. to determine the biological repercussions of gear modifications and alternative fishing tactics.

The scientific institutes involved are : BIM and UCC (IR), Ifremer and CRMM (FR), DIFRES (DK), RIVO-WUR (NL), AZTI (SP). The project has started in march 2004 for a 3 year duration.
http://www.rivo.wageningen-ur.nl

Procet

Procet (Protection of Cetaceans) is a French project managed by the fishing industry (CNPMEM) in order to test 3 types of pingers on pelagic trawls under a scientific protocol. This project consists of combined trials in 5 seasonal fisheries. The scientific institute “Centre de Recherches sur les Mammiferes Marins” (CRMM - La Rochelle) participates in this project which started in july 2004 and will consist of one year data of collection.

1. Recent literature with regard to chemical pollution , April 2005

Addison, R.F., Ikonomou, M.G. and Smith, T.G. 2005. PCDD/F and PCB in harbour seals (*Phoca vitulina*) from British Colombia: response to expose to pulp mill effluent. Marine Environmental Research 59: 165-176.

PCDDs and furans sampled in harbour seals from the Straights of Georgia were compared with samples from Quatsino Sound in western Vancouver Island. The higher levels in the Straights of Georgia probably reflect discharge of effluents from bleached kraft mills. Differences were observed between males and females and concentrations increased in males with age.

Ciesielski, T; Wasik, A; Kuklik, I; Skora, K; Namiesnik, J; Szefer, P. 2004. Organotin compounds in the liver tissue of marin e mammals from the Polish coast of the Baltic Sea. *Environ Sci Technol*., **38**(5):1415-20.

Butyltins (BTs) and phenyltins (PhTs) were determined in the livers of marine mammals found by-caught or stranded along the Polish coast of the Baltic Sea. During the investigation an original analytical method was also developed. Butyltin compounds were detected in all the liver samples, whereas phenyltins were not detected in any of the samples. The total concentrations of BTs ranged from 43.9 to 7698 ng(Sn) x g(-1) dry weight. Age-related trends to accumulate BTs in immature porpoises were found. At the same time there were no male-female differences in BTs concentrations observed. No statistically significant spatial distribution differences were found between the lo cations corresponding to the open Baltic Sea waters and inside the Gulf of Gdansk, which is characterized by high maritime activity. In comparison to butyltin levels in marine mammals from other geographic regions, the samples analyzed indicate a significa nt degree of tributyltin pollution along the Polish coast of the Baltic Sea. On the basis of a literature review, higher BT levels are usually found in waters close to highly industrialized areas, such as Japan, Hong Kong, and the United States.

Godard, C.A.J; Smolowitz, R.M; Wilson, J.Y; Payne, R.S; Stegeman, J.J. 2004. Induction of Cetacean Cytochrome P4501A1 by ß-Naphthoflavone Exposure of Skin Biopsy Slices. *Toxicological Sciences*, **80** (2): 268-275.

Induction of the cytochrome P450 1A1 (CYP1A1) enzym e is widely used as a biomarker of exposure and molecular effects in animal species, yet the validity of this biomarker has not been established in marine mammals. *In vivo* studies are generally precluded in protected species, but skin biopsies (epidermis a nd dermis) are generally seen as more acceptable. These researchers developed an *in vitro* assay using skin biopsy slices to examine CYP1A1 protein induction in marine mammals in response to chemical exposure. Skin biopsies from sperm whale (*Physeter macro cephalus*) were exposed for 24 h to ß-naphthoflavone (BNF), a prototypical CYP1A1 inducer, and CYP1A1 induction

was detected by immunohistochemical staining in endothelial cells, smooth muscle cells, and fibroblasts. Biopsy slices were exposed to a range of BNF concentrations (0.6–600 µM), and a significant concentration-effect relationship was observed in both endothelial and smooth muscle cells ($p = 0.05$).

This first study using skin biopsy slices to examine exposure of cetacean tissue to a CYP1A1 inducer demonstrates a causal relationship between chemical exposure and CYP1A1 induction and therefore validates the use of CYP1A1 expression in skin biopsies as a biomarker in cetaceans. The researchers concerned note that their protocol can be adapted to the investigation of chemicals, mixtures, concentrations, incubation times, or biological endpoints of choice.

