

REPORT OF THE 7TH MEETING OF THE PARTIES TO ASCOBANS

Brighton, United Kingdom

22-24 October 2012



**Agreement on the Conservation of Small Cetaceans
of the Baltic, North East Atlantic, Irish and North Seas**

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1. Opening of the Meeting

1. Sami Hassani (France), chair of the Advisory Committee, presiding over the meeting until the election of officers, welcomed participants to Brighton and the seventh session of the Meeting of the Parties. He thanked the United Kingdom for hosting the meeting and called upon Nigel Gooding, the head of marine biodiversity conservation at Defra, to say a few words.

2. Nigel Gooding (United Kingdom) said that harbour porpoises and bottlenose dolphins could occasionally be seen off the Sussex coast and that Brighton not only had the oldest operating aquarium but had also been the venue for the IWC conference at which the whaling moratorium had been agreed. He was delighted that the ASCOBANS MOP was so well attended, as this indicated a keen interest in the subject matter on the part of governments and civil society alike. The general public also seemed fascinated by cetaceans as shown by their reaction to stranding incidents, but people were often unaware that eleven species of cetaceans, as well as some rarer visitors, were found in UK waters. Public education events such as the WhaleFest had a role to play in raising awareness, and Mr Gooding thanked Mark Simmonds of WDCS and those implementing the UK Cetacean Strandings Investigation Programme for their work in this field.

3. The 20th anniversary of ASCOBANS was a milestone and a time both to build on achievements and to chart the way forward. The meeting had to make important decisions including whether to adopt a conservation plan for the western Baltic.

4. Bert Lenten (Secretariat) explained that he was representing ASCOBANS' Acting Executive Secretary, Elizabeth Maruma Mrema, the name of whose successor would hopefully shortly be announced. He added his welcome to the delegates and thanks to the government of the United Kingdom as hosts.

5. Mr Lenten pointed out that the UN Secretary General Ban Ki-moon had earlier in the year launched the "Ocean Compact" which aimed to restore marine habitats, preserve marine biodiversity and combat alien species. This could in part be achieved by reinforcing existing instruments such as CMS and ASCOBANS. Furthermore, the Convention on Biological Diversity (CBD) had just held its COP in India, where there had been some discussion of marine issues, highlighting the need for synergies between CBD and the CMS Family.

6. ASCOBANS Parties had difficult choices to make in testing financial times, but one truth had to be recognized: that the Agreement would not be able to achieve its goals without adequate resources, and the budget of the Agreement was really quite modest. The Agreement would be considering the adoption of a new conservation plan to stand alongside those agreed for the North Sea and the Baltic and would have to adopt a new Work Plan.

7. Mr Lenten was pleased that Mats Amundin of the Kolmården Animal Park was present to receive his award for outstanding educational initiatives and thanked him for his contribution to the SAMBAH project. Other developments regarding acoustic devices included a project funded through the Friends of CMS and a €350,000 investment by the German Ministry "BMELV" in charge of fishery issues.

8. He concluded his remarks with a personal anecdote. He remembered accompanying his grandfather on the pier at The Hague where his grandfather told him he had seen harbour porpoises in the past, unfortunately that day 50 years ago they did not see any. He hoped that he would be able to see this species in future with his own grandchildren.

1.1 Adoption of Rules of Procedure

9. Sami Hassani (France) explained that the Rules of Procedure had undergone extensive review recently and he therefore assumed that they would be adopted without further discussion. There were no comments from the floor and the Rules of Procedure were therefore adopted (Annex 4).

1.2 Election of Officers

10. Sami Hassani (France) said that the Rules of Procedure required the Meeting to elect from among the Party representatives a Chair and Vice-Chair and he called for nominations. Maj Munk (Denmark) nominated the United Kingdom, and this was seconded by Penina Blankett (Finland). James Gray (United Kingdom) said that Mark Tasker would assume the Chair.

11. James Gray (United Kingdom) nominated Germany as Vice-Chair and this was seconded by Folchert van Dijken (Netherlands). Elsa Nickel (Germany) was the nominee of Germany to serve as Vice-Chair.

12. With the election of officers concluded, Mr Hassani vacated the chair and Mr Tasker assumed the role.

1.3 Adoption of the Agenda

13. Mark Tasker (United Kingdom) thanked the delegates for the honour of chairing the meeting. He recalled that he – along with a few others present – had been involved in the negotiations of the Agreement, which had been concluded 20 years before. He had served many years as the Chair or Vice-Chair of the Advisory Committee, the Agreement body designed to provide advice. He was now looking forward to chairing the MOP which was meant to reach decisions and instigate actions on the basis of that advice.

14. He introduced the provisional agenda (MOP7/Doc.1-02 rev.2 and Doc.1-03) and proposed one minor amendment to the schedule to take account of the expected arrival of the NAMMCO representative later in the day. There being no other suggested changes or comments from the floor, the agenda (Annex 2) and schedule were both adopted.

1.4 Admission of Observers

15. Heidrun Frisch (Secretariat) reminded the meeting that NGO observers needed to apply in advance for approval to attend the MOP. The NGOs that had applied were: Baltic Fund for Nature, British Divers Marine Life Rescue, Coalition Clean Baltic, Coastal & Marine Union, Cornwall Wildlife Trust, Sea Watch Foundation, UK Cetacean Strandings Investigation Programme, International Fund for Animal Welfare, Migratory Wildlife Network, North Sea Foundation, ORCA and Whale and Dolphin Conservation Society. No objections had been received from Parties. A number of NGOs had registered but subsequently submitted apologies; any opening statements received had nonetheless been included in the meeting documentation (MOP7/Doc.2-02).

16. The Chair proposed that the restricted documents should be released. There were no objections from Parties so the password was distributed. It was also reported that the Heads of Delegation had discussed whether to dispense with restricted documents, and had agreed to do so, while retaining the right to hold certain sessions of the meeting *in camera*.

1.5 Establishment of Credentials Committee / Report

17. A credentials committee was established composed of representatives from Poland, Sweden and France.

18. On the second day, the committee reported that it had met, examined the credentials of the eight Parties present and found them all to be in order.

2. Opening Statements

19. The Chair first invited parties to make oral statements. None wished to do so, so the floor was opened to observers.

20. Emily Corcoran (OSPAR) referring to the written report submitted by her organization stressed the following highlights; the publication of the Quality Status Report published up to 2010, work connected to the EU Marine Framework Strategy Directive, ensuring that indicators related to litter and noise were coherent and scientifically robust. In 2013 OSPAR would be considering recommendations for conserving the harbour porpoise.

3. ASCOBANS Outreach and Education Award 2012

21. Borja Heredia (Secretariat) explained that the award was being presented for the fourth time. In Galway, the Advisory Committee had established a jury made up of Sami Hassani (France), Petra Deimer (Germany), Alison Wood (WDCS) and Kai Mattsson (Finland). Their unanimous choice for the award was Mats Amundin for his long-term association with ASCOBANS and his work on pingings and on SAMBAH, which he combined with teaching at Linköping University in Sweden and leading research at Kolmården. Mr Hassani handed the trophy to Mr Amundin, who said he felt honoured to have won the award, previous winners of which were present at the meeting.

22. Mats Amundin made a presentation on the SAMBAH project, the aim of which was to gain better knowledge of the Harbour Porpoise's numbers and distribution in the Baltic. Harbour Porpoises could live for as long as 25 years, but usually much less and they matured relatively quickly. As bottom-feeding animals that used their snouts for foraging, they often did not see or echo-locate nets resulting in entanglement in fishing gear. Despite having protected status in all countries, the Baltic population was categorized as Critically Endangered on the Red List. While the threats to the species were well understood, less was known about their habitat preferences and it was hoped that the SAMBAH project would shed some light on this. He went on to describe progress with the SAMBAH project, the most extensive survey using passive acoustic monitoring and some of the methodology. The project was receiving 50 per cent of its funding through LIFE+ and thanks to assistance from ASCOBANS, the Russian Federation was also benefitting from the work. The analysis of the survey data was to commence in May 2013, when data collection was completed.

23. Heidrun Frisch (Secretariat) sought approval from the Meeting to change the periodicity of the award to synchronize with the cycle of the MOPs. This would mean that the Advisory Committee before the MOP would have to convene the jury to decide on who should receive the Award. This proposal was accepted by the Meeting.

4. Accession of Range States and Status of Ratification of Extension of the Agreement Area

24. Heidrun Frisch (Secretariat) introduced MOP7/Doc.4-01 which gave an overview of accessions to the Agreement and ratifications of the amendment. She reported that the number of Parties remained at 10, despite the efforts of the Secretariat in contacting all non-Party Range States, some of which had attended meetings of the Advisory Committee. In

the light of the decision by ACCOBAMS to extend its Agreement Area to cover all Spanish and Portuguese continental waters, recruitment efforts would in future focus on the remaining Baltic States, Ireland and Norway. She also thanked the German Government for its support, and asked that other Parties promoted ASCOBANS in bilateral contacts with non-Party Range States.

25. Ms Frisch reported that two further countries had completed their acceptance process for the 2003 amendment of the Agreement – Poland in 2009 and Sweden in 2010, leaving just three that had not, namely Belgium, Lithuania and the United Kingdom.

26. Anju Sharda (United Kingdom) said that the documents were before the UK Parliament so it was hoped that the UK would ratify in the course of the year. The UK had also heard from the Isle of Man that this Crown Dependency wanted to join the Agreement.

5. Review of Implementation of the ASCOBANS Triennial Work Plan (2010-2012)

27. The Chair introduced this item and said that while the Plenary would take some reports, a number of the items would be discussed in greater detail in the Technical Working Group.

5.1 Report of the Chair/Vice-Chair of the Advisory Committee

28. Sami Hassani (France) presented a brief review of the triennium (MOP7/Doc.5-01) which had been prepared by himself in his capacity as AC Chair and Penina Blankett (Finland), the Vice-Chair of the AC. First, he thanked all those that had contributed to the progress made.

29. One important achievement had been the appointment of the North Sea Coordinator, a post which he felt should be retained if possible. Terms of reference had been drafted for a similar post for the Jastarnia Plan and an equivalent plan for the so-called “gap area” had been drafted. Savings and unspent funds on various budget lines had allowed a number of very useful projects to be funded. ASCOBANS had successfully collaborated with a number of other organizations, examples being ACCOBAMS, with which a joint working group on noise had been established, and the European Cetacean Society.

30. Terms of reference had been agreed for a working group on marine debris, an emerging issue. The Parties needed to increase their collective activities in the extended area of the Agreement, and a resolution had been tabled jointly by the United Kingdom and France on this subject. Finally, more effort had to be made to engage fisheries interests in the work of the Agreement.

31. The Chair, Mark Tasker (United Kingdom), expressed his appreciation of the work done by the Chair and Vice-Chair of the Advisory Committee in the past triennium. Mark Simmonds (WDCS) welcomed the report and concurred that overall the picture was encouraging with progress in many areas. He questioned, however, the assessment that there had been little progress in relation to chemical pollution, noting the recent ECS/ASCOBANS Workshop which had also led to a resolution drafted for consideration at the meeting. He added that levels of certain key pollutants – notably some pesticides and the PCBs – had fallen, although it was of considerable concern that PCBs had not plateaued.

5.2 Report of the Secretariat

32. Heidrun Frisch (Secretariat) introduced MOP7/Doc.5-02, a summary of the Secretariat’s main activities. She listed the series of meetings which the Secretariat had organized and attended over the triennium and detailed the new and revised information material that had been produced including a ten banner exhibition and a series of information

panels on threats, which were in the hotel lobby and would be shown at the “WhaleFest 2012” on the days after this meeting had concluded. The ASCOBANS website had been revised and there were plans for further improvements. ASCOBANS had participated in all International Days of the Baltic Harbour Porpoise, celebrated each year in May. In 2010 an exhibition had been presented at the SeaLife Centre in Königswinter near Bonn; in 2011 a tour of three German Universities on the Baltic coast had been carried out and in 2012, life-size inflatable models of cetaceans had been displayed at the Museum Koenig in Bonn. As part of the celebration of the Agreement’s 20th anniversary, ASCOBANS would be participating in the “WhaleFest 2012” immediately after the MOP. In addition, Peter Evans was working on a book about cetaceans and how the Agreement sought to protect them. The revised edition of Boris Culik’s encyclopaedia of the toothed whales had been printed and complementary copies given to members of the Advisory Committee. The book could be purchased through Earthprint, and its content was available on the CMS website.

33. Peter Evans (ECS/Sea Watch Foundation) explained how the ASCOBANS book was progressing. He said that the book was not ready in time for the MOP because of personal health reasons. It amounted to 300 pages (100 of which were illustrations) with text on species, projects such as SCANS and SAMBAH and an explanation of how inter-governmental processes worked. Enquiries were being made of potential publishers, A.C. Black and Stacey International being possibilities. He hoped that the book would be published to coincide with the 20th anniversary of the Agreement entering into force, which would occur in 2014. The draft text could be distributed as both additional material and comments were welcome.

5.3 Annual National Reports of ASCOBANS Parties

34. Heidrun Frisch (Secretariat) said that the compilation of the annual reports of the Parties over the triennium amounted to more than 200 pages. No attempt had been made to analyse the data provided, but the information had been collated thematically. The question of analysing the national reports would be raised again under agenda item 7.5 when online reporting would be discussed. The Chair thanked the Parties and the Secretariat for their work.

35. Monika Lesz (Poland) also congratulated the Secretariat and made a presentation on the latest developments in Poland to complement the written report. The key issues raised were: positive steps towards the introduction of alternative fishing gear after years of discussion; a database for ghost nets, 20 tonnes of which had been retrieved; the visit of the President of Estonia to the Hel Marine Station; the update of the conservation plan for the harbour porpoise; the organization of a workshop in Szczecin with the help of ASCOBANS; a campaign about whether humans and marine mammals could coexist; an internet campaign about underwater noise; a poster for schools; five television broadcasts; and the SAMBAH exhibition.

36. Katarzyna Kaminska (Poland) gave some further information on the HELCOM BALTFIMPA project, which dealt with fisheries and protected areas. An application had been made for funding under LIFE+. A workshop related to the project had been held in Gdynia.

37. Erland Lettevall (Sweden) made a presentation on the newly formed Swedish Agency for Marine and Water Management (SwAM) which had started operating on 1 July 2011. The Agency’s mandate superseded the now defunct Swedish Board of Fisheries and included a leading role on three of the government’s sixteen environmental objectives and involved interaction with the EU, HELCOM and ASCOBANS. Mr Lettevall concluded his comments by congratulating Mats Amundin on winning the ASCOBANS Award.

5.4 Reports from Non-Party Range States

38. No non-Party Range States were present to make a statement and none had submitted a written report.

5.5 Implementation of the Harbour Porpoise Action Plans

39. All sub-items under Agenda Item 5.5 were discussed in detail in the Technical Working Group, which was chaired by Mark Tasker (United Kingdom).

5.5.1 Baltic Sea Recovery Plan (Jastarnia Plan)

40. In the absence of Rüdiger Stempel (the Chair of the Jastarnia Group), Penina Blankett (Finland) gave a brief report on the Group's activities. The Group had met three times in the triennium and achieved considerable progress on developing a conservation plan for harbour porpoises in the "gap area", which comprised the western Baltic, Belt Sea and Kattegat. Heidrun Frisch (Secretariat) said that as instructed by the Group, the Secretariat was working on a compilation of the Group's recommendations to assist their assessment of progress achieved towards implementing them.

5.5.2 North Sea Conservation Plan

41. In the absence of Martine van den Heuvel-Greve (the Chair of the North Sea Group), Meike Scheidat (Netherlands) gave a brief report on the Group's activities. The Terms of reference of the Steering Group had been drafted and the 17th Meeting of the Advisory Committee had approved them. The Group had held two meetings in Bonn, Germany (2011) and Galway, Ireland (2012). All North Sea Parties were represented but more involvement from fisheries interest was necessary. The position of coordinator of the North Sea Plan had been filled in 2011 with the appointment of Ms Geneviève Desportes. Heidrun Frisch (Secretariat) confirmed that as instructed by the AC, funds had been allocated to extend the contract for six months into mid-2013. James Gray (United Kingdom) announced that the UK would make a voluntary contribution of £20,000, most of which would be earmarked for the continuation of the coordinator post.

5.6 Addressing of Threats

42. All sub-items under Agenda Item 5.6 were discussed in detail in the Technical Working Group.

5.6.1 Bycatch

43. No separate papers had been tabled on this issue which was covered in National Reports. Peter Evans (ECS/Sea Watch Foundation) said that he had spoken to the chair of the working group, Russell Leaper, who stressed the importance of the following actions:

- Cooperation with the ICES WGBYC on management procedures
- Cooperation over gear technology with fishermen
- More attendance at fisheries fora, such as RACs
- Identification of relevant fisheries to promote ASCOBANS issues
- Support national initiatives on mitigation, improving gear and monitoring in cooperation with ICES, EU, OSPAR etc.

44. Jan Loveridge (Cornwall Wildlife Trust) reported on work undertaken to examine specimens that had stranded with particular attention being paid to signs of bycatch. She also described trials on a new design of “pinger” in cooperation with local fishermen.

45. Abigail Crosby (Cornwall Wildlife Trust) gave a presentation on practical trials undertaken with local fishermen using pingers. After years of looking into bycatch in an area where miles of gillnets were set for bottom-dwelling species such as monk fish and crustaceans, relations with some local fishermen had become very productive. The new pingers with replaceable batteries were proving successful and were cheaper than other designs. A number of delegates enquired about the availability of the new pingers which were still subject to trials.

46. The Chair, Mark Tasker (United Kingdom), commended the work of the Trust, particularly the way that they had convinced previously sceptical fishermen to embrace mitigation measures. Mark Simmonds (WDCS) felt that there were valuable lessons to be learned from the Cornish experience applicable to the entire ASCOBANS Area and asked that a specific reference be added to the Work Plan. While recognizing that approaches that worked in one place might not be successful elsewhere, it was agreed that the “local touch” was probably an important factor.

5.6.2 Underwater Noise

47. No specific papers tabled on this issue.

48. Sami Hassani (France) said that a meeting of marine industries would be held in November in Paris and the outcome of their deliberations would be forwarded to the Working Group. Marie-Christine Grillo-Compulsione (ACCOBAMS) reported that the response to the Working Group’s questionnaire had been disappointing (one reply had been received from Bulgaria). The issue of underwater noise would be raised at the ACCOBAMS Scientific Committee. Oliver Schall (Germany) reported that a symposium on noise mitigation in offshore wind farm construction had recently been held in Berlin and he would enquire whether it would be possible to have the proceedings translated into English. Emily Corcoran (OSPAR) said that new guidance on mitigating human impacts was expected in April 2013 and this would be made available. Mark Simmonds (WDCS) commented that a considerable increase in the amount of research into marine noise had taken place since ASCOBANS had come into being. He pointed out that the recent CBD COP had considered this issue and that the meeting documents were available on the [CBD Website](#).

5.6.3 Other Threats

49. Mark Simmonds (WDCS) pointed out that the issue of marine debris was the subject of a dedicated Working Group. Unfortunately the chair of that Working Group was not present. The issue was however in part covered under other agenda items such as relations with other bodies (5.7).

5.7 Relations with Other Bodies

50. Heidrun Frisch (Secretariat) referred to the section on international organizations in the Secretariat report (MOP7/Doc.5-02), which covered the two joint working groups with ACCOBAMS, relations with the European Commission and cooperation with the parent Convention and other organizations. Due to other commitments, however, the Secretariat had been unable to attend some important meetings organized by other bodies, such as those related to the HELCOM BALTFIMPA project, for which the Secretariat, as requested by AC19, served on the Reference Group.

51. The Advisory Committee had approved the establishment of a further joint working group with ACCOBAMS concerning the EU Marine Strategy Framework Directive. The terms of reference had been drafted and approved, but were being reviewed in the light of recent developments and would be discussed at the forthcoming meeting of the ACCOBAMS Scientific Committee. It was hoped that the working group would start operating shortly. Its membership list had not been closed so further volunteers could still join and the convener was still to be elected. The Chair noted that the MOP could provide the Advisory Committee with a suitable mandate to ensure that the working group proceeded.

52. Simon Brockington (IWC) referred to MOP7/Doc.5-04, the report of the IWC Scientific Committee and mentioned the work being done on marine debris and a workshop being organized by IWC in the second quarter of 2013, which he hoped ASCOBANS could be involved in. IWC had also been examining marine pollution including POPs for some years under its Pollution 2000 programme. Referring to Draft Resolution “Impacts of Chemical Pollution on Small Cetaceans” (MOP7/Doc.7-04), Mr Brockington said that IWC had adopted a similar decision in the past. In conclusion, he said that the IWC Scientific Committee was working on small cetaceans and was examining endangered populations, including the Baltic Harbour Porpoise.

