

Agenda Item 7.1 and 7.2

Further Implementation of the Agreement
(2010-2012)

Recovery Plan for Baltic Harbour Porpoises
(Jastarnia Plan)

Conservation Plan for the Harbour Porpoise
in the North Sea

Document 7-08

**Draft Resolution on the Adoption and
Implementation of the Jastarnia and
North Sea Plans**

Action Requested

- Review the draft Resolution
- Introduce any changes as appropriate
- Adopt

Submitted by

Advisory Committee



NOTE:
IN THE INTERESTS OF ECONOMY, DELEGATES ARE KINDLY REMINDED TO BRING THEIR
OWN COPIES OF DOCUMENTS TO THE MEETING

DRAFT RESOLUTION

Adoption and Implementation of the Jastarnia and North Sea Plans

Recalling that the 5th International Conference on the Protection of the North Sea (Bergen, Norway, 20-21 March 2002) called for a recovery plan for harbour porpoises in the North Sea to be developed and adopted (Paragraph 30, Bergen Declaration);

Recalling that the declaration of the Joint Ministerial Meeting of the Helsinki and OSPAR Commissions (Bremen, Germany, 25-26 June 2003, 'Bremen Declaration') adopted the common statement "Towards an Ecosystem Approach to the Management of Human Activities" (Paragraph 13), which highlights the need to develop and promote the implementation of a recovery plan for harbour porpoises in the North Sea;

Noting that the available evidence indicates that the Baltic harbour porpoise population 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;

Emphasizing the need to implement the protection requirements of the harbour porpoise as a species of the Habitats Directive (Annex IV) and considering this plan as a valuable contribution;

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 required EU Member States to phase out driftnets in the Baltic Sea by 1 January 2008;

Recalling Resolution No. 1 on a Conservation Plan for Harbour Porpoises in the North Sea adopted by the 5th Meeting of the Parties in 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;

Noting, with gratitude, the revision of the Jastarnia plan undertaken by the Jastarnia Group;

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

Stressing that further action to implement the Jastarnia Plan will be needed;

Noting, with gratitude, the completion by the Advisory Committee of the Conservation Plan for Harbour Porpoises in the North Sea;

Without prejudice to the exclusive competence of the European Community for the conservation, management and exploitation of living aquatic resources and the "Acquis communautaire";

The Meeting of the Parties to ASCOBANS

1. *Adopts* the revised Recovery Plan for Baltic Harbour Porpoises (the Jastarnia Plan, appended as Annex 1 to this Resolution) and the Conservation Plan for Harbour Porpoises in the North Sea (attached as Annex 2);
2. *Urges* Parties in the Baltic Sea region, to continue and to step up implementation of the Jastarnia Plan and *invites* non-Party Range States also to implement this Plan;
3. *Urges* Parties in the North Sea region to implement the North Sea harbour porpoise conservation plan;
4. *Reiterates* that the reduction of fishing effort in relevant fisheries called for in the Jastarnia Plan remains the highest priority for relevant Parties;
5. *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 Jastarnia Plan;
6. *Encourages* Parties and non-Party Range States to ensure the at-sea enforcement of pinger use and the monitoring of its efficiency;
7. *Encourages* Parties and non-Party Range States to re-evaluate pinger use at the latest by early 2010 in the light of current findings (noting Art. 7 of EC Regulation 812/2004);
8. *Encourages* Parties to continue to provide additional funds for the production of information material in the languages of the Baltic Sea region;
9. *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.