

Extracts from AC Reports

AC1 (March 1995)

8., 9. and 10. The need to determine "unacceptable levels of interaction" in the fishery should wait until the final SCANS report. A figure of 2% by-catch of population has been suggested in USA/Canadian research. However, population parameters and fecundity are required in order to assess the true percentage of take which is acceptable. The Gulf of Maine studies produced a model which gives a range of safe estimates and also gives likely errors in variables' input. Models can help target particular variables which require further research and definition.

Arne Bjørge informed the Committee that the IWC will address harbour porpoises at the May 1995 meeting in Dublin, when the Scientific Committee may provide new information on population structure, population size, by-catch levels, and biologically "acceptable levels" of take. Mark Tasker considered that one could assume a population sub-structure and assume the worst possible impact in terms of by-catch, in which case the population structure is not of primary importance. However Bjørge and Lockyer stated that ultimately, for best management, a knowledge of population structure is very important. Meanwhile certain assumptions might be made, allowing for caution.

Peter Reijnders referred to point 8. of Resolution 2 (p.29 of Stockholm Meeting Report), and requested that at least two persons be appointed to investigate possible safe limits and options for by-catches. Historic perspectives such as original population levels and distribution were important but are unlikely to be discovered. A working group comprising Per Berggren, Arne Bjørge and Mark Tasker would address this matter. The item would be placed on the agenda for the next November '95 meeting of the Advisory Committee. The work would encompass recommendations that would assist the Advisory Committee to satisfy points 8. and 9. of Resolution 2 (p.29 of the Stockholm Meeting Report). Definitive quantitative recommendations would be required on current knowledge of population size, unacceptable levels of take, and the form of words would be critical. There followed diverse discussion about priorities and statements, and Martin Steer noted that government Administrations need some guidelines based on preliminary results in order to get Ministerial backing for implementation.

16. Working group to investigate possible safe limits and options for by-catch. Members to include Per Berggren, Arne Bjørge and Mark Tasker. Item to be on the November 1995 meeting agenda. Task for the October 1995 meeting is to arrive at definite quantitative recommendation on matters of "unacceptable levels of take".

AC2 (November 1995)

11.4 Recommendations for "unacceptable level of take"

Berggren suggested in a note which was circulated in his absence, that the Committee might consider the current IWC suggestion of 1-2% of the population (May, 1995, Dublin). Tasker also proposed that this be considered, and apologised for the fact that Berggren, himself and Bjørge had been unable to meet and report on this matter. Bjørge asked that the Committee recommend that the real scientific and biological aim was 0% take, but accept that 1% was a more realistic goal. Christiani queried whether ASCOBANS was just endorsing the IWC recommendation. Salmon suggested that the matter be referred to the relevant ICES study group for their opinion. Reijnders suggested that ASCOBANS await expert opinion of other competent bodies before our working group put forward a recommendation. However, a report should be made for the second Meeting of Parties in 1997. The matter of by-catches should be placed again on the agenda of the next Advisory Committee meeting in November 1996.

AC4 (June 1997)

- (2) **Introduction section:** should be rewritten with changes in the section covering acceptable levels of bycatch, as follows:

It should be made more explicit that interim **management objectives** are being proposed. It should be explained how important this is in the context of developing a management strategy on bycatch. An indication should be given of the issue that need to be considered when developing objectives, and of how choice of objectives affects research and management. Selection of objectives will shape the workplan for the next triennium, and the Working Group was asked to draft Terms of Reference for a working group to address this issue; see Agenda item 18 for further discussion.

- (3) as yet ASCOBANS has no agreed and uniquely appropriate method of quantifying "acceptability";
- (4) nevertheless, until such a method is agreed, **sustainability** provides a minimum standard for conservation;

AC20 (August 2013)

34. Eunice Pinn (United Kingdom) gave a presentation on making choices necessary for the definition of unacceptable interaction (AC20/Doc.3.1.2; slides attached as Annex 11). ASCOBANS had at its last MOP re-endorsed its relatively simple approach to bycatch levels, which however needed further definition in order to become usable for modelling exercises. One of the issues that needed to be addressed was a definition of "the long term" for reaching the desired level of population recovery to 80 per cent of carrying capacity; some authorities used 100 years, while others used 200. Also, it was necessary to define whether this target needed to be met on average, or during a higher percentage of time. A related question concerned the definition of management units, which could be explored further by means of these modelling exercises.

35. Mr Haelters commented that the harbour porpoise population in the wider North Sea was estimated at 300,000. While this was not as high as it could be, it was not so low that extinction was an immediate possibility. He also asked about other species. Mark Simmonds (Humane Society International) asked whether the concept of "societal choice" was helpful to the cause of harbour porpoise conservation, advocating that political and scientific considerations should be dealt with separately. He enquired whether there were sufficient data available for "Management Units" to be defined in a way that was acceptable to all. The presentation had referred to various thresholds of bycatch, and Mr Simmonds asked about their scientific basis. Meike Scheidat (Netherlands) said that "management units" (MUs) caused problems where they did not coincide with biological boundaries. Ms Pinn explained that the MUs were based on biological boundaries and that a paper outlining the units and the evidence used to determine them for UK waters was due to be published in the near future.