53. Christina Lockyer (NAMMCO) drew attention to paragraph 41 of MOP7/Doc.5-02 regarding the contacts between ASCOBANS and NAMMCO, and in particular to the proposed Trans North Atlantic Sighting Survey (T-NASS) and whale hunts in the Faroes. The report submitted by NAMMCO contained within MOP7/Doc.2-02 (Opening Statements submitted by observers) included, among other information, news on the planning of the next T-NASS Survey, which was scheduled for 2015, and the latest estimates of long-finned pilot whale populations in the Iceland-Faroese area. In conclusion, Ms Lockyer pointed out that a two-page résumé of the background to T-NASS 2015 and the likely survey coverage compared with T-NASS 2007 had been placed in delegates’ pigeon-holes for their information.

6. Future Priorities of the Agreement

6.1 Outcome of the Future Shape of CMS Process

54. Bert Lenten (Secretariat) pointed out that all ASCOBANS Parties were also Parties to the parent Convention and that the last CMS COP (Norway, 2011) had devoted a considerable amount of time to discussing the “Future Shape” process, initiated at the previous CMS COP in 2008. The CMS “Family” had grown and included 7 Agreements and 19 MOUs. A major task of the CMS Secretariat’s Agreements Unit was the administration of the Gorillas Agreement and the majority of the MOUs.

55. The outcome of COP10 was the adoption of Resolution 10.9 which among other things called for the alignment of the CMS Family with wider reforms of international environmental governance, an issue discussed at the CBD COP and which was coming into closer focus with the establishment of the IPBES Secretariat in Bonn in 2013. Steps were already being taken to assure greater harmonization within the CMS Family in Bonn through a project funded by voluntary contributions from Germany to design a new website using a content management system rather than the present static HTML model. The new site would facilitate information exchange with other MEAs and would be compatible with the UNEP InforMEA system. All Bonn-based members of the CMS Family were also benefitting from developments in the online workspace pioneered by the AEWA Technical Committee, which was being enhanced and adapted for use by other instruments’ subsidiary bodies with funding from Switzerland. Through funding received from the European Commission, capacity building tools were being developed with a focus on Africa. One of the products would be a manual for National Focal Points, with wider applicability across the CMS Family.

56. While CMS would work to ensure that its Strategic Plan was compatible with the Strategic Plan for Biodiversity, efforts would also be undertaken to ensure the greatest possible cooperation between members of the CMS Family where there were shared geographic or taxonomic interests (e.g. ASCOBANS, ACCOBAMS and the marine mammal MOUs in the Pacific and western Africa).

6.2 Priorities for the Implementation of the Agreement

57. The priorities were discussed in detail in the Technical Working Group, which made no substantive amendments to the draft proposals. There were no comments from the floor in the final Plenary.

7. Further Implementation of the Agreement (2013-2015/16)

7.1 Conservation Plan for the Harbour Porpoise Population in the Western Baltic, the Inner Danish Waters and the Kattegat

58. This item was discussed in the Technical Working Group, but the session was also attended by members of the Administrative Working Group. The Chair had received notice that a small working group of the three Range States for the Area covered by the Plan together with France had met to revise the draft and had some changes to propose to the draft Resolution.

59. Maj Munk (Denmark) guided the Meeting through the recent changes to the draft Plan, which included a number of minor factual corrections, some adjustments to bring the Plan in line with European legislation such as the Habitats Directive, new wording concerning chemical pollution and the removal of some speculative language that was not substantiated by facts. Rob Deaville (UK Cetacean Strandings Investigation Programme) thought that some of the data on chemicals were out of date and agreed to provide more recent information. After some discussion, the text was approved by the Working Group, but one of the figures would have to be replaced as the map was not accurate.

60. There was some discussion on the value of adding a reference to recent British findings on chemical pollutants and it was agreed that the effects of contaminants on the immune systems of harbour porpoises would not be different in the various sub-regions of the Agreement Area. There was also some discussion on the meaning of “reducing bycatch as much as possible”, wording that had been used to replace “reducing bycatch to zero”, and whether this should focus on SACs or be left general, and how the recommendation to use pingers should be phrased. Denmark expressed the view that establishing no fishing zones in SACs could lead to greater fisheries efforts in adjacent waters and higher bycatch there as a result. Specific references to gillnets were removed and replaced by exhortations to promote the use of modified gear which was likely to lead to less bycatch. Given the lack of certainty of the population levels as well as bycatch rates, the meaningfulness of 1.7 per cent as the sustainable level of total anthropogenic removal was also questioned. Anja Boye Gadgård (Denmark) stated that the Range States were acting in good faith and wished to reduce bycatch but wanted to set a realistic target. The Chair suggested borrowing the wording of the Jastarnia Plan which strove towards reducing bycatch to zero. Paulo Paixao (European Commission) reminded Parties that they were all Member States of the European Union and had obligations under the Habitats Directive and had to find practical measures to comply with its provisions.

61. It was agreed to detach Appendix II (List of national authorities, research institutions and current research and initiatives related to Harbour porpoises) from the Plan as it would be in need of constant modification.

62. A standard, agreed name for the area covered by the Plan was decided, with the formulation “the Western Baltic, the Belt Sea and the Kattegat” being the final choice, with no

reference to Inner Danish Waters. The Secretariat was asked to tidy the text for presentation to the final Plenary, where the Resolution and the Plan were adopted (Annex 5).

7.2 Activities of the ASCOBANS Advisory Committee and Work Plan for the Triennium 2013-2015 / Quadrennium 2013-2016

63. The technical Working Group examined the Work Plan in great detail and the changes discussed in the Working Group, all of which related to the column “actions”, were presented to the Plenary. The duration of the Work Plan had been left open pending a decision on whether to adopt a three- or four-year MOP-cycle.

64. As had been discussed earlier under agenda item 5.6.1 (Bycatch), it was agreed to add a reference to the work being undertaken in Cornwall jointly by conservationists in cooperation with fishermen on testing pingers to reduce bycatch.

65. There was some discussion over the frequency of the reports of the informal working group on large cetaceans given the possible changes to the Agreement’s meeting cycle and the fact that the species concerned were not within the remit of ASCOBANS. A form of wording recognizing overlaps with work on ship strikes and in the Extension Area was agreed allowing a degree of flexibility.

66. Kelly Macleod (United Kingdom) gave an update on the “Tursiops SEAS” project which had encountered a number of delays, partly due to the coordinator being engaged in other work. Ireland had withdrawn from the project as funding for the Irish elements had been found from other sources. The underlying need for the project still existed but some of the earlier work would need to be redone. Consideration was being given to using the remaining funds to organize a Workshop during the ECS Annual Meeting in Portugal to identify how the project should be carried out to best effect. The Meeting agreed that it was for the Advisory Committee to provide guidance on how the continuing need to understand population structure between offshore and coastal populations of bottlenose dolphins could best be addressed.

67. Following its COP in Hyderabad, CBD was added to the list of other organizations with which ASCOBANS should seek to cooperate, along with the IWC and non-Party Range States.

68. At the request of Mark Simmonds (WDCS) a new item was inserted regarding animals in distress to cover events such as strandings and disoriented individuals or pods straying up rivers. Germany confirmed that some harbour porpoises had entered the rivers Elbe, Weser and Ems but seemed to thrive despite losses due to the large amount of traffic.

69. Subject only to clarification of the periodicity of the ASCOBANS cycle, the Resolution was adopted (Annex 6).

7.3 Extension of the Work of the Agreement into the New Agreement Area

70. The Chair sought clarification on whether this draft Resolution referred to the whole Agreement Area as extended by the amendment or only to the extension. He suggested that the title of the Resolution be amended to ensure that it correctly reflected the Area intended, namely the extension alone.

71. Following a query by Folchert van Dijken (Netherlands) regarding the remit of ASCOBANS in relation to the scope of the resolution. The Chair explained that while the Agreement’s remit was confined to small cetaceans, other partner organizations dealt with all cetaceans regardless of their size, and the chapeau of the section made clear that there was no intention of ASCOBANS exceeding its competence. Martine Bigan (France) added that this section of the resolution dealt with data collection related to ship strikes rather than legal implementation, and the distinction between large and small cetaceans was immaterial. Maj

Munk (Denmark) felt that this was a matter for the countries whose waters fell within the extension area and added that the Resolution referred to issues relevant beyond the ASCOBANS Area which meant that there was scope for collaboration with others.

72. Marie-Christine Grillo-Compulsione (ACCOBAMS) thanked the United Kingdom and France for their work on the draft Resolution and confirmed that its provisions were aligned with those of the equivalent decisions of ACCOBAMS with regard to the area covered by both Agreements.

73. The Resolution was adopted (Annex 7).

7.4 Impacts of Chemical Pollution on Small Cetaceans

74. After examination by the Technical Working Group and the explanation from Germany of the recommended changes there were no objections or further comments from the Plenary on either the preamble or the operational paragraphs. The Resolution was therefore adopted in the amended version (Annex 8).

7.5 Online Tools

75. Heidrun Frisch (Secretariat) had introduced MOP/Doc.7-05 on online tools to the Technical Working Group and had demonstrated a new online system to be used as a Workspace for the Advisory Committee's intersessional work. The Plenary was asked for its endorsement of the four key elements:

- that online reporting be adopted from now onwards, initially using the current reporting format, which would however be adapted by an Inter-sessional Working Group for consideration by MOP8
- that an online meeting registration system be adopted for all meetings organized by the Secretariat
- that an online workspace be used for intersessional work of the Advisory Committee
- that ASCOBANS should continue to be involved in the project to develop a CMS Family website and the associated development of databases

76. Mr Lenten (UNEP/CMS) pointed out that many of these enhancements had arisen from broad cooperation among the entities making up the CMS Family in Bonn. Online reporting, for instance, had been pioneered by AEWA and was now attracting interest from far beyond the CMS Family in other MEAs. The element missing from the online reporting system was the analytical tool and the CMS Family would undertake the requisite fundraising in order to commission such a tool.

77. The Plenary endorsed the proposals made and expressed their thanks to the Secretariat for facilitating these technological changes. It was pointed out that using the AC Workspace would require behavioural changes on the part of participants if the system were to operate fully effectively.

8. Administrative and Budgetary Issues

78. The Administrative Working Group agreed to hold open sessions for all agenda items with the exception of item 8.4, Financial, Budgetary and Administrative Matters 2013-2015/16.

8.1 Evaluation of the Secretariat Arrangements

79. Reporting back to the Plenary on the second day, Vice-Chair Elsa Nickel (Germany), who also served as Chair of the Administrative Working Group, said that the Netherlands had presented a report on the evaluation conducted in 2011 (MOP7/Doc.8-01) and the conclusion was that Parties were receiving good service from the Secretariat. The priorities outlined in the document were reconfirmed. Benefits were accruing from the close cooperation between the CMS entities in Bonn. The Secretariat was asked to explore joint working arrangements within the CMS Family and further integration of the ASCOBANS and CMS Secretariats, taking note of the CMS Future Shape process, in order to enhance synergies and achieve a more cost-effective operation, and report to the next Advisory Committee Meeting.

80. Ms Nickel underlined that the Parties were grateful to the government of the Netherlands for having led the evaluation.

8.2 Financial and Administrative Matters 2010-2012

81. In her report to Plenary, Elsa Nickel (Germany) said that this item had been introduced in the Administrative Working Group by Borja Heredia (Secretariat) and the contents of the report (MOP7/Doc.8-02) had been noted and accepted by the Working Group.

8.3 Expenditures 2009-2011

82. In her report to Plenary, Elsa Nickel (Germany) said that this item had been introduced in the Administrative Working Group by Borja Heredia (Secretariat). The accounts of the Trust Fund prepared by UNEP, as contained in MOP7/Doc.8-03, had been noted and accepted and the Working Group recommended their adoption by the Plenary.

83. Noting that no changes had been suggested by the Administrative Working Group to the document, the Meeting adopted the Resolution (Annex 9).

8.4 Financial, Budgetary and Administrative Matters 2013-2015/16

84. Bert Lenten (Secretariat) introduced the three budget options (MOP7/Doc.8-05) in plenary on the first day, recognizing that Parties faced difficult financial times. He explained the recent history of the Agreement's budget which had been reduced at MOP5 in the prelude to the merger and since then the Agreement had only received increases to counteract the effects of inflation. The Secretariat had presented two budget options to the Advisory Committee with variants to reflect three- and four-year cycles. At the request of the Parties a third option with absolutely no growth had also been prepared.

85. Option A included an increase of 5.7 per cent to counteract inflation and was based on a three-year cycle.

86. Option B was essentially the same but was based on a four-year cycle and MOP7/Doc.8-06 included an explanation of the legal implications of deviating from the three-year cycle set out in the Agreement text.

87. Option C foresaw no budget increase and therefore entailed a reduced service.

88. The first two options would allow ASCOBANS to maintain its role as a player in international cetacean conservation. The third would mean ASCOBANS having to withdraw from some activities and lose profile.

89. Mark Simmonds (WDCS) said his instincts were to be sceptical of lengthening the period between MOPs as these Meetings presented an opportunity to review and re-focus. He understood the arguments for adopting a four-year cycle but asked that the decision be reviewed. Welcoming the decision of the Meeting to release the restricted documents, he urged that the Working Group be held entirely in open session in the interests of transparency.

90. The Chair suggested that the Administrative Working Group should start in closed session and decide then which if any items could be discussed in the presence of observers.

91. Reporting back on the deliberations of the working group to plenary, Elsa Nickel (Germany) said that adopting a four-year cycle would reduce the administrative burden on the Secretariat and allow Parties more time to implement the Agreement. In addition, in times of financial insecurity, a four-year cycle provided some more stability. The working group therefore recommended this option. The Working Group proposed that the final Advisory Committee of the cycle should be held at least nine months before MOP8, saying that the interval between the 19th Meeting of the Advisory Committee in Galway and the MOP was too short. The forthcoming quadrennium would therefore see three meetings of the Advisory Committee in 2013, 2014 and 2015 and MOP8 would take place in 2016.

92. With regard to the move from a triennium to a quadrennium, Ms Nickel explained the change could not simply be made by a three-quarters majority of the Parties at the MOP but required unanimity, including the consent of Belgium and Lithuania which were not represented. The solution was the adoption of a Resolution, drafted following advice from Jolyon Thomson (United Kingdom) that could be adopted electronically within 90 days of the MOP by those Parties not present. The fall-back position, in the event of the consent of Belgium and Lithuania not being forthcoming, would be the retention of a three-year cycle.

93. Having heard the explanations, Mark Simmonds (WDCS) wondered why the discussions had had to be held behind closed doors and fearing loss of momentum sought assurances that the fact that the Advisory Committee would not meet in one year of the cycle would not be detrimental to the Agreement's progress. Peter Evans (ECS/Sea Watch Foundation) asked whether the move to a four-year cycle could be reversed.

94. Elsa Nickel (Germany) said that the discussions had involved detailed examination of the staffing budget lines which Parties preferred to consider *in camera* and greater use of intersessional consultations should maintain the Agreement's momentum despite the loss of one meeting of the Advisory Committee and the additional year between MOPs. She confirmed that the existing text of the Agreement was unaffected and Jolyon Thomson (United Kingdom) confirmed that the options for the next MOP had not been curtailed.

95. At the final Plenary, the revised draft (MOP7/Doc.8-04) was tabled with the square bracketed text with the triennium and quadrennium options replaced by the neutral term "forthcoming period". Mr Thomson explained the legal mechanics of how the remaining square bracketed text would be dealt with and how the three-year budget would be superseded by the four-year option in the event of the Resolution being accepted by Belgium and Lithuania within 90 days.

96. Intervening through a Skype connection, Margi Prideaux (Migratory Wildlife Network) explained that her organization had been established as an umbrella to allow NGOs to work with the CMS Family. She offered to present a report to forthcoming Advisory Committee meetings of the work undertaken by NGOs with an assessment of their financial and in-kind contributions to the implementation of the Agreement. This offer was warmly received by Parties with supportive interventions from Germany, the United Kingdom and the Netherlands and an appropriate paragraph added to the Resolution.

97. The financial annex was projected on screen with the changes that had emerged from the Working Group's deliberations highlighted. The revised budget represented an increase of 3.45 per cent for the financial period starting in 2013 compared to the current

triennium (2010-2012) after some savings had been made. The changes were essentially identical for both the tree- and four-year variants. Contributions were based on an adapted version of the UN Scale of Assessment. The terms of reference had undergone minor changes with the addition of the provision that grants from the European Commission would be subject to a reduced overheads charge of 7 per cent and deletion of references to a costed work plan, as none had ever been prepared.

98. In conjunction with the Budget Resolution, a further Resolution interpreting the application of Article 6.1 of the Agreement, the Article setting a three-year cycle for the MOP was also tabled. The Resolution allowed Belgium and Lithuania until 23 January 2013 to confirm their acceptance, with the fallback position being the retention of a three-year cycle.

99. Both Resolutions were adopted (Annexes 10 and 11).

Note by the Secretariat

Both Belgium and Lithuania communicated their consent to Resolution 7.7 on the Application of Article 6.1 of the Agreement (Annex 11) to the Depositary before the indicated deadline. In line with this, the budgetary provisions as outlined in Annex 1B of Resolution 7.6 on Financial, Budgetary and Administrative Matters (Annex 10) took effect.

9. Any Other Business

100. No other items of business had been notified to the Chair.

10. Date and Venue of the 8th Meeting of Parties

101. The Chair invited expressions of interest to host the next MOP. It would only become clear in January 2013 whether the Meeting would be due in 2015 or 2016.

102. Sofia Brockmark (Sweden) proposed that Finland consider hosting the meeting. This would emphasize that the Baltic was part of the Agreement as well as the Atlantic, and might encourage the participation of some of the non-Party Range States. Penina Blankett (Finland) said that she would be happy to pursue the idea having already made some tentative enquiries.

11. Adoption of the Report and Press Release

Report

103. Heidrun Frisch (Secretariat) said that the first draft of the Meeting report would be circulated two weeks after the meeting when it would be open to a four-week consultation period. The Resolutions would be formatted and circulated within days. The Chair added that the final outcome would only be available after the result of the consultation with Belgium and Lithuania was known. This would be adjoined as an addendum to the report.

Press Release

104. A draft of the press release was projected on screen and changes were being taken from the floor. The text was eventually agreed to the satisfaction of all delegates, although the Chair voiced his doubts that drafting the Press Release in this manner was very effective.

12. Close of Meeting

105. James Gray (United Kingdom) expressed his thanks to the delegates for having come to the meeting and helping to make it such a success. Bert Lenten (Secretariat) thanked the UK government for hosting and the Chair and Vice-Chair for their excellent guidance of the meeting and congratulated all on having found good solutions to some difficult problems and for having adopted the harbour porpoise conservation plan for the Western Baltic, the Belt Sea and the Kattegat. The Chair, Mark Tasker, thanked all those who had contributed to the organization and smooth running of the meeting, and the Advisory Committee for helping prepare the content. The Chair then closed the meeting.