Jepson, P.D., Bennet, P.M., Deaville, R., Allchin, C.R., Baker, J.R. and R.J. Law 2005. Relationship between chloro biphenyls and health status in harbour porpoises (Phocoena phocoena) stranded in the United Kingdom. Environmental Toxicology and Chemistry 24: 238-248.

Summed blubber concentrations of 25 chlorobiphenyl congeners were compared in two groups of stranded porpoises: one group died of acute physical trauma (n = 175) and the other of infections disease (n = 82). The infectious disease group had significantly higher congener levels and could not be explained by other confounding variables.

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

PBDEs were analysed along with traditional PCB and DDE congeners. No differences were found between males and females but this may be due to the young age of the animals sampled. Significant decreases were observed between newly weaned seals in 1998 and the same animals as one years olds in 1999. Significant changes were also found between the different seasons reflecting changes in blubber mass.

Muir, D., Savinova, T., Savinov, V., Alexeeva, L., Potelov, V. and Svetochev, V. 2003. Bioaccumulation of PCBs and chlorinated pesticides in seals, fishes and invertebrates from the White Sea, Russia. The Science and the Total Environment 306: 111-131

A series of persistent OC contaminants were determined in biota from the White Sea. Differences were observed in the different seal species sampled; the bearded seals having the highest burdens of total PCBs, total DDT and chlordane compounds. Temporal trend was investigated and a decline shown between 1992 and 1998: 33% Total DDT and 60% PCBs. These declines are consistent with reports of declines in seawater.

Wittnich, C; Belanger, M; Askin, N; Bandali, K; Wallen, W.J. 2004. Awash in a sea of heavy metals. Mercury pollution and marine animals. A report by the Oceanographic Environmental Research Society (OERS) and the Canadian Marine Animal Rescue Network (CMARN). Report No. 01-2004.

Using data from the scientific literature, t his report shows that mercury , a naturally occurring and man -made heavy metal, has not decreased or at best has remained constant after decades of regulations. Studies on livers of dolphins from the British Isles show a 6 fold increase in mercury from 1989 to 1998 (from ~20 to 130 µg/g wet weight respectively). Studies examining seal livers from across the Canadian Arctic reveal that mercury levels have not decreased (29 µg/g wet weight in 197 2 and 31 µg/g wet weight in 1996). World wide, seal livers from 1 972 to 1994 show that mercury levels have doubled from ~12 µg/g wet weight to ~ 25 µg/g wet weight.

Wolkers , H; van Bavel, B; Derocher, A; Wiig, Ø; Kovacs, K; Lydersen, C; Lindström, G. 2004. Congener-Specific Accumulation and Food Chain Transfer of Po lybrominated Diphenyl Ethers in Two Arctic Food Chains. *Environ. Sci. Technol .*, **38**:1667-1674

Congener-specific accumulation and prey to predator transfer of 22 polybrominated diphenyl ethers (PBDEs) were assessed in polar cod, ringed seal, polar bear, and beluga whale. Although the concentrations found were relatively low, these results show that PBDEs have reached the Arctic. PBDE congeners 47, 99, and 100 were dominant in all species studied. The pattern in ringed seal was somewhat simpler than in polar cod, with PBDE 47 accounting for more than 90% of the total PBDEs. In contrast, beluga whales, feeding on prey similar to that of ringed seals, showed higher PBDE levels and a more complex PBDE pattern than ringed seals. In contrast, polar bears contained only PBDE 47 in relatively small amounts. These differences in levels and patterns are likely due to species-specific differences in PBDE metabolism and accumulation. The metabolic index suggested that PBDEs 47 and 99 accumulate to the same magnitude as PC B 153 (PCB) polychlorinated biphenyl) in ringed seals and beluga whales. In contrast to beluga whales, ringed seals can metabolize PBDE 100 to some extent. Polar bears are seemingly capable of metabolizing virtually all PBDEs and are therefore unsuitable as indicators for PBDE contamination in the environment.

