

Terms of Reference for an ASCOBANS Workshop on the Requirements of Legislation to Address Monitoring and Mitigation of Small Cetacean Bycatch

1) Background

In light of the review of the Common Fisheries Policy (CFP), EC Regulation 812/2004 is likely to be repealed in favour of bycatch measures (monitoring and mitigating) being subsumed into measures within the new CFP. However, the European Parliament has proposed that “The Commission shall no later than 31 December 2015 review the effectiveness of the measures laid down in this Regulation and accompany this review with an overarching legislative proposal for ensuring the effective protection of cetaceans’. The effectiveness of the Regulation has been reviewed previously by the European Commission (COM (2009) 268 and COM (2011) 578 as required under Article 7 of Regulation) and has been the focus of discussion within the annual ICES Working Group on the Bycatch of Protected Species (WGBYC). At the ASCOBANS AC21, Parties agreed that the position of ASCOBANS on the legislation required to address small cetacean bycatch adequately should be prepared through a workshop.

2) Aim

To draft an ASCOBANS position paper (report) with regard to the monitoring and mitigation of bycatch required for effective conservation of small cetaceans.

3) Approach

A two-day workshop that will address three main tasks:

1. Review the effectiveness (pros and cons) of existing European legislation that requires the monitoring and/or mitigation of bycatch (i.e. Regulation 812/2004; Article 12(4) Habitats Directive including management within Natura 2000 sites; Marine Strategy Framework Directive)
2. Using appropriate and available data, define the measures and monitoring available for the effective assessment and mitigation of bycatch of small cetaceans.
3. Identify which of these requirements for effective monitoring and mitigation of small cetacean bycatch would be most effectively delivered by the incorporation into legislation (spatial and temporal measures; regionalization; incentives etc.).

4) Output

A final report with clear and detailed recommendations of requirements for revised/new legislation.

5) Logistics

The members of the ICES WGBYC would bring significant expertise to the ASCOBANS workshop. For this reason, the first choice for the venue and timing of the workshop is that it should coincide with the WGBYC meeting in February 2015. If this is not feasible, the possibility of ASCOBANS hosting the meeting in Bonn will be discussed. Germany will be

able to cover some costs of the workshop (e.g. travel and subsistence) depending on budget available and expected costs.

The final report will be circulated through the ASCOBANS Secretariat for agreement intersessionally; the urgency of this matter means that it cannot wait until the next AC.

6) Action Points

- The Chair of the ASCOBANS Workshop Steering Group will liaise with the Chair of ICES WGBYC to discuss a 'joint' day at the next meeting.
- If the Chair of ICES WGBYC agrees to allocate some time to joint discussions as part of WGBYC, the ASCOBANS Secretariat will contact ICES to enquire whether they would support the venture and make the necessary arrangements within ICES.
- The ASCOBANS Secretariat will request Parties to supply complete effort and bycatch data for the net fisheries in time and in the format required to the ICES WGBYC in order that they can be used at the 2015 meeting.
- The ASCOBANS Secretariat and the Chair of the Steering Group, with the help of the National Coordinators, will make every effort to involve the relevant stakeholders (fisheries organizations, EU, etc.).
- Germany to liaise with the ASCOBANS Secretariat with regard to financing the workshop.
- Germany will assist the ASCOBANS Secretariat in furthering the report through the appropriate and most direct channels to the Commission.

7) Workshop Steering Group

The Workshop Steering Group comprises Geneviève Desportes (Chair), Sara Königson, Kelly Macleod, Yvon Morizur and Oliver Schall.