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Special Guest

Vicky the dog

Agenda

1. Opening of the Meeting
 - 1.1 Adoption of Rules of Procedure
 - 1.2 Election of Officers
 - 1.3 Adoption of the Agenda
 - 1.4 Admission of Observers
 - 1.5 Establishment of Credentials Committee / Report
2. Opening Statements
3. ASCOBANS Outreach and Education Award 2012
4. Accession of Range States and Status of Ratification of Extension of the Agreement Area
5. Review of Implementation of the ASCOBANS Triennial Work Plan (2010-2012)
 - 5.1 Report of the Chair/Vice-Chair of the Advisory Committee
 - 5.2 Report of the Secretariat
 - 5.3 Annual National Reports of ASCOBANS Parties
 - 5.4 Reports from Non-Party Range States
 - 5.5 Implementation of the Harbour Porpoise Action Plans
 - 5.5.1 Baltic Sea Recovery Plan (Jastarnia Plan)
 - 5.5.2 North Sea Conservation Plan
 - 5.6 Addressing of Threats
 - 5.6.1 Bycatch
 - 5.6.2 Underwater Noise
 - 5.6.3 Other Threats
 - 5.7 Relations with Other Bodies
6. Future Priorities of the Agreement
 - 6.1 Outcome of the Future Shape of CMS Process
 - 6.2 Priorities for the Implementation of the Agreement
7. Further Implementation of the Agreement (2013-2015/16)
 - 7.1 Conservation Plan for the Harbour Porpoise Population in the Western Baltic, the Inner Danish Waters and the Kattegat
 - 7.2 Activities of the ASCOBANS Advisory Committee and Work Plan for the Triennium 2013-2015 / Quadrennium 2013-2016
 - 7.3 Extension of the Work of the Agreement into the New Agreement Area
 - 7.4 Impacts of Chemical Pollution on Small Cetaceans
 - 7.5 Online Tools

8. Administrative and Budgetary Issues
 - 8.1 Evaluation of the Secretariat Arrangements
 - 8.2 Financial and Administrative Matters 2010-2012
 - 8.3 Expenditures 2009-2011
 - 8.4 Financial, Budgetary and Administrative Matters 2013-2015/16
9. Any Other Business
10. Date and Venue of the 8th Meeting of Parties
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List of Documents

No.	Agenda Item	Document Title	Submitted by
Doc.1-01	1.1	Draft Rules of Procedure for the Meeting of Parties to ASCOBANS	Secretariat
Doc.1-02 rev.2	1.3	Provisional Agenda	Secretariat
Doc.1-03	1.3	Provisional Annotated Agenda	Secretariat
Doc.1-04 rev.1		List of Documents	Secretariat
Doc.2-02 rev.1	2	Opening Statements: Observers	Observers
Doc.4-01	4	Status of Accessions and Ratification	Secretariat
Doc.5-01	5.1	Evaluation of the Implementation of the ASCOBANS Work Plan 2010-2012 and the Work of the ASCOBANS Advisory Committee	AC Chair & Vice-Chair
Doc.5-02 rev.1	5.2	Triennial Report of the ASCOBANS Secretariat 2010-2012	Secretariat
Doc.5-03	5.3	Compilations of Annual National Reports for 2009, 2010 and 2011	Secretariat
Doc.5-04	5.7	Report of the Scientific Committee of the IWC 2012	IWC
Doc.6-01	6.1	Outcome of the Future Shape of CMS Process	Secretariat
Doc.7-01	7.1	Draft Resolution: Conservation of Harbour Porpoises and Adoption of a Conservation Plan for the Western Baltic	AC
Doc.7-02	7.2	Draft Resolution: Activities of the ASCOBANS Advisory Committee and Work Plan for the [Triennium 2013-2015][Quadrennium 2013-2016]	AC
Doc.7-03	7.3	Draft Resolution: Research and Conservation Actions in the Extended Agreement Area	France & United Kingdom
Doc.7-04	7.4	Draft Resolution: Impacts of Chemical Pollution on Small Cetaceans	United Kingdom
Doc.7-05	7.5	Online Tools	Secretariat
Doc.8-01	8.1	Evaluation of the Merger of the ASCOBANS Secretariat with the CMS Secretariat	AC
Doc.8-02	8.2	Report of the Secretariat on Financial and Administrative Matters 2010-2012	Secretariat
Doc.8-03	8.3	Draft Resolution: Management of Expenditures between 2009 and 2011	Secretariat
Doc.8-04	8.4	Draft Resolution: Financial, Budgetary and Administrative Matters 2013-[15][16]	Secretariat
Doc.8-05	8.4	Budget Proposals 2013-2015 or 2013-2016	Secretariat
Doc.8-06	8.4	Legal Implications of Reviewing the MOP Intervals	Secretariat

RULES OF PROCEDURE FOR THE MEETING OF THE PARTIES TO ASCOBANS

PART I

DELEGATES, OBSERVERS, SECRETARIAT

Rule 1: Delegates

- (1) A Party to the Agreement (hereafter referred to as a "Party")¹ shall be entitled to be represented at the meeting by a delegation consisting of a Representative and such Alternative Representatives and Advisers as the Party may deem necessary.
- (2) The Representative of a Party shall exercise the voting rights of that Party. In the absence of the Representative, an Alternative Representative of that Party shall act as a substitute over the full range of the Representative's functions.
- (3) Seating limitations may require that no more than four delegates of any Party be present at a plenary session and sessions of the Advisory Committee or any working group established by the Meeting of the Parties in accordance with Rule 23.

Rule 2: Observers

- (1) All non-Party Range States and Regional Economic Integration Organizations bordering on the waters concerned, as well as organizations listed in Footnote 3 may be represented at the meeting by observers who shall have the right to participate but not to vote.^{2 3}
- (2) Any other body qualified in cetacean conservation and management which has informed the Secretariat not less than 90 days before the Meeting of its desire to be represented at the Meeting by observers, shall be entitled to be present unless at least one-third of the Parties have opposed their application at least 30 days before the meeting.⁴ Once admitted, these observers shall have the right to participate but not to vote.

¹ See Agreement, paragraph 1.2, sub-paragraph (e), and paragraphs 8.4 and 8.5. A Party is a Range State or a Regional Economic Integration Organization which has deposited with the United Nations Headquarters by 27 August 1994 its consent to be bound by the Agreement

² See Agreement, paragraph 6.2.1

³ The United Nations, acting as the Depository to this Agreement; the Secretariats, insofar as they are not included under Rule 3, and technical advisory bodies of the Convention on the Conservation of Migratory Species of Wild Animals and its daughter Agreements and Memoranda of Understanding; the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention); The Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR); the Common Secretariat for the Co-operation on the Protection of the Wadden Sea (CWSS); the North-East Atlantic Fisheries Commission (NEAFC); the International Whaling Commission (IWC); the Baltic Marine Environment Protection Commission (HELCOM); the International Council for the Exploration of the Sea (ICES); the International Union for the Conservation of Nature (IUCN); the North Atlantic Marine Mammal Commission (NAMMCO); the European Cetacean Society (ECS); the Inter-American Tropical Tuna Commission (IATTC)

⁴ See Agreement, paragraphs 6.2.2

- (3) Seating limitations may require that no more than two observers from any non-Party Range State or body be present at a plenary session and sessions of the Advisory Committee or of any working group established by the Meeting of the Parties in accordance with Rule 23.

Rule 3: Credentials

- (1) Each contracting Party shall assign a Representative for each meeting and Alternative Representatives as it thinks appropriate. Contracting Parties shall submit the names of these delegates to the Secretariat through their coordinating authorities by the start of the Meeting.
- (2) The names of assigned Representatives and Alternative Representatives shall be available for inspection by contracting Parties.

Rule 4: Secretariat

Unless otherwise instructed by the Parties, the Secretariat shall service and act as secretariat for the meeting. Secretariat services are provided through the UNEP/CMS Secretariat.

PART II

OFFICERS

Rule 5: Chairpersons

- (1) The Chairperson of the Advisory Committee shall act as temporary Chairperson of the Meeting until the Meeting elects a Chairperson in accordance with Rule 5, paragraph (2).
- (2) The Meeting in its inaugural session shall elect from among the delegates of the contracting Parties a Chairperson and a Vice-Chairperson.

Rule 6: Presiding Officer

- (1) The Chairperson shall preside at all plenary sessions of the meeting.
- (2) If the Chairperson is absent or is unable to discharge the duties of Presiding Officer, the Vice-Chairperson shall deputise.
- (3) The Presiding Officer shall not vote, but may designate an Alternative Representative from the same delegation.

PART III

RULES OF ORDER OF DEBATE

Rule 7: Powers of Presiding Officer

- (1) In addition to exercising powers conferred elsewhere in these Rules, the Presiding Officer shall at plenary sessions of the Meeting:
 - (a) open and close the session;
 - (b) direct the discussions;
 - (c) ensure the observance of these Rules;
 - (d) accord the right to speak;
 - (e) put questions to the vote and announce decisions;
 - (f) rule on points of order; and
 - (g) subject to these Rules, have complete control of the proceedings of the Meeting and the maintenance of order.
- (2) The Presiding Officer may, in the course of discussion at a plenary session of the Meeting, propose to the Meeting:
 - (a) time limits for speakers;
 - (b) limitation of the number of times the members of a delegation or observers from a State which is not a Party or a Regional Economic Integration Organization, or from any other body, may speak on any subject matter;
 - (c) the closure of the list of speakers;
 - (d) the adjournment or the closure of the debate on the particular subject under discussion;
 - (e) the suspension or adjournment of any session; and
 - (f) the establishment of drafting groups on specific issues.

Rule 8: Seating, Quorum

- (1) Delegations shall be seated in accordance with the alphabetical order in the English language of the names of the Parties, non-Party Range States, including Regional Economic Integration Organizations, and non-Range States.
- (2) A quorum for plenary sessions shall consist of two thirds of the Parties. No plenary session shall take place in the absence of a quorum.

Rule 9: Right to Speak

- (1) The Presiding Officer shall call upon speakers in the order in which they signify their desire to speak, with precedence given to the delegates.
- (2) A delegate or observer may speak only if called upon by the Presiding Officer, who may call a speaker to order if the remarks are not relevant to the subject under discussion.

- (3) A speaker shall not be interrupted, except on a point of order. The speaker may, however, with the permission of the Presiding Officer, give way during his speech to allow any delegate or observer to request elucidation on a particular point in that speech.

Rule 10: Submission of Proposals for Amendment of the Agreement and its Annex

- (1) As a general rule, proposals for amendment of the Agreement or its Annex, together with the reasons for the amendment, shall be communicated at least 90 days before the Meeting to the Secretariat, which shall circulate them to all Parties in the working language of the Meeting. Proposals arising out of discussion of the foregoing may be discussed at any plenary session of the Meeting, provided copies have been circulated to all delegations not later than the day preceding the session. However, decisions with respect to such proposals shall follow the provisions of paragraph 6.5 of the Agreement.
- (2) After a proposal has been adopted or rejected by the Meeting, it shall not be reconsidered unless a two-thirds majority of the Parties participating in the meeting so decide. Permission to speak on a motion to reconsider a proposal shall be accorded only to a delegate from each of two Parties wishing to speak against the motion, after which the motion shall immediately be put to the vote.

Rule 11: Submission of Documents and Resolutions

- (1) As a general rule, draft Resolutions shall be submitted to the Secretariat at least 95 days before the meeting, who shall circulate them to all Parties at least 90 days before the meeting. The remaining provisions of Rule 10 shall also apply *mutatis mutandis* to the treatment of draft Resolutions.
- (2) As a general rule, documents intended for discussion at the meeting shall be submitted to the Secretariat at least 35 days before the meeting, who shall circulate them to all Parties at least 30 days before the meeting.

Rule 12: Procedural Motions

- (1) During the discussion of any matter, a delegate may raise a point of order, and the point of order shall be immediately, where possible, decided by the Presiding Officer in accordance with these Rules. A delegate may appeal against any ruling of the Presiding Officer. The appeal shall immediately be put to the vote, and the Presiding Officer's ruling shall stand unless a majority of the Parties present and voting decide otherwise. A delegate raising a point of order may not speak on the substance of the matter under discussion, but only on the point of order.
- (2) The following motions shall have precedence in the following order over all other proposals or motions before the Meeting:
 - (a) to suspend the session;
 - (b) to adjourn the session;
 - (c) to adjourn the debate on the particular subject or question under discussion;
 - (d) to close the debate on the particular subject or question under discussion.

Rule 13: Arrangements for Debate

- (1) The Meeting may, on a proposal by the Presiding Officer or by a delegate, limit the time to be allowed to each speaker and the number of times delegates or observers may speak on any subject matter. When the debate is subject to such limits, and a speaker has spoken for the allotted time, the Presiding Officer shall call the speaker to order without delay.
- (2) During the course of a debate the Presiding Officer may announce the list of speakers and, with the consent of the meeting, declare the list closed. The Presiding Officer may, however, accord the right of reply to any delegate if a speech delivered after the list has been declared closed makes this desirable.
- (3) During the discussion of any matter, a delegate may move the adjournment of the debate on the particular subject or question under discussion. In addition to the proposer of the motion, a delegate may speak in favour of, and a delegate of each of two Parties may speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.
- (4) A delegate may at any time move the closure of the debate on the particular subject or question under discussion, whether or not any other delegate has signified the wish to speak. Permission to speak on the motion for closure of the debate shall be accorded only to a delegate from each of two Parties wishing to speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.
- (5) During the discussion of any matter a delegate may move the suspension or the adjournment of the session. Such motions shall not be debated but shall immediately be put to the vote. The Presiding Officer may limit the time allowed to the speaker moving the suspension or adjournment of the session.

PART IV

VOTING

Rule 14: Methods of Voting

- (1) Without prejudice to the provisions of Rule 1, Paragraph 2, each Representative duly accredited according to Rule 3 shall have one vote. Regional Economic Integration Organizations, in matters within their competence, shall exercise their voting rights with a number of votes equal to the number of their Member States that are Parties to the Agreement. In such case, the Member States of such organizations shall not exercise their right individually.
- (2) The Meeting shall normally vote by show of hands, but any Party may request a roll-call vote.
- (3) At the election of officers or of prospective host countries, any Party may request a secret ballot. If seconded, the question of whether a secret ballot should be held shall immediately be voted upon. The motion for a secret ballot may not be conducted by secret ballot.
- (4) Voting by roll-call or by secret ballot shall be expressed by "Yes", "No" or "Abstain". Only affirmative and negative votes shall be counted in calculating the number of votes cast by Parties present and voting.

- (5) If votes are equal, the motion or amendment shall not be carried.
- (6) The Presiding Officer shall be responsible for the counting of the votes and shall announce the result. The Presiding Officer may be assisted by tellers appointed by the Secretariat.
- (7) After the Presiding Officer has announced the beginning of the vote, it shall not be interrupted except by a Representative on a point of order in connection with the actual conduct of the voting. The Presiding Officer may permit Representatives to explain their votes either before or after the voting, and may limit the time to be allowed for such explanations.

Rule 15: Majority

Except where otherwise provided for under the provisions of the Agreement or these Rules, all votes on procedural matters relating to the forwarding of the business of the meeting shall be decided by a simple majority of Parties. All other decisions shall be taken by a simple majority among Parties present and voting, except that financial decisions and amendments to the Agreement and its Annex require a three-quarter majority among those present and voting.

Rule 16: Procedure for Voting on Motions and Amendments

- (1) A delegate may move that parts of a proposal or of an amendment be voted upon first. Permission to speak on the motion for division shall be accorded only to a delegate from each of two Parties wishing to speak in favour of and a delegate from each of two Parties wishing to speak against the motion. If the motion for division is carried, those parts of the proposal or amendment that are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.
- (2) When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Meeting shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on until all amendments have been put to the vote. If, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amendment proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.
- (3) If two or more proposals relate to the same question, the Meeting shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Meeting may, after voting on a proposal, decide whether to vote on the next proposal.

Rule 17: Elections

- (1) If, in an election to fill a vacancy, no candidate obtains the required majority in the first ballot, a second ballot shall be taken restricted to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the Presiding Officer shall decide between the candidates by drawing lots.
- (2) If, in the first ballot, there is a tie amongst candidates obtaining the second largest number of votes, a special ballot shall be held to reduce the number of these candidates to two.

PART V

LANGUAGES AND RECORDS

Rule 18: Working Language

English shall be the working language of the Meeting.

Rule 19: Other Languages

- (1) A delegate may speak in a language other than English, provided he/she furnishes interpretation into English.
- (2) Any document submitted to the Meeting shall be in English.

Rule 20: Summary Records

Summary records of the Meeting shall be kept by the Secretariat and shall be circulated to all Parties in English.

PART VI

OPENNESS OF DEBATES

Rule 21: Plenary Sessions

All plenary sessions of the Meeting shall be open to the public, except that in exceptional circumstances the Meeting may decide, by a two-thirds majority of Parties present and voting, that any single session be closed to the public.

Rule 22: Sessions of the Working Groups

As a general rule, sessions of working groups shall be limited to the delegates and to observers invited by the Chairs of working groups.

PART VII

WORKING GROUPS

Rule 23: Establishment of Working Groups

The Meeting of the Parties may establish such working groups as may be necessary to enable it to carry out its functions. It shall define the terms of reference, composition, and elect the Chairpersons of each working group. Seating limitations may restrict the size of each working group.

Rule 24: Procedure

Insofar as they are applicable, these Rules shall apply *mutatis mutandis* to the proceedings of working groups.

PART VIII

FINAL PROVISIONS

Rule 25: Amendments to the Rules of Procedure

These rules may be amended as required by decision of the Meeting of the Parties. They will remain in force until and unless an amendment is called for and adopted.

Resolution No. 1

Conservation of Harbour Porpoises and Adoption of a Conservation Plan for the Western Baltic, the Belt Sea and the Kattegat

Recalling the aim of the Agreement to achieve and maintain a favourable conservation status for small cetaceans;

Noting that the available evidence indicates that the harbour porpoise population in the Western Baltic, the Belt Sea and the Kattegat might be in decline and that targeted conservation measures should be taken;

Noting, with gratitude, the completion by the Advisory Committee of the Western Baltic Conservation Plan, covering the above-mentioned areas;

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 requirement to protect the harbour porpoise as a species included in the Habitats Directive (Council Directive 92/43/EEC Annex IV) and considering this plan as a valuable contribution;

Recalling the 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 which requires States to establish a system to monitor the incidental capture and killing of cetaceans, and in the light of the information gathered to 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 laying down measures concerning incidental catches of cetaceans in fisheries;

Recalling Resolution No. 1 on the Adoption and Implementation of the Jastarnia and North Sea Plans adopted by the 6th Meeting of the Parties in 2009;

Acknowledging with appreciation the efforts undertaken by Parties to date to implement the Jastarnia and North Sea Plans;

Stressing that further action to implement the Jastarnia and North Sea Plans will be needed;

Without prejudice to the exclusive competence of the European Union for the conservation of marine biological resources under the common fisheries policy and the “acquis communautaire”;

The Meeting of the Parties to ASCOBANS

1. *Adopts* the Conservation Plan for the Harbour Porpoise in the Western Baltic, the Belt Sea and the Kattegat (attached as Annex 1);
2. *Urges* the Parties concerned to implement this Plan;
3. *Recognizes* the importance of coordinated conservation measures throughout the area covered by this and the Jastarnia and North Sea Plans;
4. *Therefore 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;
5. *Therefore urges* Parties in the North Sea region to continue and to step up implementation of the Conservation Plan for Harbour Porpoise in the North Sea and *invites* non-Party Range States also to implement this Plan;
6. *Reiterates* that the reduction of small cetacean bycatch remains the highest priority throughout the ASCOBANS area;
7. *Strongly encourages* Parties, in line with the proposal made in EC COM(2011) 578 on the implementation of Council Regulation (EC) No 812/2004, to ensure that
 - (a) improved mitigation measures setting out the scope, objectives and targets to be met in relation to cetacean bycatch be incorporated under the new Technical Measures Framework that will be developed as part of the reform of the Common Fisheries Policy;
 - (b) monitoring requirements be incorporated into the Data Collection Framework, in line with a move to a wider ecosystem approach to fisheries monitoring which should include bycatch of non-target species such as cetaceans, seabirds and benthic organisms;
8. *Encourages* Parties and non-Party Range States to intensify research on bycatch mitigation measures and to continue trials of alternative gear and methods;
9. *Encourages* Parties and non-Party Range States to intensify research to estimate population size, abundance and trends;
10. *Reaffirms* Resolution No. 1 of the 6th Meeting of the Parties (2009) on the Adoption and Implementation of the Jastarnia and North Sea Plans.

Annex 1 to Resolution No. 1

ASCOBANS

**Conservation Plan for
the Harbour Porpoise Population
in the Western Baltic, the Belt Sea
and the Kattegat**



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1. Executive Summary

1.1 Background

The harbour porpoise is the most common cetacean in the North Sea, the Baltic and the waters in between and ASCOBANS has so far adopted two plans to ensure the species' conservation: the Recovery Plan for Baltic Harbour Porpoises (the Jastarnia Plan) and the Conservation Plan for Harbour Porpoises in the North Sea. In 2011, it was decided that a third plan should be produced covering the genetically distinct harbour porpoise population in the Kattegat, the Belt Seas, the Sound and the Western Baltic. Two large-scale surveys (in 1994 and 2005) have been conducted to estimate the abundance of porpoises in this area. The point estimates from these surveys indicate a 60% decline, but the difference is not statistically significant, and a new survey will be conducted in 2012 to evaluate the population status. Harbour porpoises may be observed throughout the Plan area, but the highest densities are found in Little Belt, Great Belt, Flensborg Fjord, Fehmarn Belt and the Sound.

In the Western Baltic, the Belt Sea and the Kattegat harbour porpoises face anthropogenic threats such as bycatch, marine constructions, extraction of resources, overfishing, shipping, chemical pollution and increased noise level, all of which may potentially have a negative influence on the porpoise population. The current knowledge is however insufficient to determine the level of impact especially on cumulative effects.

The harbour porpoise is listed in Annex II and IV of the Habitats Directive (92/43/EEC), which obligates all EU Member States to protect porpoises in their entire range as well as to designate protected areas called Special Areas of Conservation (SACs) in areas of high porpoise density. Within the geographical extent of this Plan, Denmark, Germany and Sweden have designated 26 SACs (11, 11 and 4 SACs respectively).

1.2 Management Recommendations

The recommendations of the Plan are articulated around five main objectives: a) involvement of all stakeholders in the implementation of the plan and its evaluation; b) mitigation of bycatch; c) assessment of the bycatch level; d) monitoring the status of the population; and e) insuring a habitat quality favourable to the conservation of the harbour porpoise.

SACs referred to in the recommendations only include those SACs for which the presence of harbour porpoises was a site selection criterion and where national authorities have not categorized the size and density of the population within the SAC to be non-significant (Status D) according to the criteria in the Habitats Directive. These SACs are hereinafter referred to as hpSACs.