36. Fabian Ritter (WDC) stressed that nothing other than a zero rate was acceptable, and questioned whether a debate over acceptable removal rates was fruitful. Cumulative effects with other anthropogenic threats also had to be taken into account. MU boundaries should be based on the best available scientific information, and with the most precautionary approach. In his opinion there was considerable evidence to support the treatment of the North Sea as more than one unit for harbour porpoises. Hence, some time to reflect on this complex subject would likely be needed, especially as the actual determination of safe removal rates was a highly technical endeavour of specialists. It was crucial for the Advisory Committee to understand the matter and its implications fully. Also, considerable resources were needed that could potentially be used for other more pressing issues. Mr Haelters (Belgium) added that the boundaries of MUs needed to take account of the fact that the species concerned were mobile and migrated (as the SCANS I and II surveys had shown). Conservation measures had to be implemented and management units had been defined by ICES WGMME as shown in AC20/Doc.3.1.1. Jeroen Vis (Netherlands) suggested that ASCOBANS should provide advice on the carrying capacity of the waters within its area.

37. Mr Haelters said that a number of the Parties to ASCOBANS had agreed through the OSPAR forum on certain processes and OSPAR was the channel through which MUs would enter legislation. Parties should be consistent in all fora where they were members. The OSPAR process was close to reaching a conclusion, so time to influence it was running out. ASCOBANS had observer status at OSPAR and he would circulate the names of the national representatives on OSPAR. Martine Bigan (France) agreed that a short-term Working Group should be established to define the threshold for 'unacceptable interactions' from an ASCOBANS point of view, but that it would need a clear remit as well as an illustrated presentation of the different options for decision. Margi Prideaux (Wild Migration) agreed that a Working Group would be a good idea, but it would need to be familiar with the complexities of the legal frameworks operating in Europe and handle the two aspects of policy management carefully, balancing scientific with political considerations. Peter Evans (ECS/Sea Watch Foundation) suggested that the Group should include someone familiar with the decision-making process for establishing management units; he had himself not been involved in the OSPAR process and he understood that scarcely any others from the ASCOBANS Population Structure workshop had been either. Mr Vis (Netherlands) saw a problem in the discussion over MUs because the boundaries that were suitable for fisheries were not necessarily appropriate for conservation interests. ASCOBANS should recognize that it operated in parallel with other processes, which it should seek to influence. He was sceptical whether establishing a Working Group would help identify solutions.

38. Terms of Reference for a working group for the further development of management procedures for defining the threshold of 'unacceptable interactions' were presented to the Meeting by a sessional drafting group and endorsed (Annex 12). Volunteers to serve on the Working Group were Jan Haelters (Belgium), Vincent Ridoux (France), Oliver Schall (Germany), Meike Scheidat (Netherlands), Eunice Pinn (UK), Mark Simmonds (Humane Society International), Peter Evans (ECS/Sea Watch Foundation) and Margi Prideaux (Wild Migration). The modellers working on the related project, Phil Hammond and Russell Leaper, as well as Rus Hoelzel, would also be invited to join the discussions.

AC21 (September/October 2014)

33. Meike Scheidat (Netherlands) introduced Doc.3.1.1.b. on 'unacceptable interactions' on behalf of the absent chair of the working group formed by the last Advisory Committee meeting in August 2013. Time pressures had meant that little progress had been achieved since then. Again, there were overlaps with the work of other groups inside and outside ASCOBANS, so the terms of reference might be reviewed, with options being that the working groups could be revised, merged or discontinued. Mr Haelters said that OSPAR COBAM had also stalled because of the uncertainties related to data collection within the EU; there was no point OSPAR devising its own schemes when the EU was working on one which would have more legal backing.

34. Mark Simmonds (HSI) recalled previous discussions on the bycatch thresholds. The concept of acceptable removal rates had been the source of controversy, as he questioned whether ASCOBANS should consider any bycatch acceptable. He regretted that the work foreseen had not been carried out, as this matter clearly needed further discussion.

35. Jamie Rendell (United Kingdom) felt that a figure was useful in the decision-making process, even if the Agreement should aspire to zero bycatch. He also noted that some of the controversy around establishing acceptable removal rates might stem from how the concept was communicated – a better shared understanding was needed. Patricia Brtnik (Germany) thought that it was important for ASCOBANS to retain a forum where bycatch could be considered, although it could be merged with another Working Group. Sinéad Murphy (ZSL) suggested bringing representatives of the Working Groups from various fora together to agree a common line and thereby enhance their influence with the European Commission.

13.3.1. Report and Recommendations of the MSFD Working Group

208. Jan Haelters (Belgium) gave a presentation summarizing the process within OSPAR for developing indicators for the Marine Strategy Framework Directive (MSFD). Several of these were relevant for ASCOBANS and he briefed the meeting on the status of the process and the next steps. Currently new summaries were being prepared for each indicator and there might be opportunity for the MSFD Working Group to provide comments.

209. Sinéad Murphy (ZSL) gave a presentation on the report of the MSFD Working Group which she was co-chairing. The written report had been made available as Doc.13.3.1. Related to it, Inf.13.3.1 contained ICES Advice given in response to a request from OSPAR relating to the implementation of the MSFD with respect to OSPAR's common marine mammal indicators. This document also compiled information on marine mammal indicators proposed or used by Member States.