Omstedt, A; Elken, J; Lehmann, A; Piechura, J. 2004. Knowledge of the Baltic Sea physics gained during the BALTEX and related programmes. *Progress In Oceanography* **63**, (1-2): 1-28.

This paper reviews and reports on the results of the oceanographic component of the BALTEX research programme (one of the six continental scale experiments within GEWEX-WCRP to study water and energy cycles in the region al climate system) and related programmes/projects over the last 10 years.

Other papers of note :

Aguilar, A; Borrell, A. 2005. DDT and PCB reduction in the western Mediterranean from 1987 to 2002, as shown by levels in striped dolphins (*Stenella coeru leoalba*) *Marine Environmental Research*, **59**, (4): 391-404.and parasitism. 17th Annual Conference of the European Cetacean Society, Las Palmas, Spain, March 2003.

Beans, C., Das, K., Jauniaux, T., Massart, A.C., De Pauw, E. and Bouquegneau, J -M., 2003. Dioxins, furans and coplanar PCBs in juvenile harbour porpoises (Phocoena phocoena) from the Belgian coast. 17 th Annual Conference of the European Cetacean Society, Las Palmas, Spain, March 2003

Beans, C., Debacker, V., Jauniaux, T., Massart, A.C., Eppe, G. , Bouquegneau, J-M. and De Pauw, E. 2003. Dioxins, furans and dioxin -like PCBs in juvenile harbour porpoises (*Phocoena phocoena*) from the North Sea. Dioxin 2003, 23 rd International Symposium on Halogenated Organic Pollutants. Boston, Massachussets, USA, 24 -29 August 2003.

Brenez, C., Gerkens, P., Jauniaux, T., De Pauw -Gillet, M-C. and De Pauw, E. 2003. Identification of specific biomarkers related to the effects of pollutants on the immune system of marine mammals. 15 th Bienniel Conference on the Biology o f Marine Mammals. Greensboro, N. Carolina, USA, 15 -19 December 2003.

Das, K., Siebert, U., Fontaine, M., Jauniaux, T., Holsbeek, L., Tolley, K., and Bouquegneau, J.M. 2003. Trace metals in the harbour porpoise from the North Sea and adjacent areas: relati onship with staple isotopes measurements, the nutritional status, lesions of the respiratory system

Gao, Y; Drange, H; Bentsen, M; Johannessen, M. 2004 . Simulating transport of non - Chernobyl ^{137}Cs and ^{90}Sr in the North Atlantic -Arctic region. *Journal of Environmental Radioactivity* , **71**(1):1-16.

Granskog, M. 2004. An Estimation of the Potential Fluxes of Nitrogen Phosphorus, Cadmium and Lead from Sea Ice and Snow in the Northern Baltic Sea. *Water, Air, & Soil Pollution* **, 154**, (1 – 4): 331 - 347

Islam, M.S; Tanaka, M. 2004. Impacts of pollution on coastal and marine ecosystems including coastal and marine fisheries and approach for management: a review and synthesis. *Marine Pollution Bulletin* , **48** (7-8): 624-649.

Kajiwara N, Matsuoka S, Iwata H, Tanabe S, Rosas FC, Fillmann G, Readman JW. 2004. Contamination by persistent organochlorines in cetac eans incidentally caught along Brazilian coastal waters. *Arch Environ Contam Toxicol* .,**46**(1):124-34.

Mackenzie BR, Almesjo L, Hansson S. 2004. Fish, fishing, and pollutant reduction in the Baltic Sea. *Environ Sci Technol* ., **38**(7):1970-6.

Mallory, M; Braune, B.M; Wayland, M; Drouillard, K.G. 2005. Persistent organic pollutants in marine birds, arctic hare and ringed seals near Qikiqtarjuaq, Nunavut, Canada. *Marine Pollution Bulletin,* **50**: 95–104.

Matsona, C.W; Franson, J.C; Hollmén, T; Kilpi, M; Hario, M; Fl int, P.L;John W. Bickham, J.W. 2004. Evidence of chromosomal damage in common eiders (*Somateria mollissima*) from the Baltic Sea. *Marine Pollution Bulletin*, **49** (11-12):1066-1071.