The recommendations are as follows:

Objective a. Involvement of all stakeholders in the implementation of the plan and its evaluation

- Recommendation 1: Actively seek to involve fishermen in the implementation of the plan and mitigation measures to ensure reducing bycatch
- Recommendation 2: Cooperate with and inform other relevant bodies about the Conservation Plan

Objective b. Mitigation of bycatch

- Recommendation 3: Protect harbour porpoises in their key habitats by minimizing bycatch as far as possible
- Recommendation 4: Implement pinger use in fisheries causing bycatch
- Recommendation 5: Where possible replace gillnet fisheries known to be associated with high porpoise bycatch with alternative fishing gear known to be less harmful

Objective c. Assessment of the bycatch level

- Recommendation 6: Estimate total annual bycatch

Objective d. Monitoring the status of the population

- Recommendation 7: Estimate trends in abundance of harbour porpoises in the Western Baltic, the Belt Sea and the Kattegat
- Recommendation 8: Monitor population health status, contaminant load and causes of mortality

Objective e. Ensuring habitat quality favourable to the conservation of the harbour porpoise

- Recommendation 9: Ensure a non-detrimental use of pingers by examining habitat exclusion and long-term effects of pingers
- Recommendation 10: Include monitoring and management of important prey species in national harbour porpoise management plans
- Recommendation 11: Restore or maintain habitat quality

2. Introduction

Neither the original Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan) of 2002 nor the revised and updated version adopted in 2009 contains any definition as to its exact geographical scope. It is, however, generally assumed that the Plan follows the definition used by the ASCOBANS Baltic Discussion Group, according to which the Baltic Sea comprises “the waters in ICES Division III d (area 24-29) east of the Darss-Limhamn ridges and south of the Åland Islands” (“Baltic Proper”, cf. Fig. 1). However, the ASCOBANS Conservation Plan for Harbour Porpoises in the North Sea, adopted in 2009, contains an (implicit) definition of its geographical scope as the waters “northwards of latitude 57°44.8'N from the northernmost point of Denmark to the coast of Sweden” (Fig. 1). Therefore, part of the western Baltic, the Danish Straits and the Kattegat is not covered by either Plan, and as a consequence the geographical extent of the Jastarnia Plan has long been controversial. It has repeatedly been on the agenda of the various ASCOBANS Agreement bodies for several years but the issue has remained unresolved.

In 2011, the 18th meeting of the ASCOBANS Advisory Committee (AC18, Bonn, Germany), following a recommendation by the 7th meeting of the Jastarnia Group (Copenhagen, Denmark, February 2011) decided that a draft paper containing background information and proposed objectives and measures for the ‘gap area’ currently not covered by the Jastarnia Plan should be commissioned. Moreover, AC 18 stipulated that this paper should be reviewed and refined by the 8th meeting of the Jastarnia Group with a view to enabling formal adoption of such objectives and measures by the 7th Meeting of the Parties, 2012.

This draft plan covers the ‘gap area’ defined as the waters north and west of the Darss and Limhamn ridges up to the north-western border of the Baltic Sea as defined by HELCOM (i.e. a line from the northern point of Denmark to the coast of Sweden at 57°44.43'N). This area will hereinafter be referred to as the Western Baltic, the Belt Sea and the Kattegat.

The draft paper was reviewed and revised by the 8th Meeting of the Jastarnia Group (Bonn, 31 January – 2 February 2012) and again following the 19th Meeting of the Advisory Committee (AC19), Galway, Ireland (20-22 March 2012).

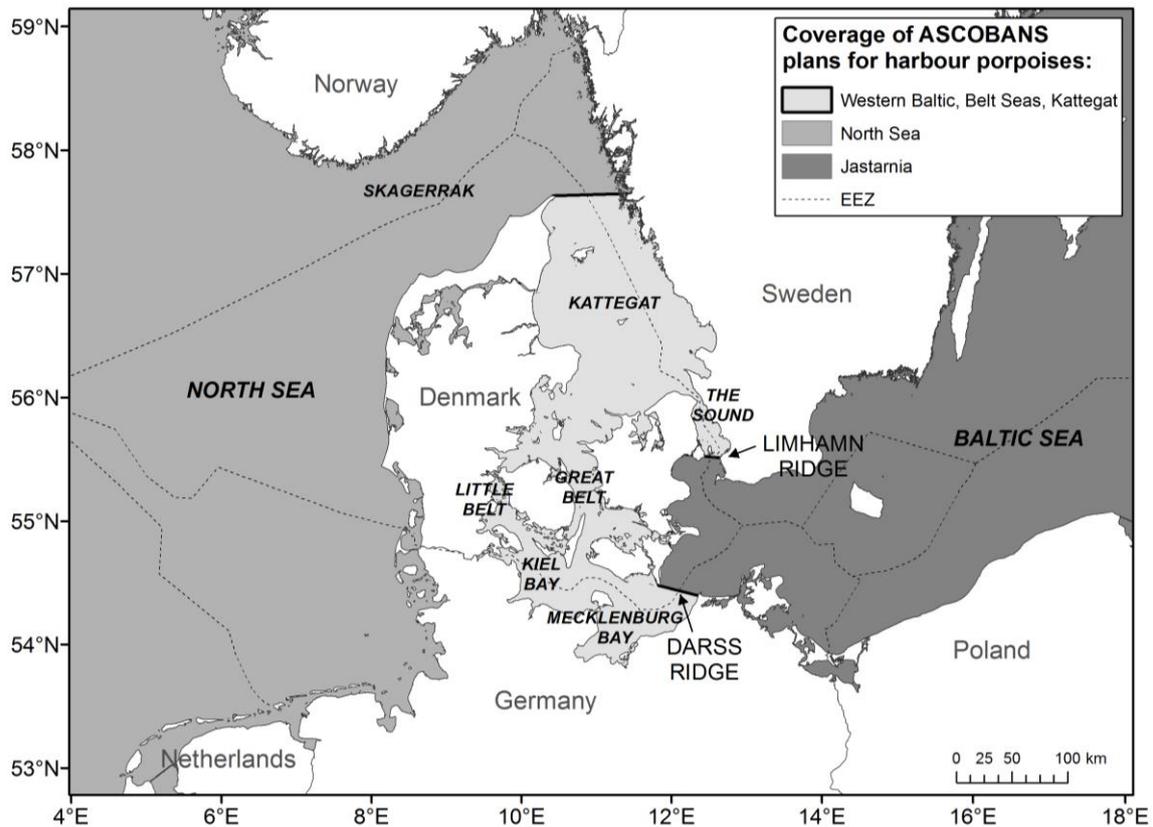


Figure 1 Map of the North Sea and the Baltic indicating where the geographical area covered by the Plan for the population in the Western Baltic, the Belt Sea and the Kattegat adjoins that of the ASCOBANS North Sea Plan and the ASCOBANS Jastarnia Plan. The dashed line indicates the national borders of the Exclusive Economic Zone (EEZ).

3. Background Information on Harbour Porpoises

The harbour porpoise is the most common cetacean in the Western Baltic, the Belt Sea and the Kattegat and the only cetacean species known to reproduce here. In the past two decades, our knowledge of harbour porpoise genetics, distribution, abundance, prey preferences, ecology and anthropogenic stressors has improved in this region partly due to the development of novel methods and intensified efforts from researchers, and partly facilitated by an increased management focus from national authorities, international organizations and the EU. Yet, essential information such as sustainability of the population, drivers for distribution, effects of anthropogenic utilization of the sea, e.g. bycatch, underwater noise, pollution and other threats remains unclear. In this section, the current knowledge is described and essential gaps in knowledge are highlighted.

3.1 Population Status

Only two harbour porpoise populations have been evaluated as “endangered” by the International Union for Conservation of Nature (IUCN); the Baltic Sea population (listed as “critically endangered”), and the Black Sea population (listed as “endangered”). The population structure and extent of other harbour porpoise populations are less clear and they are listed as populations of “least concern” based on the fact that the harbour porpoise “is widespread and abundant”, and since conservation measures are being implemented in many areas (Hammond et al. 2008). However, as described below in sections “3.2 Population structure” and “3.3 Population abundance”, the harbour porpoises inhabiting the Western Baltic, the Belt Sea and the Kattegat should be considered as a separate population, and abundance estimates from 1994 and 2005 indicate a possible decline, although the estimates are not significantly different (Teilmann et al. 2011). As a result, the ICES Working Group for Marine Mammal Ecology (WGMME, Berlin 2011, ICES 2011) and the Jastarnia Group (Copenhagen 2011) recommended that a new survey should be carried out in 2012 to determine the abundance and status of the population. The IWC Scientific Committee also expressed its concern over the status of the population, and stressed the importance of such a survey (IWC 2012).

The harbour porpoise is listed on Annex II and IV of the EU Habitats Directive (92/43/EEC) which obliges all EU Member States to protect the species in its entire range as well as to identify protected areas, named Special Areas of Conservation (SAC). However, Article 4, paragraph 1 of the Habitat’s Directive states that: “for aquatic species which range over wide areas, SACs will be proposed only where there is a clearly identifiable area representing the physical and biological factors essential to their life and reproduction”. These factors may be difficult to determine, so it was decided that these areas should be identified on the basis of three criteria: 1) The continuous or regular presence of the species (although subject to seasonal variations), 2) Good population density (in relation to neighbouring areas) and 3) High ratio of young to adults during certain periods of the year (EC (2001) Habitats Committee, Hab. 01/05). The process of identifying SACs is comprehensive, but in short, Member States must first identify sites as Sites of Community Importance (SCI) according to their relative value for the conservation of each species on Annex II, and then designate the area as a SAC. Notwithstanding the present status (SCI or SAC) of identified areas, for reasons of simplicity in this Plan all will be referred to as SACs. Within the Western Baltic, the Belt Sea and the Kattegat, Germany and Denmark have each designated 11 SACs with porpoises listed as part of the designation features (Germany 1,996 km², Denmark 2,075 km²) (Fig. 2). Sweden is considering to designate SACs for harbour porpoises, but has at present identified four SACs within the area of this plan where harbour porpoises occur. In relation to the designation of SACs, each Member State has to conduct a “global assessment” of the value of each site for conservation of harbour porpoises, i.e. evaluate the importance of each area with regard to conservation, population status and degree of isolation by assigning a ranking of A) excellent value, B) good value or C) significant value to each site (Natura2000 standard data form, Explanatory notes). Some SACs are yet to be ‘globally assessed’, but the currently available status for each area is displayed in Fig. 2.

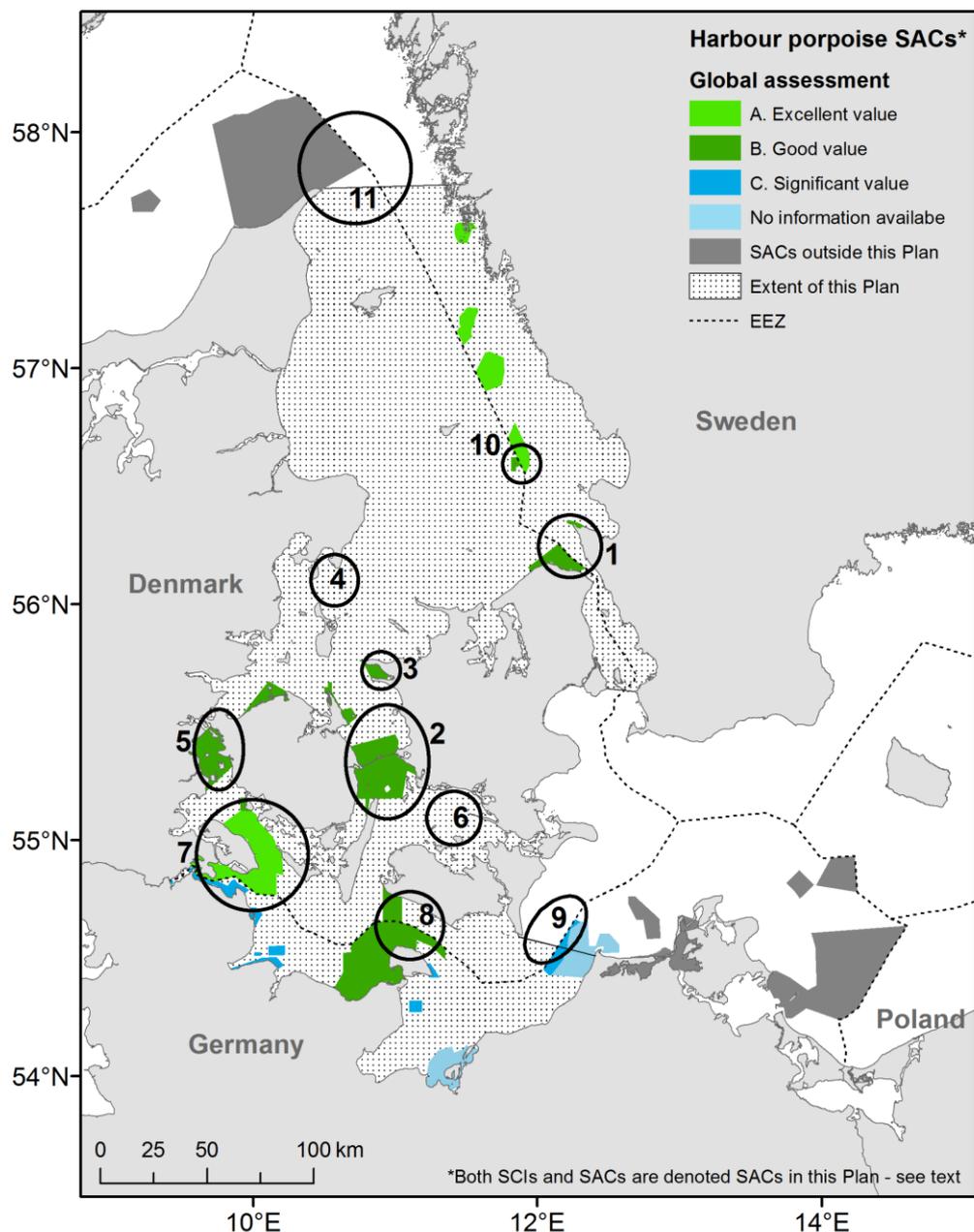


Figure 2 Special Areas of Conservation (SACs) designated according to the EU Habitats Directive for harbour porpoises (i.e. where harbour porpoises are part of the selection criteria and listed as Population status A, B or C) by Denmark, Germany and Sweden within the Western Baltic, the Belt Sea and the Kattegat. Colours refer to the global assessment of each site to harbour porpoises (from ICES WGMME report 2011 and <http://eunis.eea.europa.eu/sites.jsp>). Black circles indicate areas of high porpoise density identified by satellite tracking, surveys and passive acoustic monitoring: Northern Sound (1), Great Belt (2), Kalundborg Fjord (3), northern Samsø Belt (4), Little Belt (5), Smålandsfarvandet (6), Flensborg Fjord (7), Fehmarn Belt (8), Kadet Trench (9), Store Middelgrund (10) and Tip of Jutland (11). The order of the numbers is arbitrary.

3.2 Population Structure

The harbour porpoise is divided into several populations throughout its range (Andersen 2003, Lockyer & Kinze 2003, Evans & Teilmann 2009). In the waters between the North Sea and the Baltic Sea, studies on satellite telemetry, genetics and morphology have identified three populations; one in the eastern North Sea including the Skagerrak and the northern part of the Kattegat, one in the Western Baltic, the Belt Sea and the Kattegat, and a third in the Baltic Proper (Tiedemann et al. 1996, Andersen et al. 1997, Huggenberger et al. 2002, Galatius et al. 2010, Wiemann et al. 2010, Teilmann et al. 2011). No exclusive geographical boundaries have been found between these three populations, and morphological studies and satellite tracking of porpoises show some degree of overlap in distribution in transition areas in the northern Kattegat (between 56°30'N - 57°30'N) and the south-eastern area around Fehmarn Belt, the Darss-Limhamn Ridge to latitude 14°E (Galatius et al. 2010, Teilmann et al. 2011).

3.3 Abundance

The abundance of harbour porpoises in northern European waters has been estimated twice from internationally coordinated large-scale dedicated surveys; SCANS (Small Cetacean Abundance in the North Sea and Adjacent waters) in 1994 (Hammond et al. 2002) and SCANS-II in 2005 (SCANS-II 2008). Abundance for the population inhabiting the Kattegat, Belt Sea, the Sound and Western Baltic was estimated to be 27,767 (CV = 0.45, 95% confidence interval (CI) = 11,946-64,549) in 1994 and 10,865 (CV=0.32, 95% CI = 5,840-20,214) in 2005 (Teilmann et al. 2011). Although this represents a 60% decline in the point estimates, this difference is not statistically significant (due to the large coefficient of variation). There is a need for more data on population size, abundance and trends.

Scheidat et al. (2008) showed that density between areas varied seasonally and spatially in the south-western Baltic; the area around Kiel Bay showing generally the highest density. Total abundance varied between surveys with the lowest value in March 2003 (457 ind.; 95 % CI: 0-1,632) and the highest estimate in May 2005 (4,610 ind.; 95 % CI: 2,259-9,098). The most recent abundance estimates for Kiel Bay (incl. Danish waters up to the island of Funen) in 2010 and 2011 show low densities of less 0.4 ind. km⁻² (Gilles et al. 2011a).

3.4 Distribution

The harbour porpoises in the Western Baltic, the Belt Sea and the Kattegat have been studied by means of visual surveys from boats and aircrafts (Heide-Jørgensen et al. 1992, Heide-Jørgensen et al. 1993, Hammond et al. 2002, Siebert et al. 2006, Scheidat et al. 2008, Gilles et al. 2011a), detections of incidental sightings and strandings (Kinze et al. 2003, Siebert et al. 2006), passive acoustic monitoring (Verfuss et al. 2007), acoustic surveys (SCANS-II 2008, Sveegaard et al. 2011a) and satellite tracking (Teilmann et al. 2007, Sveegaard et al. 2011b). From these studies, it is clear that the porpoises are not evenly distributed, and the telemetry studies indicate that porpoises concentrate in certain high-density areas. These areas are presumably key habitats, defined as the parts of a species'

range essential for day-to-day survival, as well as for maintaining a healthy population growth rate. Areas that are regularly used for feeding, reproducing, raising calves and migration are all part of key habitats (Hoyt 2005). Within the range of the Western Baltic, the Belt Sea and the Kattegat population, the highest densities are found in the northern Sound, Great Belt, Kalundborg Fjord, northern Samsø Belt, Little Belt, Smålandsfarvandet, Flensburg Fjord, Fehmarn Belt, Kadet Trench and Store Middelgrund (Fig. 2).

The distribution of harbour porpoises and the location of high-density areas may vary seasonally, but current studies are not conclusive: satellite tracking and acoustic surveys of harbour porpoises show that during winter the majority of the population moves south i.e. out of the Kattegat and into the Belt Sea and the Western Baltic resulting in very low winter abundance in some of the summer high density areas, such as the Kattegat and the Sound. A few immature individuals have however instead moved into the North Sea in the winter (Sveegaard et al. 2011a, Sveegaard et al. 2011b). Studies using passive acoustic monitoring show an increase in porpoise click activity in the German Baltic Sea during spring and summer, and a subsequent decrease in the winter as well as a general increase in porpoise density from east to west (Verfuss et al. 2007). This trend is supported by data on strandings and incidental sightings (Hasselmeier et al. 2004, Siebert et al. 2006), whereas studies involving aerial surveys found no obvious seasonal patterns (Scheidat et al. 2008, Gilles et al. 2011a). Conclusively, the current data on seasonal changes in distribution are not sufficiently consistent to be efficiently used in management of porpoises.

Seasonal changes in distribution may be related to reproduction, but so far no specific breeding areas have been identified in the Western Baltic, the Belt Sea and the Kattegat. However, during the first SCANS survey and from opportunistic sightings and strandings, a high ratio of calves to adult porpoises was found in the Belt Sea (Hammond et al. 1995, Kinze 2003). Since the population inhabiting these waters is rather stationary, it is likely that both birth (mainly in June and July) and conception (July-August) also occur in these waters (Sørensen & Kinze 1994). In Danish waters, the pregnancy rate has been found to be between 0.61 and 0.73 calves/adult female per year (Sørensen & Kinze 1994). The calves are nursed for 8-10 months (Lockyer & Kinze 2003). For porpoises from the Kiel Bay the birth period was calculated to take place between July 6 and August 16, with 27 July as the mean date of birth (Hasselmeier et al. 2004). Most female porpoises from western German waters of the Baltic become sexually mature at the age of four years and become pregnant each year thereafter (Benke et al. 1998).

3.5 Habitat Preferences

The harbour porpoise inhabits temperate and cold environments and is a small whale species with a high energy demand but limited capacity for energy storage (Koopman 1998, Lockyer & Kinze 2003, Lockyer 2007). The distribution of harbour porpoises is therefore believed to follow the distribution of its main prey species (Koopman 1998, Santos et al. 2004). In the last few years, the number of studies examining drivers for harbour porpoise habitat selection has increased. Results indicate that porpoise distribution may be influenced by the distribution of main prey species (Sveegaard 2011), prey diversity (Sveegaard et al. 2012), frontal zones (Johnston et al. 2005, Skov & Thomsen 2008, Gilles et al. 2011b) depth

and other environmental variables believed to drive distribution of harbour porpoise prey (Bailey and Thompson 2009, Marubini et al. 2009, Edrén et al. 2010, Embling et al. 2010). The influence of each factor varies between areas, but prey distribution appears to be an important factor in the habitat quality for harbour porpoises (Gilles et al. 2011b). In the waters between the eastern North Sea and the Baltic Sea, the major prey species during the last 25 years were found to be herring (*Clupea harengus*), sprat (*Sprattus sprattus*), cod (*Gadus morhua*), whiting (*Merlangius merlangus*), gobies (Gobiidae) and sand eels (Ammodytidae) (Aarefjord et al. 1995, Benke et al. 1998, Börjesson et al. 2003, Gilles et al. 2009). The relative importance of these prey species varies between regions and seasons (Benke et al. 1998, Santos & Pierce 2003, Gilles et al. 2009).

