

MOP 2: Resolution on Incidental Take of Small Cetaceans (Bonn 1997)

RESOLUTION ON INCIDENTAL TAKE OF SMALL CETACEANS

The Meeting of Parties:

RECALLING that the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas agreed in its Annex that "...management measures shall be applied..." to develop, in the light of available data indicating unacceptable interaction, modifications of fishing gear and fishing practices in order to reduce by-catches and that in the waters of EU member states, Article 2 of Council Regulation (EEC) No. 3760/92 of December 1992 stipulates that the common fisheries policy shall provide for rational and responsible exploitation on a sustainable basis, taking account of the implications for the marine ecosystem;

RECALLING that, in the waters of EU Member States, Article 12.4 of Council Directive 92/43/EEC requires States to establish a system to monitor the incidental capture and killing of all cetaceans, and that in the light of the information gathered they shall take further research or conservation measures as required to ensure that incidental capture and killing does not have a significant negative impact on the species concerned;

RECALLING the Statement of Conclusions at the Intermediate Ministerial Meeting on the Integration of Fisheries and Environmental Issues held in March 1997 in Bergen, where Ministers agreed to take appropriate measures to minimise, in accordance with the FAO Code of Conduct for Responsible Fisheries, adverse impact of fishing activities on North Sea species and their habitats;

NOTING the findings in the report of the ASCOBANS working group on by-catch, November 1997, "Cetacean by-catch issues in the ASCOBANS Area", which documents levels of by-catch levels in some North Sea fisheries, and studies that have helped define the sub-structure of harbour porpoise populations in the North Sea;

NOTING that the above report documents an abundance estimate of 170,000 harbour porpoises in the central and south North Sea and a minimum estimated annual by-catch of 4,450 harbour porpoises in this area; and an abundance estimate of 36,000 harbour porpoises and a minimum estimate annual by-catch of 2,200 animals on the Celtic Shelf, which is adjacent to the ASCOBANS area and where catches may have an adverse effect on the recovery of porpoise populations within ASCOBANS waters;

NOTING the findings of the "Review of Marine Mammal By-catch Observer Schemes" which recommended that a properly designed observer scheme is the best way of acquiring reliable information on by-catch, but that extrapolation from existing information on comparable gear types and areas may be necessary when an observer scheme is logistically impossible;

NOTING that the International Whaling Commission has endorsed its Scientific Committee's advice that an estimated annual by-catch of 1% of estimated population size indicates that further research should be undertaken immediately to clarify the status of the stocks and that an estimated annual by-catch of 2% may cause the population to decline and requires immediate action to reduce by-catch;

RECOGNISING the high selectivity of bottom set gillnets in relation to target fish species;

Decide to invite Parties and non-Party Range States to:

AGREE that specific conservation objectives need to be defined to enhance the work of ASCOBANS and monitor its success;

AGREE with the approach to achieve this and the working definitions given in ASCOBANS/MOP/2/DOC.4, specifically:

- (1) that the aim of ASCOBANS can be interpreted as "to restore and/or maintain biological or management stocks of small cetaceans at the level they would reach when there is the lowest possible anthropogenic influence" - a suitable short-term practical sub-objective is to restore and/or maintain stocks/populations to 80% or more of the carrying capacity;
- (2) that the general aim should be to minimise (i.e. to ultimately reduce to zero) anthropogenic removals within some yet-to-be-specified time frame, and that intermediate target levels should be set; and
- (3) that the longer term approach, which involves *inter alia* taking into account uncertainty in the available data, should be developed by the Advisory Committee;

COMMEND those countries that have set up and continued observer programmes to estimate marine mammal by-catch in fisheries, and which have undertaken research on methods to reduce levels of by-catch;

REQUEST that Parties and Range States continue to investigate methods to reduce by-catch and fully evaluate them and their ecological implications, noting the valuable input the fishing industry may have to such studies;

DEFINE, for the present, "unacceptable interactions" as being, in the short term, a total anthropogenic removal above 2% of the best available estimate of abundance within an appropriate management region; however, if available evidence suggests that a population is severely reduced then "unacceptable interaction" may involve an anthropogenic removal of much less than 2%;

PROPOSE that competent authorities accept this interim definition in respect of findings of current and future research in the ASCOBANS area, and in adjacent waters where there may be conservation implications for cetacean populations within ASCOBANS;

RECOMMEND, in view of the foregoing, that competent authorities take measures to ensure that the total anthropogenic removal of harbour porpoises in the central and south North Sea (ICES Areas IVb and IVc) is reduced as soon as possible to less than 2% of the current abundance estimate per year, preferably by the Third Meeting of Parties;

RECOMMEND that relevant Parties and Range States make estimates of annual by-catch for North Sea set-net fisheries and pelagic trawl fisheries, where they are currently lacking, especially in the northern North Sea;

REQUEST that relevant Parties and Ranges States provide an estimate of total harbour porpoise by-catch in the Skagerrak/Kattegat/Belt Sea;

REQUEST that Parties and Range States make appropriate fisheries data available to enable the Advisory Committee to make estimates of annual by-catch rates in all the above fisheries;

INVITE Parties and Range States in the Baltic Sea region (referring to HELCOM recommendation 17/2), together with the Advisory Committee, to develop by 2000 a recovery plan for porpoises in the Baltic Sea, one element of which should be to identify human activities which are potential threats to the recovery of this species in the Baltic, and that the competent authorities consider appropriate methods to limit such threats.