Melancon, M.J. 2004. Nonlethal Development, Validation, and Application of Cytochrome P4501A1 (CYP1A1) as a Biomarker for Contaminant Exposure. Toxicological Sciences **80**: 216-217.

Parsons, E.C.M, 2004. The Potential Impacts of Pollution on Humpback Dolphins, with a Case Study on the Hong Kong Population. *Aquatic Mammals*, **30** (1): 18-37**.**

Sapota, G. 2004. Polychlorinated biphenyls (PCBs) and organochlorine pes ticides (OCPs) in seawater of the Southern Baltic Sea **,** *Desalination*, **162** :153-157.

Tuerk, K.J.S; Kuclick, J.R; Becker, P.R; Stapleton, H.M; Baker, J.E. 2005. Persistent organic pollutants in two dolphin species with focus on toxaphene and polybrominated diphenyl ethers. *Environmental Science and Technology*, **39** (3):692-698.

Van de Vijver, K.I., Hof, P.T., Das, K., Van Donogen, W., Esmans, E.L., Jauniaux, T., Bouquegneau, J-M., Blust, R. and De Coen, W. 2003. Perflorinated chemicals infiltrate ocean waters: links between exposure levels and staple isotope ratios in marine mammals. Environmental Science and Technology 37: 5545 -5550.

2. Recent literature with regard to Noise Pollution

Buckstaff, K.C. 2004. Effects of Watercraft Noise on the Acoustic Behaviour of Bottlenose Dolphins, *Tursiops truncatus*, in Sarasota Bay, Florida. *Marine Mammal Science* 20(4): 709-725.

This work investigates the vocal response of bottlenose dolphins, *Tursiops truncatus*, to approaching vessels. A significant increase in the call repetition rate was found during the *onset* stage of a boat approach, compared to during and after the approach. It is suggested that the observed increase in whistle repetition could be regarded as a 'disturbance call' and that the decrease in the rate that follows is because the animals have come closer together after an initial fright – tighter groups with more visual and physical contact have less need for vocal communication for group cohesion.

The author goes on to evaluate and discuss the relative responsiveness and potential impacts from different types of watercraft and raises concern over PCWs (jet-powered Personal watercraft). These are potentially more dangerous than conventional powerboats because they are capable of entering shallower water and are more difficult to detect than. Therefore there is a greater likelih ood of these craft approaching to an extremely close range, potentially causing direct physical harm. Differences in frequency characteristics of sounds produced in different habitats serve to highlight the particular potential that PWCs have to disrupt c ommunication in shallow environments.

Crum, L; Kargl, S; Matula, T. 2004. A potential explanation for marine mammal strandings. *The Journal of the Acoustical Society of America* , **116**, (4): p. 2533.

The authors discuss the results of preliminary experim ents on the potential for different acoustic intensities to stimulate bubble gas formation in supersaturated conditions. They show that modest intensities can induce macroscopic bubbles from nucleated bubbles. The work follows that of previous investigat ions of bubble growth at low frequencies by these authors in 1996 and concerns, widely raised, that these mechanisms may exist in marine mammals exposed to high intensity sound and be partly involved in recent mortalities.

Foote, A.D; Osborne, R.W & Hoez el, A.R. 2004. Whale - call response to masking boat noise. *Nature* **428**: 910.

The authors present evidence that an increased number of whale watching boats have caused a change in the vocal characteristics of the primary call in three separate pods of killer whales, *Orcinus orca*. The duration of this call increased significantly in periods when the whales were in the vicinity of whale watching boats compared to in the absence of boats. The authors propose that the change was an anti-masking behaviour; a response by the whales to improve the perception threshold of their calls in the presence of increased noise produced from boat engines. Further, the effect was only evident in years 2001-03 and not in 1977-81 and 1989-92. Over these years there was been an

increase in the number of whale watching boats in the vicinity of the whales. Therefore, it is suggested that the whales implemented this anti-masking strategy only after a threshold noise level, or equivalent number of boats, was breached.