3.6 Health Status

Pathological investigations have revealed that harbour porpoises in the Western Baltic show a significantly higher rate of diseases and severe bacterial infections compared with harbour porpoises from waters with lower anthropogenic pressure e.g. around Greenland, Iceland and Norway (Wünschmann et al. 2001, Siebert et al. 2001, 2006). The nutritional status was judged on 52 mainly bycaught harbour porpoises from the Baltic Sea collected between 1991 and 1996: 54% were in good, 36% in moderate nutritional status and 10% were emaciated (Siebert et al. 2001). Main pathological findings were parasitic infections of the lungs, bacterial pneumonia and septicemia (Swenshon et al. 1998, Wünschmann et al. 1999, Siebert et al. 2001, Wünschmann et al. 2001, Siebert et al. 2002, Lehnert et al. 2005). A total of seven species of parasites was identified from the investigated organs, mainly originating from the respiratory tract (Lehnert et al. 2005). Generally, harbour porpoises from the German Baltic and North Sea as well as Norwegian waters showed clearly more bacterial growth and more associated pathological lesions when compared to individuals from Icelandic and Greenlandic waters, possibly resulting from the higher stress caused by anthropogenic activities (Siebert et al. 2009).

Blood and tissue samples of lung, brain and lymph nodes from 74 stranded or by-caught harbour porpoises from German waters of the Baltic and North Sea were collected between 1991 and 1997 for investigation into the role of morbillivirus infection in harbour porpoises. The high incidence of PMV-specific antibodies in all age groups indicated a continuous spread of and infection with a morbillivirus among harbour porpoises from the German Baltic and North Sea (Müller et al. 2000).

Investigations of the inner and middle ear of harbour porpoises from the German and Danish Baltic Sea by computer tomography and histology showed more lesions (e.g. bleeding, fractures, inflammatory lesions) than expected resulting in an impaired ability of orientation (Seibel et al. 2010). These lesions indicate that more investigations are needed to elucidate the influence of noise pollution and infectious diseases on the health of harbour porpoises and the probability of being bycaught. Impairment of the immune (e.g. lymphoid depletion in the thymus and spleen) and endocrine system (replacement of thyroid follicles by connective tissue results in severe impairment of thyroid function) was also found in harbour porpoises from the Baltic and North Seas (Beineke et al. 2005, Das et al. 2007). These findings indicate that harbour porpoises in these waters are under continuous pressures by different

anthropogenic activities. Therefore the understanding of cumulative effects on the health status is essential for appropriate management measures.

3.7 Threats

All major known threats to the harbour porpoises in the Western Baltic, the Belt Sea and the Kattegat are human induced and the anthropogenic utilization of marine areas is constantly increasing. If not controlled and mitigated, bycatch, marine constructions, extraction of resources, overfishing, shipping, military, chemical pollution, marine litter and potentially also climate change may have a negative influence on the porpoise population. Moreover, the background noise level in the water is increasing due to anthropogenic use of the sea, and since hearing is essential for harbour porpoises to find prey and potential mates, noise pollution may have negative effects on the population and potentially cause chronic stress. Consequently, it is important that harbour porpoise populations are monitored not only locally, e.g. in relation to new marine constructions or in hpSACs, but also at population level so that cumulative effects of various anthropogenic impacts on the marine environment may be revealed.

Bycatch

Incidental bycatch in gillnet fisheries is considered a significant threat to harbour porpoises (Lowry & Teilmann 1994, Kock & Benke 1996, Carlström et al. 2009, IWC 2012). ASCOBANS has advised that, to be sustainable, the maximum annual anthropogenic induced mortality (incl. bycatch) for harbour porpoises should not exceed 1.7% of the population size (Resolution No. 3, Incidental Take of Small Cetaceans, Bristol 2000) and the International Whaling Commission (IWC) stated that the flag of concern should be raised if the number of small cetaceans captured is greater than 1% of their total population size (Bjørge & Donovan 1995). However, assessing the actual levels of bycatch is difficult due to the limited information on porpoise abundance as well as bycatch rates, particularly on small fishing vessels as EC Regulation 812/2004 requires monitoring bycatch only on boats > 15m. Consequently, levels of bycatch have never been estimated for this area. Bycatch is best studied by direct, onboard monitoring of the net hauls. Nevertheless, a minimum estimate can be obtained from the number of stranded porpoises diagnosed as bycaught through post mortem analysis, and although only a proportion of the bycatches may strand, numbers may provide an indication of the magnitude of the problem.

Germany has a comprehensive stranding network led by the Institute for Terrestrial and Aquatic Wildlife Research (ITAW) of the University of Veterinary Medicine in Hannover and the German Oceanographic Museum, Stralsund, which collects and examines the majority of reported bycatches and stranded porpoise carcasses along the German Baltic coast. The number of strandings in the German Baltic has continuously increased since 2001 (Siebert et al. 2010), which may either reflect 1) an increase in bycatch, 2) a general increase in porpoise abundance in the area, 3) a higher mortality rate or 4) increased awareness leading to higher reporting rates (Siebert et al. 2010). However, while the number of suspected bycatches has continuously increased, the number of bycaught porpoises delivered by

fishermen has continuously decreased, indicating less willingness by the fishermen to report bycatch and leading to probably higher numbers of undetected instances. Of all carcasses in varying states of preservation collected between 2000 and 2007, 17% were considered bycatch or suspected bycatch; among carcasses in a good state of preservation this figure rose to 47% (Herr et al. 2009). In 2008, a maximum was reached among the carcasses in a good state of preservation with 76% bycatch or suspected bycatch (Siebert et al. 2009). By evaluating bycatch questionnaires from part-time fishermen and data on strandings, Rubsch & Kock (2004) estimated that part-time fishermen using gillnets were responsible for 27% of the estimated bycatch in German waters. Scheidat et al. (2008) applied the bycatch estimate by Rubsch and Kock (2004) to abundance estimates for the Western Baltic Sea and showed that the percentage of porpoise bycatch in the south-western Baltic could lie within a range of 1.78% to 17.94% of the local abundance estimates for this area.

In Denmark, basic information on stranded porpoises has systematically been collected since 1991. Information is gathered in a database and once a year the new results are published in a contingency plan. In 2000-2002 fewer than 50 porpoises were registered per year in the entire country, but during 2003-2007 this number increased to an average of 113 harbour porpoises per year with a peak of 224 strandings in 2008 (Thøstesen et al. 2010). However, the cause of this increase cannot be attributed to bycatch as records do not contain the cause of death of the stranded animals. For the period 2009-2011 there seems to be a decline from 137 animals in 2009 to 115 in 2010 and then 91 animals in 2011.

In Sweden, Berggren (1994) used fishermen's reports to estimate the minimum bycatch of harbour porpoises in Swedish waters between 1973 and 1993. The data showed a total of 169 bycaught porpoises in the period 1973-1988 and 297 in 1988-1991. During the period 1989-1991, 70% of the catches occurred in the Kattegat. Lunneryd et al. (2004) reported on the results of a telephone survey among Swedish Kattegat fishermen in 2001. They extrapolated the reported bycatch to an annual total bycatch of 114 porpoises.

Bycatch rates may be assessed by independent on-board observers, observers in a separate boat or video monitoring of net hauling at an appropriate sampling level, to obtain reliable data. Onboard video monitoring has recently shown promising results as a reliable method of estimating bycatch (Kindt-Larsen et al. 2011) and has been shown to be more cost-effective than onboard observers (Tilander & Lunneryd 2009). This method also accounts for porpoises that fall out of the net even before they are hauled onboard, which for any other method will lead to an underestimation of the bycatch (Kindt-Larsen & Dalskov 2010). In 2012, Denmark initiated a bycatch monitoring project aimed specifically at providing an estimate of the porpoise bycatch in the area covered by the plan. The urgent need for effective observer schemes throughout the species' range is also recognized elsewhere; for example the 2011 conservation plan for the Harbour Porpoise in Dutch waters requires an observer scheme on all set net fleets to assess bycatch rates (Camphuysen & Siemensma 2011).

Considerable efforts have been made to prevent incidental bycatch and mitigation methods include acoustic deterrent devices (pingers) as well as replacement of gillnets with alternative fishing gear such as traps or pots (e.g. Hasselmeier et al. 2011).

The most effective method to reduce bycatch is to cease fishing using gear that poses a risk to cetaceans (ICES 2010), i.e. decreasing the effort of gillnets. However the most widely

used method for mitigating bycatch is the use of acoustic deterrent devices (so-called “pingers”). Their use is mandatory under current EU legislation in many areas. However, EC Regulation 812/2004 requires pinger use only on boats >12m. Pingers have proven to be efficient in decreasing bycatch levels (Trippel et al. 1999, Larsen et al. 2002, ICES 2010), but the sounds emitted may deter the porpoises from the area (Carlström et al. 2009) and thus drive them out of a potentially key habitat. According to Article 2 (4) of Council Regulation No. 812/2004 “Member States shall take necessary steps to monitor and assess, by means of scientific studies or pilot projects, the effects of pinger use over time in the fisheries and areas concerned” (EU 2004), but so far, the results have not been conclusive (Dawson et al. 1998, Cox et al. 2001, Larsen et al. 2002, Barlow & Cameron 2003, Palka et al. 2008, Carlström et al. 2009). Additionally, whether porpoises may habituate to pingers and, thus, reduce pinger effectiveness over time, is still unclear (Cox et al. 2001, Jørgensen 2006, Teilmann et al. 2006).

Also compliance of pinger requirements and monitoring the efficiency and practical workability need attention when considering the use of acoustic devices (Camphuysen & Siemensma 2011). Lessons can be learned from other approaches to mitigate bycatch, such as the experiences of the United States National Marine Fisheries Service (NMFS), which, in consultation with the US Harbor Porpoise Take Reduction Team (HPTRT), developed a strategy to establish the compliance with the Harbor Porpoise Take Reduction Plan (HPTRP) pinger requirements (NOAA 2010).

The only method to actually reduce gillnet effort while still maintaining a fishery is replacing gillnets with alternative fishing gear such as traps, pots and long-lines. These gear types do not cause bycatch, but still allow for a viable fishery (Königson et al. 2010). Different types of fishing gear may have multiple impacts on the marine environment but studies have shown that e.g. fish traps not only mitigate bycatch of cetaceans but they are also considered sustainable and have a lower discard rate than gillnets (Ovegård et al. 2011, Shester & Micheli 2011). In many fisheries, alternative fishing gear has been studied, but with the purpose of finding more selective or effective gear, rather than for mitigating bycatch. Therefore there is a need to review and characterize gear alternatives in fisheries where marine mammal bycatch is severe. This implies a need for fisheries scientists and managers to include and focus on bycatch in their work. In addition, an exchange of information about alternative fishing gear and experiences with its use needs to be facilitated.

It is also an overarching recommendation that researchers need to work with and fully understand the fishery being studied, which requires collaboration between scientists, industry, and fishery managers. Factors to be included when developing new fishing gear are behaviour of target species as well as other species, and the fishing gear’s practicality and cost effectiveness. Consequently the process is time-consuming and requires long-term commitment to careful experimentation and development as well as persistence on the part of managers and scientists. Finally, the implementation of new fishing gear frequently requires cultural shifts within fisheries. These shifts can be assisted by educational work, incentives (economic, market based, certifications, etc.) and or regulations/enforcement.

In conclusion, the bycatch level of harbour porpoises in the Western Baltic, the Belt Sea and the Kattegat in gillnet fishery is currently of unknown magnitude. The most important obstacles in assessing and resolving the problem of bycatch are: 1) obtaining reliable data

on the extent of the current bycatch, 2) the need for an abundance estimate with a reasonably narrow confidence interval (to be able to determine the status in relation to the 1.7 % maximum mortality limit), 3) finding the best mitigation method for the fishery concerned, and 4) the lack of knowledge on types of gillnet fisheries with bycatch of porpoises. In order to protect the population in the Western Baltic, the Belt Sea and the Kattegat, these points should receive the utmost attention.

Habitat degradation and food depletion

Habitat degradation may occur through noise, trawling, construction, shipping, pollution and extraction of marine resources such as oil, boulders, sand and gravel.

The cumulative effects of several noise sources may, by adding the disturbance effects from each source, exceed the tolerable level for porpoises. However, little is known about the behavioural and physiological effects on harbour porpoises of the major noise sources such as ship and boat traffic, construction work, seismic exploration, commercial sonars, depth finders, fisheries acoustics gear and acoustic deterrent and harassment devices. Only dedicated studies will be able to quantify these effects.

Major constructions can influence the distribution of porpoises. During the construction phase of the Nysted wind farm in the Danish Western Baltic a strong decrease in harbour porpoise presence up to 10 km away from the construction site was found to have occurred (Carstensen et al. 2006). Subsequent monitoring of the operational phase showed that the negative effect persisted even after several years (Teilmann et al. 2009). In the North Sea, studies of porpoise presence in areas where wind farms operate have demonstrated either similar or increased densities inside the wind farm (Tougaard et al. 2006, Scheidat et al. 2011). Pile driving has been found to be the most disturbing activity during wind farm and other construction work, causing a decrease in porpoise density up to 17 km away (Tougaard et al. 2009, Brandt et al. 2011, Siebert et al. 2012). It is uncertain why porpoises react differently in different areas but impact may depend on construction activity, noise attenuation due to seabed features, importance of the area to the porpoises, prey availability, as well as the presence of other disturbance factors apart from noise.

Other important anthropogenic effects on the marine environment are overfishing and destruction of the sea bed (e.g. by bottom trawling or dredging) which could result in decreasing availability of suitable prey for porpoises (Hammond et al. 1995). The distribution of fish stocks and that of porpoises are linked to one another, and conservation of porpoises should include management of fisheries especially in, but not limited to, designated protected areas (SACs). In the Western Baltic, the Belt Sea and the Kattegat, the cod stock in the Kattegat has undergone a substantial reduction over the past 25 years and both stock size and spawning stock biomass have remained at very low levels since the end of the 1990s (Vitale et al. 2008). This is most likely due to the extensive and long term use of towed fishing gears, since the adjacent Sound, where trawling has been banned for 80 years, has not been affected (Svedäng 2010).

Chemical pollution

Despite international efforts to combat POPs with special instruments like the Stockholm Convention on Persistent Organic Pollutants and the POP-Protocol of the UN-ECE Convention on Long-Range Transboundary Air pollution anthropogenic contamination of the marine environment has increased dramatically in the past century (Halpern et al. 2008), and the effects on marine mammals have caused concern (Hammond et al. 1995, O'Shea & Tanabe 2003, Jepson et al 2005, Reijnders et al. 2008). Persistent organic pollutants (POPs) such as polychlorinated biphenyls, DDT, hexachlorbenzene (HCB), chlordanes (CHLs) have been used worldwide and are still found in high concentrations in wildlife long after restrictions on their use have been implemented (Letcher et al. 2010). Other compounds, such as polybrominated diphenyl ethers (PBDEs) and polyfluorinated chemicals (PFCs) were restricted more recently while trends of increasing concentrations are still being detected in the environment (Letcher et al. 2010, Galatius et al. 2011). POPs accumulate in animal tissue and biomagnify through the food chains and therefore pose an obvious threat to the harbour porpoise as a top predator. Potential effects of POPs include reproductive failure, immunosuppression, disruption of endocrine systems, nervous system disorders and cancers.

POPs are suspected to cause reproductive failure and affect the immune system of seals in the Wadden Sea and Baltic Sea (Helle et al. 1976, Reijnders 1992). Since Kleivane et al. (1995) found organochlorine (OC) concentrations in harbour porpoises in Norwegian and Danish waters two to three times higher than corresponding OC levels detected in harbour seals (*Phoca vitulina*) from the same areas, there is reason to be concerned. PCB levels in UK-stranded harbour porpoises frequently exceed all proposed/known thresholds for mammalian toxicity and are strongly associated with both infectious disease mortality and immunosuppression (Jepson et al 2005, Hall et al 2006). In addition, PCBs still occur at high tissue concentrations in UK-stranded harbour porpoises and these high levels have remained stable since 1998 (Law et al 2010, Law et al 2012). Murphy et al. (2010) found indications for a link between higher POP concentrations and lower pregnancy rates in harbour porpoises. Weijs et al. (2010) have raised concern regarding the exposure of suckling porpoise calves to high levels of POPs.

Heavy metals are suspected to accumulate through the lifespan of marine mammals. Das et al. (2004) found that increasing zinc levels in harbour porpoises were observed with deteriorating health condition (emaciation and bronchopneumonia), while mercury increases were not correlated with health status. Siebert et al. (1999) found significant associations between mercury levels and severity of lesions with respect to the nutritional state of the cetaceans examined.

Arctic porpoises show lower levels of PCBs and PBDEs compared with animals from the North and Baltic Sea (Bruhn et al. 1999, Thron et al. 2004). Investigations on the immune system showed that lymphoid depletion in the thymus and spleen is associated with elevated PCB and PBDE levels, respectively (Beineke et al. 2005, Yap et al 2012). Blood levels of interleukin-10, an immune-regulatory protein, were correlated with an impaired health status and splenic depletion in porpoises (Beineke et al. 2007). Multivariate analysis showed that the increase of connective tissue in the thyroid was mainly correlated to the higher PCB, PBDE, DDE and DDT concentrations in the blubber. Replacement of thyroid follicles by

connective tissue results in severe impairment of thyroid function. These findings lead to the hypothesis that thyroid fibrosis may be induced by contaminants (Das et al. 2007). Overall further investigations are needed to quantify the impact of chemical pollutants on the population level.

3.8 Legal Status of the Harbour Porpoise in the Western Baltic

The harbour porpoise is listed in Annex II and IV of the Habitats Directive (92/43/EEC), Annex II of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention), Appendix II of the Convention on the Conservation of Migratory Species of Wild Animals (CMS, Bonn Convention) and Annex II of the Convention on International Trade in Endangered Species (CITES), and it is covered by the Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS), and by the Convention on the Protection of the Marine Environment of the Baltic Sea (HELCOM).

Of the above-listed legal instruments, the Habitats Directive has received the most attention in recent years due to the requirement to designate protected areas, known as Special Areas of Conservation (SACs). The porpoises must be protected within designated areas for which the presence of harbour porpoises is a site selection criterion and management plans must be developed. The management plans should ensure that the abundance of porpoises within each SAC is stable or increasing and further that the total abundance of harbour porpoises within national borders does not decline. Measuring the success of the management plans is essential and it is, thus, important to define clear measurable objectives in both the regional monitoring of SACs and in the monitoring of the entire population. Furthermore, the monitoring methods chosen should be kept consistent to reduce method-related variation and increase power in trend analysis (Berggren et al. 2008). Furthermore, the primary objective of the Habitats Directive is the maintenance or attainment of a favourable conservation status (FCS) for natural habitats and species of wild fauna and flora. All measures taken under the Directive must aim to reach or maintain a favourable conservation status. This requirement is not limited to protected areas.

The main goal of the EU Marine Strategy Framework Directive (MSFD) (2008/56/EC), which was formally adopted by the European Union in July 2008, is to maintain or restore a good environmental status (GES) by 2020 in all waters under EU Member States' jurisdiction. The MSFD sets out a strategy with key milestones which EU Member States must follow to achieve GES in their marine environment by 2020. These steps are:

- assessment of current ecological status and definition of GES and corresponding indicators (by 2012)
- establishment and implementation of monitoring programmes (by 2014)
- development and implementation of corrective measures (by 2016), and
- achievement of GES (by 2020)

To achieve the aims of the Directive, Member States are to use existing regional institutional cooperation structures, including regional seas conventions. Monitoring the abundance and distribution of harbour porpoises has been proposed as a means to determine GES.

In April 2004, in the framework of the Common Fisheries Policy (CFP), the EU adopted Council Regulation No. 812/2004 (EU, 2004). This regulation is aimed at reducing the incidental catch of cetaceans in fisheries in European Union waters. The Regulation includes measures prohibiting Baltic Sea drift net fisheries, providing for mandatory use of acoustic deterrent devices (pingers) in some EU gillnet fisheries for vessels over 12 m in length, and the use of onboard observers on vessels of over 15 m in length. For the Western Baltic, the Belt Sea and the Kattegat, the regulation specifies (article 2.2, Annex 1) that the use of acoustic deterrent devices is mandatory in fisheries in ICES Area IIIa for bottom set gillnets with net length up to 400m (1 Aug-31 Oct) and for bottom-set gillnets with mesh sizes > 220mm (all year). ICES Areas 22 and 23 are not covered by the requirement to use pingers, although these hold the highest densities of porpoises within the area covered by the Plan. Furthermore, since the regulation is only applicable to vessels longer than 12 m, the majority of the current fishing fleet as well as all recreational fisheries are unregulated. The insufficiencies of Regulation 812/2004 were acknowledged and discussed by the Commission in its 2009 report on the implementation of the Regulation (COM (2009) 368 fin.) and again in the 2011 report on the same subject (COM (2011) 578 final). In 2010, ICES, based on a request of the European Commission, evaluated the aspects of EC Regulation 812/2004 (ICES 2010) and found that the measures required under Regulation 812/2004 are being poorly implemented in general.

