

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

**The Netherlands, 18 – 20 September and 12 December 2006**

### **Resolution No. 9**

#### **Implementation of the Jastarnia Plan**

*Noting* that the ASCOBANS Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan) (MoP4/Doc.23) 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 requirements of the EU treaty and its subsidiary legislation in particular in the framework of European Nature Protection and the Common Fisheries Policy;

*Recalling* the relevant EU Articles and Regulations relevant to the Agreement and measures applicable in the waters of EU Member States, including

- Article 2 of Council Regulation (EC) No. 2371/2002 of 20 December 2002 regarding the common fisheries policy
- Article 12.4 of Council Directive 92/43/EEC that requires States to establish a system to monitor the incidental capture and killing of cetaceans, and in the light of the information gathered take further research or conservation measures to ensure that incidental capture and killing does not have a significant negative impact on the species concerned;
- EC Regulation 812/2004 that amends Council Regulation 88/98 and was subsequently repealed by Council Regulation 2187/2005, makes the use of pingers by vessels >12m mandatory for gillnet fisheries from June 2005 in certain areas of the Baltic and North Sea, and requires EU Member States to phase out driftnets in the Baltic Sea by 1 January 2008;

*Recalling* the recommendations of the 1<sup>st</sup> and 2<sup>nd</sup> Meetings of the ASCOBANS Jastarnia Group (Bonn, Germany, March 2005 and Stralsund, Germany, February 2006) as reviewed and endorsed by the 12<sup>th</sup> and 13<sup>th</sup> Meetings of the Advisory Committee (Brest, France, April 2005 and Tampere, Finland, April 2006);

*Recalling* the requirement under the Jastarnia Plan to undertake a formal process of re-evaluation and revision of the plan no less than every five years;

*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);

*Acknowledging* with appreciation the efforts undertaken by Parties to date to implement the Plan;

*Stressing* that further action to implement the Plan will be needed

*The Meeting of the Parties to ASCOBANS*

*Urges* Parties in the Baltic Sea region, to continue and to step up implementation of the Jastarnia Plan and *invites* non-Party Range States to also implement the Plan;

*Reiterates* that the reduction of fishing effort in relevant fisheries called for in the Jastarnia Plan remains the highest priority for Parties;

*Encourages* Parties, non-Party Range States and other relevant authorities to prioritise funding to undertake a detailed study of the use of fixed gillnets in the Baltic Sea as a matter of urgency;

*Encourages* Parties and non-Party Range States to intensify research on pingers and to continue trials of alternative gear and methods, following the guidelines laid down in the Plan;

*Encourages* Parties and non-Party Range States to ensure the at-sea enforcement of pinger use and the monitoring of its efficiency;

*Encourages* Parties and non-Party Range States to re-evaluate pinger use at the latest by early 2008 in the light of current findings (noting Art. 7 of EC Regulation 812/2004);

*Recommends* that a three-day workshop on population structure of the harbour porpoise in the ASCOBANS area, including one-day dedicated to the Baltic Sea harbour porpoises, take place as soon as possible;

*Recommends* that the Secretariat cooperate with Parties and others to find funding for the continuation, beyond the year 2007, of the web-based, international database on opportunistic sightings, strandings and bycatch;

*Encourages* Parties to continue to provide additional funds for the production of information material in the languages of the Baltic Sea region;

*Notes* that clear definitions of fishing gear harmful to harbour porpoises used in the Baltic which are required for effective legal protection for harbour porpoises are not yet contained in the respective European legislation, and *encourages* the European Community to adopt such definitions.