National research council 2005. Marine Mammal Populations and Ocean Noise. National Academy of Science, Committee on characterizing biologically significant marine mammal behavior, Ocean studies board, Division on Earth and life studies.

This is an extensive review of the current thinking and research into the effects of noise on marine mammals. It has an emphasis on defining biologically significant effects of anthropogenic noise and, to this end, the problems involved in evaluating population level effects are discussed.

Nedwell, J & Howell,D 2004. A review of offshore windfarm related underwater noise sources.. Subacoustech Report No. 544R0308

This report constitutes the most up to date account that addresses underwater noise from marine wind farms and its potential effect on marine life. Information on the wind farm development process and the extent of current developments in UK territorial waters is given as well as an account of factors affecting underwater sound, background noise and the sound produced in the four phases of development. A review of available information for each aspect of the development and observed effects on marine life is made. Recommendations for future research directions to inform impact assessment in wind farm development are also made.

Nedwell,J.R; Edwards,B; Turnpenny,A.W.H & Gordon,J 2004. Fish and Marine Mammal Audiograms: A summary of available information Subacoustech Report ref: 534R0214. Fawley Aquatic Research Laboratories Subacoustech Report ref: 534R0214

This is a review of the hearing mechanisms and audiograms of fish and marine mammals. It is a compilation of known information, in a consistent format, for a number of species including the bottlenose dolphin and harbour porpoise. The report highlights the importance of considering the methods used to measure hearing when using audiograms, for instance, when using them to construct the dB ^{ht}(*species*) scale.

Nieukirk, S.L; Stafford, K.M; Mellinger, D.K; Dziak, R.P; Fox, C.G. 2004. Low-frequency whale and seismic air gun sounds recorded in the mid-Atlantic Ocean. *The Journal of the Acoustical Society of America*, **115** (4): 1832-1843.

A summary of the sounds attributed to cetaceans, recorded from and array of six set hydrophones moor near the Mid-Atlantic Ridge, is presented. These were detected most often in winter and were identified as:

(1) a two-part low-frequency moan at roughly 18 Hz lasting 25 s which has previously been attributed to blue whales (*Balaenoptera musculus*);
(2) series of short pulses approximately 18 s apart centered at 22 Hz, which are likely produced by fin whales (*B. physalus*);
(3) series of short, pulsive sounds at 30 Hz and above and approximately 1 s apart that resemble sounds attributed to minke whales (*B. acutorostrata*); and
(4) downswept, pulsive sounds above 30 Hz that are likely from baleen whales.

Seismic airgun signals were detected from locations over 3000km away. These occurred mainly during summer months.

Rodkin, R.B. & J.A. Reyff. 2004. Underwater sound pressures from marine pile driving. *The Journal of the Acoustical Society of America* **116** (4): 2648.

The acoustic impacts of marine pile-driving are discussed in the light of investigations made during recent construction activities. Sound pressures produced from these activities and their control measure were evaluated in terms of their impacts on marine mammals and fish. Sound control measures and the difficulties of their implementation are described.

Stein, P.J; Vandiver, A; Edelson, G.S; Frankel, A.S. & C.W. Clark. 2004. Marine Mammal Active Sonar Test 2004 (MAST 2004). *The Journal of the Acoustical Society of America* **115** (5): 2559.

In this report the progress of the Marine Mammal Active Sonar Test, conducted in January 2004, off the central California coast is presented. The systems used, behavioural reactions to the sounds produced and the legal aspects of conducting the work are outlined and discussed.

Wezensky, E.M; Miller, J.H. & R.C. Tyce. 2004. Comparative sensitivity analysis of transmission loss in beaked whale environments. *The Journal of the Acoustical Society of America* **115**(5): 2487.

This is an investigation into the acoustic transmission characteristics of beaked whale habitats. Acoustic properties of ocean environment, such as sound speed profile and bathymetry, are highly variable spatially and temporally. A two dimensional sound field was modelled, incorporating theses physical parameters, to illustrate the sensitivity of transmission loss in these habitats. Modelling the nature on sound propagation in the marine environment is important for the precise understanding of the extent of impact that man-made sound has on marine mammals.