Information on fishing effort is important in order to identify areas where intense fishing effort coincides with high porpoise density. From 1 January 2012, fishing boats with a length of > 12 m in all EU Member States have been required to install a vessel monitoring system (VMS) which at regular intervals provides data to the fisheries authorities on the position, course and speed of vessels (Council Regulation No. 1224/2009). Prior to January 2012, this Regulation was only valid for vessels >15 m, so perhaps this new provision will provide a better geographical overview of the fishing effort. However, bycatch almost exclusively occurs in gillnets, and the VMS system for this fishery will only show where the boats go but not provide any indication as to about gear type and effort.

Other international bodies that also provide relevant advice for harbour porpoise protection include the International Council for the Exploration of the Sea (ICES), which offers scientific advice relevant to the management of fish stocks and other species (including marine mammals) and the Scientific Committee of the International Whaling Commission (IWC). Although constrained from giving management advice regarding small cetaceans, the IWC has provided a forum for assessing the status of small cetacean species, including harbour porpoises. The 2012 IWC Scientific Committee meeting expressed its concern about the population in the Western Baltic, the Belt Sea and the Kattegat and recommended to (1) assess bycatch levels, (2) monitor abundance on a regular basis, (3) introduce measures to mitigate bycatch and other anthropogenic mortality, (4) monitor the health status of the porpoises, (5) ensure the full reporting of bycaught and stranded animals and their delivery to qualified institutions for necropsy and sampling, and (6) implement this Plan (IWC 2012).

A list of the national authorities responsible for management of harbour porpoises as well as of research institutions and their current relevant research in Denmark, Germany and Sweden will be maintained by the Secretariat.

4. Development of the Conservation Plan

The current conservation status of the harbour porpoise population in the Western Baltic is uncertain but abundance estimates coupled with a lack of knowledge on bycatch rates might give reason for concern. Consequently, the responsible national authorities are requested to consider the recommendations of this Plan.

This Plan seeks to protect the harbour porpoise population in the Western Baltic, the Belt Sea and the Kattegat and to restore and/or maintain the population at a favourable conservation status aiming for a population size at 80% or more of the carrying capacity (Resolution No. 3, Incidental Take of Small Cetaceans, Bristol 2000), whereby:

1. population dynamics data will show that harbour porpoises are maintaining themselves at a level enabling their long-term survival as a viable component of the marine ecosystem
2. the range of harbour porpoises is neither reduced, nor is it likely to be reduced in the foreseeable future
3. habitat of favourable quality is and will be available to maintain harbour porpoises in the long term

The above aim can be achieved by following the recommendations of this Plan and by involving all stakeholders during its implementation.

Concerning the general lack of data in the Plan area for assessing the status of the species and the magnitude of the threats it faces, the recommendations of the Plan are articulated around six main objectives:

- a. Involvement of all stakeholders in the implementation of the plan and its evaluation
- b. Mitigation of bycatch
- c. Assessment of the bycatch level
- d. Monitoring the status of the population
- e. Ensuring habitat quality favourable to the conservation of the harbour porpoise

5. Recommendations

The following recommendations constitute the ASCOBANS Conservation Plan for Harbour Porpoises in the in the Western Baltic, the Belt Sea and the Kattegat.

Special Areas of Conservation (SACs) referred to in the following section only include those SACs for which harbour porpoises are listed as designated features and where national authorities have not categorized the size and density of the population within the SAC to be non-significant according to the criteria in the Habitats Directive, hereinafter referred to as hpSACs. The hpSACs presently (March 2012) referred to are shown in fig. 2.

The recommendations are not written in any particular order, but each recommendation is given a priority (low-medium-high). They are consistent, where relevant, with existing EU requirements, including EU Reg. 812/2004.

Objective a. Involvement of all stakeholders in the implementation of the plan and its evaluation

Recommendation 1: Actively seek to involve fishermen in the implementation of the plan and mitigation measures to ensure reducing bycatch

Rationale: Reducing bycatch in fisheries must involve fishermen. By developing regulations or creating incentives in cooperation with fishermen, industry, scientists, NGOs and government managers, the rate of success will most likely increase. This would help ensure the success of bycatch mitigation measures. This also adds to objective b: Mitigation of bycatch.

Action required:

- A working group including fishermen, scientists, and representatives of governments and environmental organizations should be established to develop guidelines and methods to reduce and monitor bycatch in relevant fisheries

Actors: National authorities, fisheries and scientists in Denmark, Germany and Sweden and beyond, the Industry, NGOs and RACs

Priority: High

Recommendation 2: Cooperate with and inform other relevant bodies about the Conservation Plan

Rationale: Cooperation between ASCOBANS and other relevant regional and international players will contribute to achieving synergies, avoiding duplication of effort and promoting more efficient and result-oriented use of available resources.

Action required: Dissemination of the Conservation Plan for the Western Baltic, the Belt Sea and the Kattegat to the national governments of Denmark, Germany and Sweden as well as to HELCOM, OSPAR, ICES, European Commission, RACs and other relevant bodies, including NGOs

Actors: ASCOBANS Secretariat

Priority: High

Objective b. Mitigation of bycatch

Recommendation 3: Protect harbour porpoises in their key habitats by minimizing bycatch as far as possible

Rationale: Harbour porpoises are exposed to bycatch in their entire range, but may be especially vulnerable in foraging areas where their attention is directed towards their prey. Key habitats are areas that usually hold a high density of harbour porpoises and should therefore be designated as hpSACs. The same amount of fishing effort will therefore pose a relatively higher risk of bycatch inside hpSACs than outside of hpSACs. Optimal protection should therefore be ensured within these areas. Under the EU Habitat Directive each EU Member State has to develop management plans for the hpSACs. Bycatch should be reduced as far as possible in all waters by appropriate measures, e.g. by promoting low-risk gear types. Future research into resolving potential habitat exclusion and the long-term effectiveness of pingers is needed.

Action required:

- Full implementation of the provisions in the Habitats Directive and CFP
- Development of national management plans for hpSACs
- Agreements between the Parties concerned to minimize bycatch rates within hpSACs
- Promoting alternative fishing methods

Actors: National authorities controlling fishery management, fisheries, EU, international experts

Priority: High

Recommendation 4: Implement pinger use in fisheries causing bycatch

Rationale: Harbour porpoises must be protected in their entire range in order to fulfil the objectives of this Plan and of the EU Habitats Directive and CFP. The main known threat for harbour porpoises is bycatch and consequently steps should be taken to prevent bycatch throughout their range. Pingers are currently the only applied option for effectively reducing bycatch while maintaining gillnet fisheries and should therefore be implemented as an interim measure until alternatives have been introduced. However, if certain gear types are proven by the fishermen and/or researchers not to induce bycatch, pingers should not be used with these gear types, in order to reduce the possible negative impact on the environment.

Action required:

- Agreement between the Parties to implement immediately the controlled use of pingers in gillnet fishery associated with bycatch irrespective of vessel size or type

Actors: National authorities, fisheries, EU, NGOs

Priority: High

Recommendation 5: Where possible replace gillnet fisheries known to be associated with high porpoise bycatch with alternative fishing gear known to be less harmful

Rationale: The use of fishing gear such as traps, pots, hooks and pound nets as an alternative to gillnets will reduce the gillnet effort, and thereby reduce the bycatch of harbour porpoises. At the same time the fisheries can remain viable, economically profitable and sustainable.

Action required:

- Test and implement alternative fishing gear and/or practices
- Find incentives for the fishery such as eco-labelling to switch to fishing gear without bycatch
- Increase focus and promote the development of alternative fishing gear

Actors: National authorities in Denmark, Germany and Sweden (possibly using the European Maritime and Fisheries Fund), fisheries, scientists, EU, NGOs, eco-labelling companies

Priority: High

Objective c. Assessment of the bycatch level

Recommendation 6: Estimate total annual bycatch

Rationale: No reliable estimate of bycatch exists within the geographical scope of this Plan. In order to estimate the sustainability of the population, the annual bycatch needs to be estimated for all types of gillnet fisheries irrespective of vessel type/size (see Appendix I).

Action required:

- Effective monitoring of all types of gillnet fisheries for estimation of bycatch rate in cooperation with fisheries
- Facilitate landing of bycaught harbour porpoises. Requisite national legislation
- Identify gear types, effort, seasons and geographical bycatch hotspots

Actors: National authorities, fisheries, scientists

Priority: High

Objective d. Monitoring the status of the population

Recommendation 7: Estimate trends in abundance of harbour porpoises in the Western Baltic, the Belt Sea and the Kattegat

Rationale: The status of the population is unclear. To monitor the sustainability and assess trends in the population it is essential to conduct regular abundance surveys.

Action required:

- Conduct synoptic absolute abundance surveys regularly
- Identify a survey interval based on power analysis in relation to effort and statistical uncertainty
- The surveys should be coordinated among Denmark, Germany and Sweden. The method and timing of the surveys should be comparable to previous SCANS surveys

Actors: Scientists, national authorities

Priority: High

Recommendation 8: Monitor population health status, contaminant load and causes of mortality

Rationale: Annual sampling of stranded and bycaught harbour porpoises will help to determine if the population is exposed to pressures from bycatch, diseases, food depletion, parasite load, high level of contaminants and pollution, physical effects of noise, etc. and

whether this pressure changes over time. Although it is difficult to include mitigation of diseases and pollutants on harbour porpoises in management schemes, the regular necropsies of dead porpoises will provide invaluable knowledge on the general health of the population, and how and which contaminants has an effect. Understanding the age structure and the health status of bycaught animals will also enhance the understanding of causes of bycatch risk.

Action required:

- Collection of a sufficient number of stranded and/or bycaught harbour porpoises annually in each country: Denmark, Germany and Sweden
- Conduct necropsies and examine cause of death, diseases, pollutant level and fitness using standard protocols

Actors:

- The authorities in Denmark, Germany and Sweden should allocate funding for annual collection and necropsies of dead harbour porpoises and the information from all three countries should be gathered in a common database
- Research institutions to conduct the necropsies

Priority: High

Objective e. Ensuring habitat quality favourable to the conservation of the harbour porpoise

Recommendation 9: Ensure a non-detrimental use of pingers by examining habitat exclusion and long-term effects of pingers

Rationale: Studies of the long-term deterrence effect and possible habituation to pingers are inconclusive. The long-term effectiveness of pingers to prevent bycatch and the potential habitat exclusion should be investigated. This is particularly important when pingers are used as the long-term solution to bycatch in gillnet fisheries. Furthermore, pingers are already mandatory in some gillnet fisheries operating in the area covered by this Plan without knowledge of the potential detrimental effects (ICES area IIIa).

Action required:

- Examine the habitat exclusion and habituation of harbour porpoises in large-scale gillnet fishery using pingers
- Examine the long-term effectiveness in large-scale use of pingers not only in relation to harbour porpoise bycatch but in relation to other species, like seals

Actors: EU, National authorities, Scientists

Priority: High

Recommendation 10: Include monitoring and management of important prey species in national harbour porpoise management plans

Rationale: Distribution of harbour porpoises and their prey is correlated and consequently important prey species should be considered in the management of harbour porpoises. This is particularly important in hpSACs, many of which are believed to constitute important foraging areas. Distribution and stock sustainability of prey species rely on anthropogenic effects as well as different environmental factors and thus future management plans should be extended to focus on the ecosystem level, e.g. by including prey distribution, abundance and habitat quality.

Action required:

- Data on preferred prey and prey communities should lead to sustainable management of these species to ensure favourable long-term conservation status for both the fish species and of harbour porpoises
- Cooperation between researchers and national authorities
- Agreements between the Parties concerned on management of fisheries on relevant prey species. Requisite national legislation.
- Emphasis should also be given to the investigation of biology and distribution of non-commercial prey-species

Actors: Scientists, National authorities

Priority: Medium

Recommendation 11: Restore or maintain habitat quality

Rationale: Marine areas subjected to intense shipping and exploitation such as the Western Baltic, the Belt Sea and the Kattegat are in danger of habitat degradation through fisheries, noise, construction, shipping, pollution and resource extraction. This may diminish their suitability as habitats for harbour porpoises. It is therefore important to ensure that the quality of the habitat allows a viable harbour porpoise population to be supported.

Action required:

- Full implementation of the MSFD and relevant decisions by ASCOBANS, HELCOM, CMS and other relevant international bodies. Requisite national legislation
- Monitoring of the effect on porpoise behaviour and distribution of new projects such as marine constructions, shipping, seismic testing and other noise sources

Actors: National authorities

Priority: High

6. Implementation and Re-evaluation of the Conservation Plan

This Conservation Plan is adopted *without prejudice to the exclusive competence of the European Union for the conservation of marine biological resources under the common fisheries policy*.

It is important that the Plan and the recommendations outlined within it to be implemented without delay, and that ASCOBANS undertake a formal re-evaluation and revision of the Plan at least every five years. The next review should occur at the AC Meeting before the next Meeting of Parties after the adoption of the Plan. It is also suggested that the authorities of Denmark, Germany and Sweden are asked to supply ASCOBANS with updated information at the meetings of the Jastarnia Group regarding progress in implementation.

The actual implementation of this Plan falls within the remit of the Parties. The Jastarnia Group will act as a Steering Group for evaluating progress and the implementation, establishing further implementation priorities and making appropriate recommendations, and carrying out the periodic reviews.

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APPENDIX I - List of relevant reports (grey literature)

Denmark

- Andreasen H (2009) Marsvinets (*Phocoena phocoena*) rolle som prædator i de danske farvande. PhD thesis. University of Copenhagen, 97 pp
- Sveegaard S (2011) Spatial and temporal distribution of harbour porpoises in relation to their prey. PhD Thesis. National Environmental Research Institute, Aarhus University, Denmark.
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Germany

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- Gilles, A (2009) Characterisation of harbour porpoise (*Phocoena phocoena*) habitat in German waters. Dissertation (doctoral thesis). Christian-Albrechts-Universität zu Kiel, 151 pp.
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- Hasselmeier, I, Danehl, S, Gilles, A, Siebert, U (2011) Schweinswale und Seevögel der Ostsee – Vorschläge für die Reduzierung von Beifängen in passiven Fanggeräten und die systematische Erfassung von Beifängen – PILOTSTUDIE. Teilbericht Schweinswale, p 4-43 (submitted BfN)
- Herr, H (2009) Vorkommen von Schweinswalen (*Phocoena phocoena*) in Nord- und Ostsee – im Konflikt mit Schifffahrt und Fischerei? Dissertation (doctoral thesis). Universität Hamburg, 118 pp
- Prahl, S, Kuhn, E, Gaethke, U, Frankenberg, A, Ludwig, M, Siebert, U (2005) Pilotprojekt zur „akustischen Belastung von Schweinswalen“. Endbericht an das Bundesministerium für Verbraucherschutz, Ernährung und Landwirtschaft, 65 pp
- Rubsch S, Kock KH (2004) German part-time fishermen in the Baltic Sea and their bycatch of harbour porpoise. ASCOBANS 11th Advisory Meeting, Jastrzebia Góra, 27–29 April, 2004. Doc AC11/Doc10 (P) www.service-board.de/ascobans_neu/files/ac11-10.pdf
- Seibel, H, Siebert, U (2010) Untersuchung und Beurteilung evtl. Belastung durch Pinger (akustische Vergrämer) auf das Gehör von Schweinswalen in der EU-Fischerei. Endbericht an das Bundesministerium für Verbraucherschutz, Ernährung und Landwirtschaft, 122 pp
- Siebert, U, Seibel, H, Lehnert, K, Hasselmeier, I, Müller, S, Schmidt, K, Sundermeyer, J, Rademaker, M, Peschko, V, Rosenberger, T, Wingberg, S (2010) Totfundmonitoring von Kleinwalen und Kegelrobben in Schleswig-Holstein 2009. Bericht an das Ministerium für Landwirtschaft, Umwelt und ländliche Räume des Landes Schleswig-Holstein. 48 pp. - a yearly report on stranded marine mammals.

Sweden

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- Österblom H (2002) Bifångster i fiskeredskap av fågel, sälochtumlare i Östersjön. Naturhistoriskariksmuseet, Stockholm. 25 s. – *Bycatch in fishery of birds, seals and harbour porpoises in the Baltic*.
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Other

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ASCOBANS (2009) ASCOBANS Conservation Plan for Harbour Porpoises (*Phocoena phocoena* L.)
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concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) No
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17 June 2008 establishing a framework for community action in the field of marine
environmental policy (Marine Strategy Framework Directive)

EU (2009) COUNCIL REGULATION (EC) No 1224/2009 of 20 November 2009 establishing a
Community control system for ensuring compliance with the rules of the common fisheries
policy

Resolution No. 2

Activities of the ASCOBANS Advisory Committee and Work Plan

Reaffirming the importance of cooperating with and complementing the work of other international bodies and the desirability of drawing upon their expertise;

Recognizing that much progress is achieved by the commissioning of work by specialists, whether members of the Advisory Committee or otherwise;

Recalling Resolution 6.2 on “Adverse Effects of Underwater Noise on Marine Mammals during Offshore Construction Activities for Renewable Energy Production” adopted by the 6th Meeting of the Parties to ASCOBANS;

Further recalling Resolution 10.4 on “Marine Debris”, Resolution 10.14 on “Bycatch of CMS-Listed Species in Gillnet Fisheries”, Resolution 10.15 on the “Global Programme of Work for Cetaceans” and Resolution 10.24 on “Further Steps to Abate Underwater Noise Pollution for the Protection of Cetaceans and Other Migratory Species” adopted by the 10th Meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) in November 2011;

Reaffirming that the Advisory Committee, as a body with the task to provide advice on scientific, policy-related and administrative matters, needs a balance of scientists, policy-makers and administrators to cover its role adequately;

Stressing that the successful work of the Advisory Committee depends on the ability of its members to allocate sufficient time to the work of the Committee and its working groups;

Welcoming the draft Work Plan for the forthcoming period developed by the Secretariat and Advisory Committee;

Noting that resources are limited and that, while respecting the mandate of the Agreement, a focussed approach is necessary;

Therefore welcoming the strategy to focus ASCOBANS’ work recommended by the Advisory Committee, which establishes clear priorities to guide the work of the Contracting Parties, the Advisory Committee and the Secretariat;

The Meeting of the Parties to ASCOBANS

1. *Decides* that, subject to sufficient resources being provided, the Advisory Committee and Secretariat should carry out the Work Plan attached as Annex 1;
2. *Instructs* the Secretariat to provide reports on its progress with the implementation of relevant parts of the Work Plan to each meeting of the Advisory Committee;

3. *Decides* that the Advisory Committee and the Secretariat, with respect to the implementation of the activities requested of the Parties, should:

- (a) Focus a substantial part of available resources on two priority issues: bycatch and disturbance by noise;
- (b) Monitor general developments with respect to other issues at stake, and report if new urgencies arise;
- (c) Strengthen the co-operation and interaction with the European Commission (DG Mare and DG Environment), other international organizations (e.g. ACCOBAMS, CBD, CMS, HELCOM, ICES, IWC and OSPAR), fishery and other economic sectors and non-governmental organizations;
- (d) Encourage co-operation and interaction with non-Party Range States;

4. *Reiterates* its request that Parties:

- (a) Ensure that all nominated Advisory Committee members and their advisors can allocate time to attend Advisory Committee meetings, to intersessional work, and to participate in intersessional Advisory Committee working groups;
- (b) Continue to ensure where possible suitable expertise within delegations to the Advisory Committee;

5. *Encourages* Parties to support the activities outlined in Annex 1 by means of financial and in-kind contributions;

6. *Further encourages* Parties to implement the relevant actions agreed in ASCOBANS Resolution 6.2 (2009) on “Adverse Effects of Underwater Noise on Marine Mammals during Offshore Construction Activities for Renewable Energy Production”, as well as those contained in CMS Resolutions 10.4 on “Marine Debris”, 10.14 on “Bycatch of CMS-listed Species in Gillnet Fisheries”, 10.15 on the “Global Programme of Work for Cetaceans” and 10.24 on “Further Steps to Abate Underwater Noise Pollution for the Protection of Cetaceans and Other Migratory Species”.

