

## 5<sup>th</sup> MEETING OF THE PARTIES TO ASCOBANS

The Netherlands, 18 - 20 September and 12 December 2006

### Resolution No. 5

#### 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;

*Recalling* the Resolutions on Incidental Take of Small Cetaceans adopted by the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Meetings of the Parties (ASCOBANS/MOP2/DOC. 4, MOP 3 Resolution 3, MOP 4 Resolution No. 6), and noting Resolution 3 from MOP 3 is still operational;

*Recalling* the relevant EU Articles and Regulations relevant to the Agreement and measures applicable in the waters of EU Member States, including most recently Council Regulation (EC) No. 812/2004 that lays down measures concerning incidental catches of cetaceans in fisheries, makes pingers mandatory in specified fisheries and requires observer monitoring in specified fisheries and phases out driftnets in the Baltic Sea;

*Recalling* relevant resolutions and recommendations adopted by the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) including most recently Resolution 8.14 at its Eighth Meeting on bycatch;

*Welcoming* the success of the recent SCANS II survey and noting the final abundance estimates (Doc. 26 MOP 5);

*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 while *Regretting* that the recommendations set out in the relevant Resolutions of previous MOPs to reduce bycatch to below 'unacceptable interaction' levels have probably not been fulfilled;

*In conjunction* with Resolutions 1, 6 and 9 adopted at the present meeting;

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

*The Meeting of the Parties to ASCOBANS*

*Reiterates* the recommendations of Resolution 3 of MOP 3 particularly that total anthropogenic removal is reduced by the Parties to below the threshold of "unacceptable interactions" with the precautionary objective to reduce bycatch to less than 1% of the best available abundance estimate and the general aim to minimise bycatch (i.e. to ultimately reduce to zero).

*Urges* that Parties and Range States:

- continue to develop and implement national plans of action or similar measures to reduce the bycatch of small cetaceans;
- consistent with EC Regulation 812/2004, collect and provide to the Advisory Committee further information on levels of bycatch, the measures undertaken to reduce bycatch, their efficacy and their wider environmental impact, and where appropriate, undertake further research into bycatch mitigation measures;
- collect and provide to the Advisory Committee information on the extent, type and distribution of static gillnet and tanglenet effort in a format to be determined by the Advisory Committee.

*Repeals* Resolution No. 6 of the 4<sup>th</sup> Meeting of the Parties.