Volume 37, number 4 of the *Marine Technology Society Journal* contains a series of articles, by scientists and industry, that address the effects of human generated sound on marine life. These include:

Wartzok, D; Popper, A.N; Gordon, J. & J. Merrill. 2004. Factors Affecting the Responses of Marine Mammals to Acoustic Disturbance. *Marine Technology Society Journal* **37**(4): 6-15.

This article outlines the various factors that influence marine mammal responses to noise and describes complex interaction of factors involved in any end -resulting impact. In their discussion, the authors highlight the importance of understanding these factors for effective mitigation of the impacts of different noise sources on marine mammals. .

Gordon, J; Gillespie, D; Potter, J; Frantzis, A; Simmonds, M.P; Swift, R. & D. Thompson. 2004. A review of the effects of seismic surveys on marine ma mmals. *Marine Technology Society Journal* **37**(4): 16-34.

This article is an extensive review of the subject that draws on recent information. The main theme of the discussion is the lack of information about the effects of seismic survey on marine mammals. This is particularly the case for biological effects of seismic noise which are difficult to evaluate in terms of individual and population effects. A summary of different effects is given, including physical, perceptual, behavioural and indirect effects and a detailed overview of studies that have recorded an observable change of behaviour in marine mammals in the presence of seismic activities is presented. The authors strongly support the promotion of the precautionary approach to management and regu lation of seismic activities.

Tyack, P; Gordon, J & D. Thompson. 2004. Controlled Exposure Experiments to Determine the Effects of Noise on Marine Mammals. *Marine Technology Society Journal* **37**(4): 41-53.

This article provides a discussion of the use of Controlled Exposure Experiments (CEEs) for determining the behavioural response of wild marine mammals to man -made noise. The authors offer an outline of experimental design considerations imperative to their effective application and discuss the politics surrounding their appropriate use.

Other papers of note:

AWI & DGP (Eds.) 2002/2004: Proceedings of the conference of impact of acoustics on marine organisms 17-19 June 2002. – Polarforschung 72. Jahrgang Nr. 2/3. ISSN 0032-2490

Blackwell, S.B; Lawson, J.W; Williams, M.T. 2004. Tolerance by ringed seals (*Phoca hispida*) to impact pipe-driving and construction sounds at an oil production island. The Journal of the Acoustical Society of America, 115 (5): 2346-2357.

Carey, W.M. 2004. The application of standard definitions of sound to the fields of underwater acoustics and acoustical oceanography. *The Journal of the Acoustical Society of America*, **115** (5): pp. 2433-2434.

Finneran, J.J; Houser, D.S. 2004. Objective measures of steady-state auditory evoked potentials in cetaceans. *The Journal of the Acoustical Society of America*, **116** (4): p. 2532.

Hoffman, R.J. 2004. Marine sound pollution: does it merit concern? *Marine Technology Society Journal* **37**(4): 66-77.

MacGillivray, A.O; Chapman, N.R; Hannay, D. E. 2004. An airgun array source signature model for environmental impact assessments. *The Journal of the Acoustical Society of America*, **116** (4): p. 2649.

Moore, M.J. and Greg A., 2004: Early Cumulative Sperm Whale Bone Damage and the Bends – *Science*, Vol 306, Issue 5705, 2215 , 24 December

Nedwell,J; Langworthy,J & Howell,D 2003. Assessment of sub-sea acoustic noise and vibration from offshore wind turbines and its impact on marine wildlife; initial measurements of underwater noise during construction of offshore windfarms, and comparison with background noise. Subacoustech Report No. 544R0424

Report of an International Workshop: Policy on Sound and Marine Mammals 28-30 September 2004, London, England. In Press. 102 pages. To be available from Marine Mammal Commission Website.

Scott, K.N. 2004. International Regulation of Undersea Noise. *ICLQ* **53**: 287-324.