Annex 1 to Resolution No. 2

ASCOBANS Work Plan

WORK PLAN ACTIVITY	ACTION BY	TIMING	LINKS TO AGREEMENT, CONSERVATION AND MANAGEMENT PLAN
Conservation Actions			
1. Review new information on bycatch and associated strandings, bycatch mitigation and monitoring measures, including local initiatives, and fisheries effort and make recommendations to Parties and other relevant authorities for further action, in particular advice concerning the EU Common Fisheries Policy reform and Regulation 812/2004	AC (incl. relevant Working Groups)	At each AC Meeting	1. Habitat Conservation and Management 2. Surveys and Research
2. Review new information on pollution, including marine debris, and its effects on small cetaceans that occur in the ASCOBANS area and make recommendations to Parties and other relevant authorities	AC (incl. relevant Working Groups)	At each AC Meeting	1. Habitat Conservation and Management 2. Surveys and Research
3. Review the extent of negative effects of sound, vessels and other forms of disturbance on small cetaceans and review relevant technological developments and best practices, working where possible with initiatives by other organizations	AC (incl. relevant Working Groups)	At each AC Meeting	1. Habitat Conservation and Management 2. Surveys and Research
4. Develop guidelines which Parties and stakeholders may use to reduce disturbance by noise, where possible in collaboration with ACCOBAMS and other partners	AC (incl. relevant Working Groups)	2013	1. Habitat Conservation and Management
5. Review knowledge about and potential adverse effects of underwater unexploded ordnance as well as methods for its environmentally-friendly removal and make appropriate recommendations to Parties and other relevant authorities	AC (incl. relevant Working Groups)	At each AC Meeting	1. Habitat Conservation and Management

WORK PLAN ACTIVITY	ACTION BY	TIMING	LINKS TO AGREEMENT, CONSERVATION AND MANAGEMENT PLAN
6. Review and catalyse new information on small cetacean population size, distribution, structure and causes of any changes in the ASCOBANS area and make appropriate recommendations to Parties and other relevant authorities	AC	At each AC Meeting	1. Habitat Conservation and Management 2. Surveys and Research
7. Review new information on emerging issues posing a potential threat to small cetaceans, such as climate change effects, where possible in collaboration with ACCOBAMS and other partners	AC	At each AC Meeting	1. Habitat Conservation and Management 2. Surveys and Research
8. Review best practice approaches to management of marine protected areas for small cetaceans and make recommendations to Parties and other relevant authorities	AC	At each AC Meeting	1. Habitat Conservation and Management
9. Evaluate progress in the implementation of the Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan), establish further implementation priorities, carry out the periodic review of the Plan and promote the implementation of the Plan	Jastarnia Group (supported by the Secretariat)	Throughout the intersessional period	
10. Evaluate progress in the implementation of the Conservation Plan for Harbour Porpoises in the North Sea, establish further implementation priorities, carry out the periodic review of the Plan and promote the implementation of the Plan	Coordinator/ North Sea Group (supported by the Secretariat)	Throughout the intersessional period	
11. Evaluate progress in the implementation of the Conservation Plan for Harbour Porpoises in the Western Baltic, the Belt Seas and the Kattegat, establish further implementation priorities, carry out the periodic review of the Plan and promote the implementation of the Plan	Jastarnia Group (supported by the Secretariat)	Throughout the intersessional period	
12. Consider how the work of ASCOBANS should be extended to take account of the new Agreement Area, including information on ship strikes	AC (incl. relevant Working Groups)	At each AC Meeting	

WORK PLAN ACTIVITY	ACTION BY	TIMING	LINKS TO AGREEMENT, CONSERVATION AND MANAGEMENT PLAN
13. Consider output of informal working group on large cetaceans in the Agreement Area, which summarizes information on the species and addresses aspects of their conservation	AC (incl. relevant Working Groups)	As appropriate during the intersessional period	
14. Review progress of bottlenose dolphin project (TURSIOPS SEAs) and advise on a way forward	AC, led by UK	At each AC Meeting	
15. Issue call for project proposals and conduct consultation on prioritization prior to each meeting of the Advisory Committee	Secretariat	At each AC Meeting	
16. Seek to develop improved liaison and skill-sharing across the ASCOBANS Area concerning (1) responses to individual or groups of small cetaceans at risk in dangerous circumstances (this would include but not be limited to small cetaceans entering ports and rivers and live entangled animals); and (2) associated investigations into the causes of such problems and the development of strategies to address these issues	AC	During the intersessional period	
ASCOBANS Meetings, Working Groups and Workshops			
17. Ensure the cycle of Advisory Committee Meetings, with papers circulated one month in advance of the meetings	Secretariat	At each AC Meeting	Article 4.2
18. Seek to secure a host for the 8 th Meeting of Parties at least a year in advance of the meeting; otherwise arrange for it to be held in Bonn	Secretariat	One year before MOP8	Article 4.2
19. Organize meetings of regional working groups (Jastarnia Group, North Sea Group) at intervals defined in each group's ToR	Secretariat	Throughout the intersessional period	Article 4.1, 4.2
20. Consider revisions to the national reporting format and make recommendation to the 8 th Meeting of the Parties	AC	During the intersessional period	

WORK PLAN ACTIVITY	ACTION BY	TIMING	LINKS TO AGREEMENT, CONSERVATION AND MANAGEMENT PLAN
21. Organize workshops at the annual conferences of the ECS on a topic of priority interest to ASCOBANS, funding permitting	Secretariat	At each AC Meeting	
22. If feasible, hold a joint CMS Family workshop on a subject of common interest such as bycatch	Secretariat	During the intersessional period	
23. Support intersessional correspondence working groups as needed	Secretariat	Throughout the intersessional period	
24. Propose priorities for the coming period	AC	AC Meeting before MOP8	
Budgetary and Administrative Issues			
25. Report on budgetary and administrative issues to each meeting of the Advisory Committee	Secretariat	At each AC Meeting	Article 4.2
26. Present a draft budget for the next financial period for consideration at the last meeting of the Advisory Committee prior to MOP8	Secretariat / AC	AC Meeting before MOP8	Article 4.1, 4.2
27. Prepare draft resolutions on budgetary and administrative issues for consideration at the last meeting of the Advisory Committee prior to MOP8	Secretariat / AC	AC Meeting before MOP8	Article 4.1, 4.2
28. Encourage Parties and partner organizations to provide voluntary contributions for projects prioritised by the AC or outreach initiatives	Secretariat	Throughout the intersessional period	Article 4.1
29. Assist in developing funding arrangements for projects prioritized by the Advisory Committee and Meeting of Parties	Secretariat	Throughout the intersessional period	Article 4.1

WORK PLAN ACTIVITY	ACTION BY	TIMING	LINKS TO AGREEMENT, CONSERVATION AND MANAGEMENT PLAN
Communication, Education and Public Awareness			
30. Report on outreach and communication issues to each meeting of the Advisory Committee	Secretariat	At each AC Meeting	Article 4.2
31. Implement CEPA to raise awareness of issues related to cetacean conservation in the Agreement Area, with a particular focus on outreach to relevant stakeholders, and where possible in collaboration with partner organizations	Secretariat / Parties and partners	Throughout the intersessional period	5. Information and education
32. Develop the ASCOBANS website, and other information material as needed, aiming to meet the needs of a wide range of target audiences in the languages of the Agreement Area	Secretariat	Throughout the intersessional period	5. Information and education
33. Support annual celebration of the International Day of the Baltic Harbour Porpoise on the 3 rd Sunday in May	Secretariat	At each AC Meeting	5. Information and education
34. Facilitate presentation of the ASCOBANS Outreach and Education Award at MOP8	Secretariat / AC	AC Meeting before MOP8	5. Information and education
Cooperation with other Organizations			
35. Identify priorities and improve co-operation between ASCOBANS and the European Union institutions	AC / Secretariat	Throughout the intersessional period	Article 4.1, 4.2
36. Ensure close collaboration with the Secretariats and scientific advisory bodies of CMS and other CMS Regional Agreements on all issues of mutual interest	Secretariat	Throughout the intersessional period	Article 4.1, 4.2
37. Seek to cooperate closely with CBD, ECS, HELCOM, ICES, IWC, NAMMCO, OSPAR, UNCLOS and other relevant organizations	Secretariat / AC	Throughout the intersessional period	Article 4.1, 4.2

WORK PLAN ACTIVITY	ACTION BY	TIMING	LINKS TO AGREEMENT, CONSERVATION AND MANAGEMENT PLAN
38. Work towards establishing positive relationships with other stakeholders, especially the fishing industry and Regional Advisory Councils	AC / Secretariat	Throughout the intersessional period	Article 4.1, 4.2
39. Compile for each meeting of the Advisory Committee a report of representation of ASCOBANS at other meetings and a list of Dates of Interest	Secretariat	At each AC Meeting	Article 4.1, 4.2
40. Insofar as budgetary provisions and guidance by the Advisory Committee allow for it, ensure proper representation at meetings of other relevant organizations	Secretariat	Throughout the intersessional period	Article 4.1
Institutional Issues			
41. Promote accession of non-Party Range States and the European Commission to the Agreement	Secretariat / Parties	Throughout the intersessional period	Article 4.1
42. Present to Parties, each year no later than 30 June, provided all reports have been received sufficiently in advance of that date, a compilation of Annual National Reports	Secretariat	At each AC Meeting	Article 4.2
43. Present to the Meeting of Parties a summary of, <i>inter alia</i> , progress made and difficulties encountered since the last Meeting of Parties	Secretariat	At MOP8	Article 4.3
44. Support Parties, Range States and Agreement bodies in implementing this Work Plan, in so far as primary responsibility does not lie with the Secretariat	Secretariat	Throughout the intersessional period	Article 4.1

Resolution No. 3

Research and Conservation Actions in the Extension of the Agreement Area

Recalling Resolution No. 4 of the 4th Meeting of the Parties (2003) on the Extension of the ASCOBANS Agreement Area;

Noting that the Amendment agreed to under Resolution 4.4 entered into force on 3 February 2008;

Further noting that ACCOBAMS Resolution A/4.1 agrees an extension of the ACCOBAMS geographical scope, resulting in an overlap with the ASCOBANS Agreement Area;

Welcoming the willingness of the ACCOBAMS Parties “to strengthen their collaboration with the ASCOBANS Parties and Secretariat in order to establish synergies in matters and activities of common interests”, as expressed in the above-mentioned resolution;

Conscious that the distribution of many small cetacean species found within the original Agreement Area extends further west and south than those initial boundaries, as do the human pressures on those populations;

Emphasizing that in order to achieve and maintain a favourable conservation status for small cetaceans as outlined in provision No. 2.1 of the Agreement, the work of the Agreement needs to extend its focus beyond the original Agreement Area;

Noting with gratitude the work undertaken by the Intersessional Working Group on Research and Conservation Actions Undertaken in the Extended Agreement Area;

The Meeting of the Parties to ASCOBANS

1. *Reiterates* the importance of close collaboration between ASCOBANS and ACCOBAMS;
2. *Decides* that such collaboration should focus on issues of common concern in order to use resources most prudently;
3. *Welcomes* the establishment of joint working groups on thematic issues, such as the ones created to deal with underwater noise and the Marine Strategy Framework Directive;
4. *Further welcomes* the efforts of the Secretariats of ACCOBAMS and ASCOBANS to collaborate closely, and instructs the Secretariat to continue and build upon these efforts;
5. *Welcomes* OSPAR Decision 2010/5 on the establishment of the Josephine Seamount High Seas Marine Protected Area;
6. *Requests* the ASCOBANS Secretariat to discuss with the OSPAR Secretariat potential cooperation in relation to cetacean conservation in the Josephine Seamount High Seas Marine Protected Area;

7. *Requests* the Advisory Committee to continue considering recent research and conservation actions within the Extension Area, and to make recommendations on priority actions;
8. *Calls upon* Parties in the Extension Area, and invites non-Party Range States to give priority to the following joint actions:
 - (a) planning for, and funding of, a third “SCANS-type” survey to include the entire extension area;
 - (b) giving particular attention to bottlenose dolphin, common dolphin and harbour porpoise populations, as well as particular species such as beaked whales, including obtaining a better understanding of population structure;
 - (c) further consideration of the impact of ship strikes on cetaceans in collaboration with ACCOBAMS and the IWC, making use of the Global Ship Strikes Database of the IWC, and identification of any potential high-risk areas and mitigation measures if appropriate;
 - (d) further consideration of the impact of bycatch, including the need for improved monitoring particularly of inshore fleets, collation of data, working in particular with ICES, and consideration of appropriate mitigation measures, taking into account similar work in other areas;
 - (e) collecting and sharing strandings-related data, including consideration of “drift models”, taking into account similar work in other areas;
9. *Encourages* non-Party Range States to ratify ASCOBANS to allow full cooperation for the benefit of the species.

Resolution No. 4

Impacts of Chemical Pollution on Small Cetaceans

Aware that pollution by persistent and often bio-accumulating heavy metals, including mercury, and butyltins, as well as by persistent chemicals such as PCBs, DDT and others, constitutes a serious threat to marine mammals;

Acknowledging the international efforts to combat Persistent Organic Pollutants in particular by the Stockholm Convention on Persistent Organic Pollutants and the POP-Protocol of the UN-ECE Convention on Long-Range Transboundary Air Pollution and *welcoming* the efforts of the European Union to guarantee by the REACH-Regulation a higher security of chemicals for health and environment;

Aware of the ongoing negotiations on a legally-binding instrument regarding mercury;

Recalling Resolution No. 4 of the 2nd Meeting of the Parties (1997) on Management and Further Research Needs to Address Effects of Pollutants on Cetacean Health, as well as Resolution No. 7 of the 5th Meeting of the Parties (2006) on Research on Habitat Quality, Health and Status of Small Cetaceans in the Agreement Area;

Further recalling CMS Resolution 7.4 (2002) on Oil Pollution and Migratory Species;

Aware that the Conservation and Management Plan of the Agreement places great emphasis on “the prevention of the release of substances which are a potential threat to the health of the animals” and on conducting research on the effects of pollution;

Recalling that OSPAR, HELCOM and the European Union are working towards reduction of emissions and sources of chemical pollutants;

Recognizing the important role of *inter alia* the Basel, Rotterdam and Stockholm Conventions, the International Convention for the Prevention of Pollution from Ships (MARPOL) concluded under the International Maritime Organization, and the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter and the London Protocol (1996);

Acknowledging the work of the Scientific Committee of the International Whaling Commission on the issue of chemical pollutants and cetaceans, particularly recalling Resolution 2012-1 on the importance of continued scientific research with regard to the impact of the degradation of the marine environment on the health of cetaceans and related human health effects;

Concerned that chemical pollution continues to be a significant threat to small cetaceans;

Grateful for the annual literature review provided to the Advisory Committee by the Pollution Working Group;

Noting the recommendations of the 2011 ECS/ASCOBANS/ACCOBAMS Workshop on Chemical Pollution and Marine Mammals;

Noting with gratitude the work undertaken by the Sea Watch Foundation and the Whale and Dolphin Conservation Society in organizing the above-mentioned workshop, and in compiling its proceedings;

The Meeting of the Parties to ASCOBANS

1. *Calls upon* Parties to continue to support ongoing research programmes related to effects of chemical contaminants on small cetaceans;
2. *Encourages* Parties to facilitate research on the priority areas identified by the 2011 ECS/ASCOBANS/ACCOBAMS Workshop on Chemical Pollution and Marine Mammals including:
 - (a) Lesser-studied contaminants or those of particular concern;
 - (b) Effects at individual level;
 - (c) Effects at population level;
 - (d) Geographic areas where pollutant levels have generally been higher than elsewhere, including comparisons of high and low exposure area studies, which may involve collaborative studies between countries;
 - (e) Priority species such as the harbour porpoise, bottlenose dolphin and killer whale;
 - (f) Methods of detecting toxic effects that do not require pathological examination, including use of biomarkers such as gene expression;
3. *Urges* Parties to implement fully the provisions and decisions of organizations and treaties addressing the introduction of chemical waste into the marine environment, including OSPAR, HELCOM, the European Union and the IMO;
4. *Invites* Parties to inform the Advisory Committee about relevant activities in order to facilitate cooperation and exchange information and best practice;
5. *Strongly encourages* the creation of a web-accessed database for marine mammal strandings and necropsy data in the ASCOBANS region, as foreseen in the Agreement's Conservation and Management Plan; and *calls upon* Parties to provide funding for the creation and long-term support of such a database;
6. *Reaffirms* Resolution No. 4 of the 2nd Meeting of the Parties (1997) on Management and Further Research Needs to Address Effects of Pollutants on Cetacean Health, as well as Resolution No. 7 of the 5th Meeting of the Parties (2006) on Research on Habitat Quality, Health and Status of Small Cetaceans in the Agreement Area.

Resolution No. 5

Management of Expenditures between 2009 and 2011

Recalling Article 6.1 c) of the Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas, which states that the Meeting of Parties shall consider and decide upon "the establishment and review of financial arrangements and the adoption of a budget for the forthcoming three years";

Recalling ASCOBANS Resolution No. 4 of 2009 (Bonn, Germany) on Management of Expenditures 2005-2008;

Appreciating that the financial situation of the Agreement has continued to be at a satisfactory level since the previous Session as a result of voluntary support received and careful stewardship by the Secretariat;

Taking note that the fund balance indicated in the 2010 certified statement does not correctly reflect the unspent balance of that year, but *acknowledging* that these figures once certified cannot be changed anymore;

Thanking UNON/UNEP for rectifying the method used to compute and apportion exchange rate fluctuations and the corresponding restoration of the ASCOBANS Trust Fund balance to its full level;

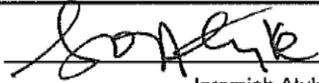
Giving special thanks to the German Government for providing, and agreeing to continue to provide, the accommodation for the Secretariat rent-free and its annual voluntary contribution in support of special measures and projects aimed at improving the implementation of the Agreement;

Acknowledging with appreciation also the additional support provided voluntarily by the Government of Finland to contribute to the implementation of the Agreement;

The Meeting of the Parties:

1. *Discharges* and *approves* the expenditures for the years 2009 to 2011 attached as Annex 1 to this resolution;
2. *Decides* that the expenditures for the years 2012 onwards should be discharged and approved by the 8th Meeting of Parties (MOP8).

Annex 1 to Resolution No. 5

General Trust Fund for the Conservation of Small Cetaceans of the Baltics and North Seas (ASCOBANS)	
I. Statement of income and expenditure and changes in reserves and fund balances for the twenty four months period of the biennium 2008-2009 ended 31 December 2009	
Income	USD
Voluntary contributions	469,989
Interest income	5,635
Miscellaneous income	30,020
Total Income	505,644
Expenditure	
Staff and other personnel costs	265,698
Contractual services	70,632
Travel	13,450
Operating expenses	34,659
Acquisitions	3,842
Programme support costs	50,477
Total Expenditure	438,758
Excess/(shortfall) of income over expenditure	66,886
Net excess/(shortfall) of income over expenditure	66,886
Reserves and fund balances, beginning of period	19,563
Reserves and fund balances, end of period	86,449
Operating reserves/Endowment Fund, beginning of period	87,542
Operating reserves/Endowment Fund, end of period	87,542
II. Statement of assets, liabilities, reserves and fund balances as at 31 December 2009	
Assets	
Cash pool - Euro	199,718
Cash pool - US dollar	24,134
Other	485
Total assets	224,337
Liabilities	
Unliquidated obligations	36,888
Interfund balances	12,630
Other accounts payable	828
Total liabilities	50,346
Net assets/(liabilities)	173,991
Reserves and fund balances	
Operating Reserve	87,542
Cumulative surplus	£6,449
Total reserves and fund balances	173,991
Total liabilities, reserve and fund balance	224,337
 Jeremiah Atuke Chief ACCOUNTS SECTION BUDGET AND FINANCIAL MANAGEMENT SERVICE, UNON	
 22/06/2010 United Nations Office at Nairobi ACCOUNTS SECTION Budget and Financial Management Service 22/06/2010	
BAL	

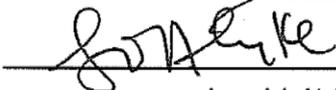
Support of the ASCOBANS Secretariat

I. Statement of income and expenditure and changes in reserves and fund balances for the Twenty four months period of the biennium 2008-2009 ended 31 December 2009

Income	USD
Voluntary contributions	131,498
Interest income	1,465
Miscellaneous income	2,199
Total Income	135,162
Expenditure	
Contractual services	26,657
Operating expenses	103,169
Programme support costs	16,877
Total Expenditure	146,703
Excess/(shortfall) of income over expenditure	(11,541)
Net excess/(shortfall) of income over expenditure	(11,541)
Transfer to other funds	16,580
Reserves and fund balances, beginning of period	42,381
Reserves and fund balances, end of period	47,420

II. Statement of assets, liabilities, reserves and fund balances as at 31 December 2009

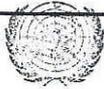
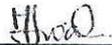
Assets	
Cash pool - Euro	57,066
Cash pool - US dollar	24,037
Total assets	81,103
Liabilities	
Unliquidated obligations	22,611
Interfund balances	3,072
Other accounts payable	8,000
Total liabilities	33,683
Net assets/(liabilities)	47,420
Reserves and fund balances	
Cumulative surplus	47,420
Total reserves and fund balances	47,420
Total liabilities, reserve and fund balance	81,103


Jeremiah Atuke
Chief
ACCOUNTS SECTION
BUDGET AND FINANCIAL MANAGEMENT SERVICE, UNON

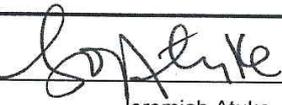

United Nations Office at Nairobi
ACCOUNTS SECTION
Budget and Financial
Management Service
28/06/2010

