

**4<sup>th</sup> MEETING OF THE PARTIES TO ASCOBANS  
Esbjerg, Denmark, 19 - 22 August 2003**

**Resolution No. 6**

**Incidental Take of Small Cetaceans**

*Recalling* the Annex to the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas, according to which "... 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 (EC) No. 2371/2002 of 20 December 2002 stipulates that the common fisheries policy shall ensure exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions;

*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;

*Welcoming* the greater emphasis placed on environmental considerations in Council Regulation 2371/2002 on the Common Fisheries Policy (CFP) of the European Union;

*Recalling* the Ministerial Declaration of the Fifth International Conference on the Protection of the North Sea of 20-21 March 2002 (The "Bergen Declaration"), where Ministers agreed on a precautionary objective to reduce bycatch of marine mammals to less than 1% of the best available population estimate and that the Bergen Declaration called for "the development and adoption, as soon as possible and in cooperation with the competent authorities, of a recovery plan for harbour porpoises in the North Sea";

*Recalling* the Joint OSPAR-HELCOM "Statement on the Ecosystem Approach to the Management of Human Activities" where the need for "minimising by-catch of species which are not the intended object of commercial fishing" is highlighted (Bremen, Germany, 25-26 June 2003);

*Recalling* the Resolution on cetacean populations in the ASCOBANS Area adopted at this meeting;

*Recalling* Resolution 6.2 on by-catch adopted by the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) at its Sixth Meeting (Cape Town, November 1999) and Recommendation 7.2 by the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) at its Seventh Meeting (Bonn, September 2002);

*Recalling* an abundance estimate of 170,000 (95% confidence intervals 124,000 – 232,000) harbour porpoises in the central and south North Sea in 1994 and *noting* revised estimates of bycatch for harbour porpoises in this area (Denmark: annual mean 5,591, min. 3,887, max. 7,366, 1987-2001; UK: annual mean 599, min. 436, max. 818, 1995-1999), and that these data may not reflect the current situation caused by changes in certain fishing practices since 1998;

*Recalling* abundance estimate of 36,000 (95% confidence interval 13,000 – 103,000) harbour porpoises in 1994 and a minimum estimated annual bycatch of 2,200 (95% confidence interval 1,230 – 3,220) in 1993/94

in the Celtic Sea, where bycatches may have an adverse effect on the recovery of porpoise populations within ASCOBANS waters;

*Recalling* the findings of the 1996 Northridge Review of Marine Mammal Bycatch Observer Schemes (JNCC Report No. 219), which found 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 difficult;

*Recalling* the Resolutions on Incidental Take of Small Cetaceans adopted by the 2<sup>nd</sup> and 3<sup>rd</sup> Meetings of the Parties (ASCOBANS/MOP2/DOC. 4, MOP 3 Resolution 3);

*Noting* that the ASCOBANS Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan) (MoP4/Doc.23), following the final report of the ASCOBANS Baltic Discussion Group, states that with respect to Baltic harbour porpoises the available evidence clearly points to a population that is in serious danger and that as a matter of urgency, every effort should be made to reduce bycatches towards zero as quickly as possible;

*Noting* the ASCOBANS report on "Potential Mitigation Measures for Reducing the By-catches of Small Cetaceans in ASCOBANS Waters" (2000) (AC8, Doc. 5.1);

*Regretting* that the recommendations set out in Resolution 3 of the 3<sup>rd</sup> MOP to reduce bycatch to below 'unacceptable interaction' levels have probably not been fulfilled;

*Appreciating* the ongoing efforts made to reduce bycatch and noting the measures taken by the Parties which have led to a reduction in bycatch in certain fisheries in the North Sea;

*Noting* that efforts to reduce bycatch require close co-operation between managers, scientists and fishermen;

*Recognizing* the need to further integrate bycatch reduction measures into sustainable fisheries practices and socio-economic considerations, particularly in the context of the Common Fisheries Policy of the European Union;

*Noting* that ASCOBANS has elaborated the Jastarnia Plan and can contribute substantially to the development of a recovery plan for North Sea harbour porpoises;

*Noting* the initiatives taken by the European Community and particularly the proposal of July 2003 for a regulation laying down measures concerning incidental catches of cetaceans in fisheries;

*Noting* the increasing levels of stranded cetaceans particularly on coasts of the Celtic Sea and immediately adjacent to the original Agreement area, which may be caused by interaction with pelagic trawling;

*The Meeting of the Parties to ASCOBANS,*

*Without prejudice to the exclusive competence of the European Community for the conservation, management and exploitation of living aquatic resources,*

*Requests* that Parties and Range States develop and implement national plans of action or similar measures to reduce the bycatch of small cetaceans;

*Supports* the Jastarnia Plan and *invites* Parties and Range States in the Baltic Sea region, in light of other initiatives, including those of the European Community, to continue the implementation of the Jastarnia Plan;

*Recommends*, particularly with regard to harbour porpoises in the Celtic Sea (ICES Areas VII e, f, g, h and j), that total anthropogenic removal is reduced without delay by the Parties;

*Recommends* that Parties and Range States together with the Advisory Committee continue to support and cooperate in the light of other initiatives, including those of the European Community, in the development of a recovery plan for harbour porpoises in the North Sea, as called for in the Bergen Declaration adopted by the Fifth International Conference on the Protection of the North Sea (Bergen, March 20-21 2002);

*Requests* the Parties and Range States to provide further information on levels of bycatch and if appropriate to undertake further research into bycatch mitigation measures.

*Repeals* Resolution No. 3 on Incidental Take of Small Cetaceans of the 2nd Meeting of Parties.