Simmonds, M.P., Dolman, S., and Weilgart, L. Oceans of Noise 2004 – A WDCS Science Report. 164 pages. www.wdcs.org

M. Tolstoy, J. B. Diebold, S. C. Webb, D. R. Bohnenstiehl, E. Chapp, R. C. Holmes, and M. Rawson 2004: Broadband calibration of R//V Ewing seismic sources. – GEOPHYSICAL RESEARCH LETTERS, VOL. 31, L14310, doi:10.1029/2004GL020234, 2004

Dates of interest to ASCOBANS in 2005/2006

Date		Organiser	Title	Venue	Participation
21-22 April	2005	UNEP/CMS	Standing Committee	Bonn, Germany	?
14 - 17 May	2005	ACCOBAMS	3rd Meeting of the Scientific Committee	Cairo, Egypt	Sami Hassani? Marco Barbieri ? Alex Aguilar ?
30 May	2005	UNEP/CMS	CMS/Agreements Brainstorming Event	Bonn, Germany	Executive Secretary
May/June	2005	IWC	Scientific Comm./WGs/IWC 57	Ulsan, Korea	Vice-Chair
4 – 5 July	2005	UNEP/AEWA	3rd Standing Committee Meeting	Bonn, Germany	Executive Secretary
10 – 14 October	2005	HELCOM	HABITAT 7/2005	Sweden	Christina Rappe
23 – 27 October	2005		First International Marine Protected Areas Congress	Melbourne, Australia	Penina Blankett
25 – 27 October	2005	NAMMCO	Scientific Committee	Lofoten	Finn Larsen? Arne Bjørge?
18 – 25 November	2005	UNEP/CMS	8th MOP/Scientific Council/Standing Committee	Nairobi, Kenya	Chairman?
November	2005	OSPAR	MASH		UK
February	2006	OSPAR	BDC	UK	Jan Haelters
4 – 7 April?	2006	ECS	20th Annual Conference	Gdynia, Poland	Executive Secretary?

Address of Monsieur Serge LEPELTIER,
French Minister for Ecology and Sustainable Development,
on the occasion of the reception held at Océanopolis on 13 April 2005

Ladies and Gentlemen,

I am very happy to be here at the ASCOBANS consultative committee on behalf of Serge Lepeltier, Minister of Ecology and Sustainable development. I am afraid that the inister has had to attend a long Senate committee on the Water and Aquatic Habitats bill, and could not accept your invitation, much to his regret. He has asked me to read the message that he would have delivered.

"First, I would like to praise the commitment of Océanopolis, our host this evening, all the local authorities monitoring and conserving marine mammals in Brittany, and in particular the work of Océanopolis in representing France at ASCOBANS meetings. Océanopolis has combined scientific rigour with the ability to welcome hundreds of thousands of visitors every year to this magnificent site. I am sure this has been the ideal setting for your work in Brest, one of France's leading seaports.

My one regret is that France is not yet a member of ASCOBANS. But I can confirm that the government and I are committed to ratification in 2005 and then France will not be merely observer and host. I am particularly keen on this ratification, because it will include the entire French coastline in the international protection of cetaceans. You know that since 2004 France has been a party to the international agreement on the conservation of cetaceans in the Mediterranean and the Black Sea. You also know France has extensive territorial waters both in Europe and in its overseas territories. This brings major responsibilities for biodiversity and of protection of wildlife.

Your work on the preservation of small cetaceans is difficult, as your agenda has shown.

Firstly, a count is needed of marine mammals. Fortunately, in the Agreement area we will soon have the powerful asset of the European SCANS-II programme, supported by technical, scientific and financial help from scientific institutions and several governments represented here, including France.

Secondly, these species need preserving and restoring. This is urgent and I see that you have been examining a project to restore the Porpoise. What a sad irony that it is called "Common Porpoise" in French and "Harbour Porpoise" in English, showing how abundant it was until not so long ago! And yet SCANS I found none at all in 1995. Let us commit ASCOBANS to bringing this species back to our shores.

Thirdly, cetaceans cannot be protected without considering human activities – accidental captures by fishermen, noise pollution, shipping, particularly at high speed. France is concerned about all these for conserving these species. The Ministries responsible for Ecology and Fishing are both anxious about this subject. Europe's action plan was adopted in April 2004, with regulations that France is

already implementing. Some countries and NGOs want this to be done faster than the official timetable. I do understand their anxiety but we must take time to consult and work with the professionals. By creating well thought-out solutions together that we can all share, we can guarantee future success.

Fourthly, we must create protected marine areas. This is a favourite of mine and I would like to digress.

Protected marine areas are nothing new in France and projects already exist in the Mediterranean and our overseas territories.

Closer to home, and I hope you will have the time to look at this, we are planning a protected area in the Mer d'Iroise, an area of sea off the west of Finistère that is home to grey seals and bottle-nose dolphins as well as an exceptional biological diversity. I am very keen on the creation of these marine areas. They are important for the environment, for society and for the economy. The two major issues in the Mer d'Iroise are managing natural resources (fishing, shellfish, aquaculture, seaweed) and preventing pollution both at sea (shipwrecks and fuel discharges) and on land. We need to write mutually-agreed rules for managing resources and to apply them. As for the social and economic dimension, the government wants the Iroise project to involve local authorities and users. We want a new status of "natural marine park", and will shortly be proposing a Bill in parliament on national parks and natural marine parks. This new status will be the marine equivalent of France's natural regional parks, for the conservation of the natural heritage. It is necessary because up to now only government has been able to regulate the sea, and we want to bring others into the decision-making.

I felt this digression was important; now back to the protection of cetaceans.

Fifthly, we must combat pollution. This means prevention but also, alas, compensation for past errors. On this question of compensation to victims of oil spills, I am glad of the introduction, on March 3rd, of an additional protocol to the international compensation Fund for damage from oil pollution, the FIPOL (unfortunately only too familiar from recent catastrophes). Now it should be possible in most cases to offer 100% compensation.

I must emphasise how concerned France is to protection the marine habitat against all aggression. This is obviously in the national interest – around the world we have 10,000,000 square km under our jurisdiction - and the government wanted to transform this into a national biodiversity strategy by an action plan for the sea. On the international, regional and EU level this aims to:

- improve recognition of marine biodiversity in marine policy. This means training, information and communication in the sustainable management of the sea's resources.
- the co-ordination of public policies,
- the management of the coastline and wetlands,
- a code of good behaviour for seafarers,
- better understanding of the marine environment, in our territorial waters, in the S.P.A. and the E.E.Z.
- the development of protected marine areas and conservation of marine species.

With this action plan for the sea, the Ministry of Ecology and Sustainable Development is drawing up a three-year "strategic action plan for marine habitats", to be better organised to anticipate and act in a national, European or international context, where the preservation of the marine environment is increasingly important.

I shall particularly bear in mind the needs of voluntary groups and users of the marine environment and listen to the advice of scientific experts.

This process of listening to all those involved has led to a diagnosis of the health of marine ecosystems, to help build the strategic action plan. This diagnosis will soon be on the Ministry website – I invite you to visit it.

The aims of the "strategic action plan for the marine environment" are in harmony with what the European Commission proposes in its work on European marine strategy.

European marine strategy is the environmental part of the European maritime strategy. It will promote the sustainable use of the seas and the preservation of marine ecosystems – deep waters, estuaries and coastlines, with particular attention to areas of biological diversity. The Commission will present proposals to the European Council and Parliament in mid-2005, as a Statement and possibly a legally binding instrument. President Barroso has made maritime strategy a priority for Europe – a green paper on the subject should be finalised in 2006. France supports this initiative.

European coastal countries not in the Union are also part of this process.

At a time when the EU is challenged by some, I should underline how much Europe is helping us to define a common policy for all countries in the Union. This is essential if we are to solve problems which go beyond national boundaries. To have institutions that help us advance together effectively is one of the surest ways to protect Europe's coasts and our environment at large.

I can assure you of the French government's support. Your task is essential and difficult, but much is at stake. Your proposals will be given the greatest attention. I wish you a very pleasant evening among the magnificent aquariums of Océanopolis."