QVL



General Trust Fund for the Conservation of Small Cetaceans of the Baltics and North Seas (ASCOBANS)	
I. Statement of income and expenditure and changes in reserves and fund balances for the first twelve months of the biennium 2010-2011 ended 31 December 2010	
Income	USD
Voluntary contributions	243,028
Interest income	3,927
Total Income	246,955
Expenditure	
Staff and other personnel costs	136,088
Contractual services	4,930
Travel	8,429
Operating expenses	82,007
Acquisitions	1,030
Programme support costs	21,523
Total Expenditure	254,007
Excess/(shortfall) of income over expenditure	(7,052)
Net excess/(shortfall) of income over expenditure	(7,052)
Reserves and fund balances, beginning of period	86,450
Reserves and fund balances, end of period	79,398
Operating reserves/Endowment Fund, beginning of period	87,542
Operating reserves/Endowment Fund, end of period	87,542
II. Statement of assets, liabilities, reserves and fund balances as at 31 December 2010	
Assets	
Cash pool - Euro	759,774
Cash pool - US dollar	98,886
Voluntary contributions receivable	17,668
Other	486
Total assets	876,814
Liabilities	
Unliquidated obligations	923
Interfund balances	698,623
Other accounts payable	10,328
Total liabilities	709,874
Net assets/(liabilities)	166,940
Reserves and fund balances	
Operating Reserve	87,542
Cumulative surplus	79,398
Total reserves and fund balances	166,940
Total liabilities, reserve and fund balance	876,814
 Jeremiah Atuke Chief ACCOUNTS SECTION BUDGET AND FINANCIAL MANAGEMENT SERVICE, UNON Management Services	
 United Nations Office at Nairobi ACCOUNTS SECTION Budget and Financial Management Services 23/07/2011	
	

BAL

Support of the ASCOBANS Secretariat	
I. <u>Statement of income and expenditure and changes in reserves and fund balances for the first twelve months of 2010-2011 biennium ended 31 December 2010</u>	
Income	USD
Voluntary contributions	50,397
Interest income	630
Total Income	51,027
Expenditure	
Contractual services	(1,121)
Operating expenses	42,666
Programme support costs	3,808
Total Expenditure	45,353
Excess/(shortfall) of income over expenditure	5,674
Prior period adjustments	(18,003)
Net excess/(shortfall) of income over expenditure	(12,329)
Reserves and fund balances, beginning of period	47,421
Reserves and fund balances, end of period	35,092
II. <u>Statement of assets, liabilities, reserves and fund balances as at 31 December 2010</u>	
Assets	
Cash pool - Euro	72,132
Cash pool - US dollar	28,919
Total assets	101,051
Liabilities	
Unliquidated obligations	11,476
Interfund balances	54,483
Total liabilities	65,959
Net assets/(liabilities)	35,092
Reserves and fund balances	
Cumulative surplus	35,092
Total reserves and fund balances	35,092
Total liabilities, reserve and fund balance	101,051
 Jeremiah Atuke Chief ACCOUNTS SECTION BUDGET AND FINANCIAL MANAGEMENT SERVICE, UNON	
 United Nations Office at Nairobi ACCOUNTS SECTION Budget and Financial Management Service 25/07/2011	
QVL	

General Trust Fund for the Conservation of Small Cetaceans of the Baltics and North Seas (ASCOBANS) (Fund code: BAL)	
I. Statement of income and expenditure and changes in reserves and fund balances for the period of the biennium 2010-2011 ended at 31 December 2011 (United States Dollars)	
	Total 2011
Income	
Voluntary contributions	494,896
Other/Miscellaneous:	
Interest income	5,624
Total Income	500,520
Expenditure	
Staff and other personnel costs	281,393
Contractual services	115,860
Travel	14,223
Operating expenses	34,959
Exchange losses	1,564
Acquisitions	3,562
Programme support costs	58,500
Total Expenditure	510,061
Net excess/(shortfall) of income over expenditure	(9,541)
Fund balances, beginning of period	86,450
Fund balances, end of period	76,909
Reserves, beginning of period	87,542
Reserves, end of period	87,542
Total reserves and fund balances	164,451
II. Statement of assets, liabilities, reserves and fund balances as at 31 December 2011 (United States Dollars)	
	Total 2011
Assets	
Cash pool - US dollar	110,965
Cash pool - Euro	101,286
Accounts receivable:	
inter-fund receivable	
Other accounts receivable	5,913
Other assets	487
Total assets	222,135
Liabilities	
Unliquidated obligations	35,904
Accounts payable:	
Other accounts payable	18,296
Other liabilities	3,484
Total liabilities	57,684
Reserves and fund balances	
Operating reserves	87,542
Cumulative surplus	76,909
Total reserves and fund balances	164,451
Total liabilities, reserves and fund balances	222,135



United Nations Office at Nairobi
ACCOUNTS SECTION
Budget and Financial
Management Service

[Signature]
Jeremiah Atuke
Chief

23 July 2012

ACCOUNTS SECTION
BUDGET AND FINANCIAL MANAGEMENT SERVICE, UNON

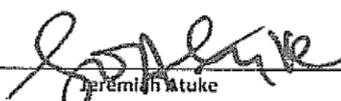
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Support of the ASCOBANS Secretariat (Fund code: QVL)	
I. Statement of income and expenditure and changes in reserves and fund balances for the period of the biennium 2010-2011 ended at 31 December 2011 (United States Dollars)	
	Total 2011
Income	
Voluntary contributions	127,424
Other/Miscellaneous:	
Interest income	1,779
Exchange gains	414
Total Income	129,617
Expenditure	
Contractual services	33,887
Operating expenses	72,077
Programme support costs	13,775
Total Expenditure	119,739
Excess/(shortfall) of income over expenditure	9,878
Prior periods' adjustments	(18,003)
Net excess/(shortfall) of income over expenditure	(8,125)
Refund to member states and donors	(1,011)
Fund balances, beginning of period	47,421
Fund balances, end of period	38,285
Reserves, end of period	-
Total reserves and fund balances	38,285

II. Statement of assets, liabilities, reserves and fund balances as at 31 December 2011 (United States Dollars)	
	Total 2011
Assets	
Cash pool - US dollar	50,377
Cash pool - Euro	45,983
Accounts receivable:	
Inter-fund receivable	2,688
Total assets	99,048
Liabilities	
Unliquidated obligations	52,556
Accounts payable:	
Other accounts payable	8,207
Total liabilities	60,763
Reserves and fund balances	
Cumulative surplus	38,285
Total reserves and fund balances	38,285
Total liabilities, reserves and fund balances	99,048



United Nations Office at Nairobi
ACCOUNTS SECTION
Budget and Financial
Management Service


Jeremiah Mutuku
Chief
ACCOUNTS SECTION
BUDGET AND FINANCIAL MANAGEMENT SERVICE, UNON

23 July 2012



Resolution No. 6

Financial, Budgetary and Administrative Matters for the Forthcoming Financial Period

Recalling Article 6.1 c) of the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (hereinafter referred to as "the Agreement"), which states that the Meeting of Parties shall consider and decide upon "the establishment and review of financial arrangements and the adoption of a budget for the forthcoming three years";

Having regard to Article 7 of the Agreement, which states that the Parties agree to share the cost of the budget according to the United Nations scale of assessment and that these sums shall be paid to the government or international organization hosting the Secretariat;

Appreciating that the financial situation of the Agreement has continued at a satisfactory level since the previous Session as a result of voluntary support received and careful stewardship by the Secretariat;

Giving special thanks to the German Government for providing, and agreeing to continue to provide, the accommodation for the Secretariat on a rent-free basis and its annual voluntary contribution in support of special measures and projects aimed at improving the implementation of the Agreement;

Acknowledging with appreciation also the additional support provided on a voluntary basis by the Government of Finland to contribute to the implementation of the Agreement;

Recognizing the need to provide sufficient resources, including manpower, to enable the Secretariat of the Agreement to continue to carry out the Agreement's Work Plan and to serve its Parties;

Appreciating the willingness of the Parties to the Convention on Migratory Species (CMS) to continue to provide Secretariat services to ASCOBANS (CMS Res. 10.1, Bergen, Norway, November 2011);

Expecting that the Secretariat of the Agreement shall cooperate effectively with other Agreement Secretariats within the UNEP/CMS Agreements Unit;

Expressing thanks to the Secretariat for producing various budget options for adoption by the 7th Meeting of the Parties;

The Meeting of the Parties:

1. *Adopts* the budget for 2013-2015 attached as Annex 1A to this resolution¹;

¹ This should be read as the budget 2013-2016 attached as Annex 1B to this Resolution, if Resolution No. 7 is agreed by all Parties of the Agreement.

2. *Further adopts* the scale of annual contributions, based on the UN Scale of Assessment, as listed in Annex 2A to the present resolution and to apply that scale pro rata to new Parties²;
3. *Reiterates* that in accordance with Paragraph 7.2 of the Agreement, the annual contributions are to be paid as soon as practicable after the end of March and no later than the end of June of the calendar year to which they relate;
4. *Decides* that all contributions to the Trust Fund shall be paid in Euros;
5. *Further decides* that there shall be maintained a working capital at a constant level of at least 15 per cent of estimated annual expenditure or three months' salaries, whichever is higher;
6. *Requests* Parties that are required to pay a small contribution to consider paying for the whole financial period in one instalment;
7. *Invites* Parties and Non-Party Range States, governmental, intergovernmental and non-governmental organizations to make voluntary contributions towards special activities for the implementation of the Agreement;
8. *Decides* to continue the current Secretariat arrangements and therefore *decides* that from 1 January 2013 the UNEP/CMS Secretariat shall serve for the next budgetary period as the Secretariat pursuant to provision No. 4 of the ASCOBANS Agreement, and that the Executive Secretary of UNEP/CMS shall be Acting Executive Secretary for ASCOBANS;
9. *Requests* the Secretariat to explore joint working arrangements within the CMS Family and further integration of the ASCOBANS and CMS Secretariats, taking note of the CMS Future Shape process, in order to enhance synergies and achieve a more cost-effective operation, and report to the next Advisory Committee Meeting;
10. *Further requests* the Secretariat, where practical and beneficial, to convene joint meetings of relevant groups within the CMS Family during the intersessional period;
11. *Also invites* Non-Party Range States, governmental, intergovernmental and non-governmental organizations and other sources to consider contributing to the implementation of the Agreement on a voluntary basis;
12. *Invites* non-governmental organizations to report collectively to the Advisory Committee about their financial and in-kind contributions to the Agreement and its activities, as well as the extent to which these non-governmental organizations are intentionally aligning their work with the ASCOBANS work plan;
13. *Encourages* Parties to consider financing Junior Professional Officers or providing technical experts to the Secretariat to increase its capacity;
14. *Further encourages* States not Party to the Agreement, governmental, intergovernmental and non-governmental organizations and other sources to consider contributing to the implementation of special activities;

² This should be read as the contributions 2013-2016 attached as Annex 2B to this Resolution, if Resolution No. 7 is agreed by all Parties of the Agreement.

15. *Requests* the Secretariat to provide Parties with a detailed list of ongoing and future activities and projects not covered by the core budget, to assist Parties to identify those they intend to fund;
16. *Instructs* the Secretariat to allocate the contributions of Parties that accede to the Agreement after 1 January 2013 towards the funding of approved activities not covered by the core budget;
17. *Further instructs* the Secretariat to report on its income and expenditure to the Advisory Committee at each of its meetings, and to report back to the Meeting of Parties at its next session;
18. *Authorizes* the Advisory Committee to decide upon withdrawals from the Trust Fund of the core budget reserve in the event of unforeseen major shortfalls on established budget lines and subject to the provision of satisfactory documentation by the Secretariat;
19. *Authorizes* the Secretariat, subject to paragraph 5 above, to approve withdrawals from the fund balance to finance conservation projects approved by the Parties;
20. *Requests* the Executive Director of UNEP to extend the duration of the Trust Funds to 31 December 2015³;
21. *Requests* the Executive Director of UNEP to consider, as appropriate, providing financial support for special activities;
22. *Approves* the Terms of Reference for the administration of the Trust Funds, as set out in Annex 3 to this Resolution, for the financial period.

Note by the Secretariat

Both Belgium and Lithuania communicated their consent to Resolution 7.7 on the Application of Article 6.1 of the Agreement (Annex 11) to the Depositary before the indicated deadline. In line with this, the budgetary provisions as outlined in Annex 1B of Resolution 7.6 on Financial, Budgetary and Administrative Matters (Annex 10) took effect.

³ This should be read as 31 December 2016, if Resolution No. 7 is agreed by all Parties of the Agreement.

Annex 1A to Resolution No. 6

Budget Estimates for 2013-2015– ASCOBANS Trust Fund (BA) in Euro

BL	Budget Item	2013	2014	2015	Total
		EUR	EUR	EUR	EUR
10	PERSONNEL				
1100	Professional Staff				
1101	Executive Secretary (D1); 3%	4,948	5,047	5,148	15,143
1102	CMS Professional Staff (P4), 15% (ASCOBANS Senior Advisor)	20,250	20,655	21,068	61,973
1103	Associate Coordination Officer (P2), 75%	63,750	65,025	66,326	195,101
1220	Professional Consultancies and fractional CMS Staff Time	6,000	6,000	7,000	19,000
1300	Administrative Support				
1301	General Services: Administrative Assistant (GS-5), 50%	41,327	42,154	42,997	126,477
1600	Travel on Official Business				
1601	Secretariat Staff	4,775	4,918	5,066	14,759
1602	Experts on Mission	1,639	1,688	1,739	5,066
1999	Personnel Subtotal	142,689	145,487	149,343	437,519
20	SUBPROJECTS				
2201	Conservation Projects	1,639	1,688	1,739	5,066
2999	Subprojects Subtotal	1,639	1,688	1,739	5,066
30	MEETINGS				
3301	Meeting of Parties	0	0	3,478	3,478
3302	Meeting of the Advisory Committee	3,278	3,376	0	6,654
3303	Meetings of Working Groups	1,500	1,545	1,591	4,636
3999	Meetings Subtotal	4,778	4,921	5,069	14,769
40	EQUIPMENT AND PREMISES				
4100	Expendable Equipment				
4101	Miscellaneous Office Supplies	600	618	637	1,855
4200	Non-Expendable Equipment				
4201	Office Equipment	905	905	905	2,715

BL	Budget Item	2013	2014	2015	Total
		EUR	EUR	EUR	EUR
4300	Premises				
4301	Rent and Maintenance Costs	-	-	-	-
4999	Equipment and Premises Subtotal	1,505	1,523	1,542	4,570
50	MISCELLANEOUS COSTS				
5100	Operation and Maintenance				
5101	Operation/Maintenance Computers	588	606	624	1,817
5102	IT Services	10,000	10,000	10,000	30,000
5103	Operation/Maintenance of printers	535	551	568	1,654
5200	Reporting Costs				
5201	Information Material/Outreach and Education Work	1,545	1,591	1,639	4,775
5202	Reference Material	117	121	124	362
5203	Website Maintenance and Development	2,185	2,251	2,318	6,754
5300	Sundry				
5301	Telephone and Fax	200	206	212	618
5302	Postage and Miscellaneous	1,000	1,030	1,061	3,091
5401	Hospitality	0	0	0	0
5999	Miscellaneous Costs Subtotal	16,170	16,355	16,546	49,071
	SUBTOTAL	166,781	169,975	174,238	510,994
6000	Programme Support Cost (PSC), 13%	21,682	22,097	22,651	66,429
	GRAND TOTAL	188,463	192,071	196,889	577,423

Annex 1B to Resolution No. 6

Budget Estimates for 2013-2016– ASCOBANS Trust Fund (BA) in Euro

BL	Budget Item	2013	2014	2015	2016	Total
		EUR	EUR	EUR	EUR	EUR
10	PERSONNEL					
1100	Professional Staff					
1101	Executive Secretary (D1); 3%	4,948	5,047	5,148	5,251	20,394
1102	CMS Professional Staff (P4), 15% (ASCOBANS Senior Advisor)	20,250	20,655	21,068	21,489	83,463
1103	Associate Coordination Officer (P2), 75%	63,750	65,025	66,326	67,652	262,753
1220	Professional Consultancies and fractional CMS Staff Time	6,000	6,000	7,000	7,000	26,000
1300	Administrative Support					
1301	General Services: Administrative Assistant (GS-5), 50%	41,327	42,154	42,997	43,857	170,334
1600	Travel on Official Business					
1601	Secretariat Staff	4,775	4,918	5,066	5,218	19,977
1602	Experts on Mission	1,639	1,688	1,739	1,791	6,857
1999	Personnel Subtotal	142,689	145,487	149,343	152,258	589,776
20	SUBPROJECTS					
2201	Conservation Projects	1,639	1,688	1,739	1,791	6,857
2999	Subprojects Subtotal	1,639	1,688	1,739	1,791	6,857
30	MEETINGS					
3301	Meeting of Parties	0	0	0	3,582	3,582
3302	Meeting of the Advisory Committee	3,278	3,376	3,478	0	10,132
3303	Meetings of Working Groups	1,500	1,545	1,591	1,639	6,275
3999	Meetings Subtotal	4,778	4,921	5,069	5,221	19,989
40	EQUIPMENT AND PREMISES					
4100	Expendable Equipment					
4101	Miscellaneous Office Supplies	600	618	637	656	2,510
4200	Non-Expendable Equipment					
4201	Office Equipment	905	905	905	905	3,620

BL	Budget Item	2013	2014	2015	2016	Total
		EUR	EUR	EUR	EUR	EUR
4300	Premises					
4301	Rent and Maintenance Costs	-	-	-	-	-
4999	Equipment and Premises Subtotal	1,505	1,523	1,542	1,561	6,130
50	MISCELLANEOUS COSTS					
5100	Operation and Maintenance					
5101	Operation/Maintenance Computers	588	606	624	643	2,460
5102	IT Services	10,000	10,000	10,000	10,000	40,000
5103	Operation/Maintenance of printers	535	551	568	585	2,238
5200	Reporting Costs					
5201	Information Material/Outreach and Education Work	1,545	1,591	1,639	1,688	6,464
5202	Reference Material	117	121	124	128	489
5203	Website Maintenance and Development	2,185	2,251	2,318	2,388	9,141
5300	Sundry					
5301	Telephone and Fax	200	206	212	219	837
5302	Postage and Miscellaneous	1,000	1,030	1,061	1,093	4,184
5401	Hospitality	0	0	0	0	0
5999	Miscellaneous Costs Subtotal	16,170	16,355	16,546	16,742	65,813
	SUBTOTAL	166,781	169,975	174,238	177,572	688,566
6000	Programme Support Cost (PSC), 13%	21,682	22,097	22,651	23,084	89,514
	GRAND TOTAL	188,463	192,071	196,889	200,657	778,079

Annex 2A to Resolution No. 6

**Scale of Contributions by Parties
to the UNEP/ASCOBANS Trust Fund for 2013-2015 in Euro**

Party	Scale of Assessment (2011)	in %	2013	2014	2015	Total EUR
Belgium	1.075	6.948	13,094	13,345	13,679	40,118
Denmark	0.736	4.757	8,965	9,136	9,366	27,467
Finland	0.566	3.658	6,894	7,026	7,202	21,123
France	6.123	20.000	37,693	38,414	39,378	115,485
Germany	8.018	20.000	37,693	38,414	39,378	115,485
Lithuania	0.065	0.420	792	807	827	2,426
Netherlands	1.855	11.989	22,595	23,027	23,605	69,227
Poland	0.828	5.351	10,085	10,279	10,536	30,900
Sweden	1.064	6.877	12,960	13,208	13,540	39,708
United Kingdom	6.604	20.000	37,693	38,414	39,378	115,485
Total	26.934	100.000	188,463	192,071	196,889	577,423

Annex 2B to Resolution No. 6

**Scale of Contributions by Parties
to the UNEP/ASCOBANS Trust Fund for 2013-2016 in Euro**

Party	Scale of Assessment (2011)	in %	2013	2014	2015	2016	Total EUR
Belgium	1.075	6.948	13,094	13,345	13,679	13,941	54,059
Denmark	0.736	4.757	8,965	9,136	9,366	9,545	37,012
Finland	0.566	3.658	6,894	7,026	7,202	7,340	28,463
France	6.123	20.000	37,693	38,414	39,378	40,131	155,616
Germany	8.018	20.000	37,693	38,414	39,378	40,131	155,616
Lithuania	0.065	0.420	792	807	827	843	3,269
Netherlands	1.855	11.989	22,595	23,027	23,605	24,057	93,284
Poland	0.828	5.351	10,085	10,279	10,536	10,738	41,638
Sweden	1.064	6.877	12,960	13,208	13,539	13,799	53,506
United Kingdom	6.604	20.000	37,693	38,414	39,378	40,131	155,616
Total	26.934	100.000	188,463	192,071	196,889	200,657	778,079

Annex 3 to Resolution No. 6

TERMS OF REFERENCE FOR THE ADMINISTRATION OF THE TRUST FUNDS FOR THE AGREEMENT ON THE CONSERVATION OF SMALL CETACEANS OF THE BALTIC, NORTH EAST ATLANTIC, IRISH AND NORTH SEAS

1. The Trust Funds for the Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas (hereinafter referred to as the Trust Funds) shall be extended for the financial period provided for in paragraph 2 below to provide financial support for the aims of the Agreement, taking into account the merger of the ASCOBANS Secretariat with the Secretariat of CMS, but maintaining a separate budget for ASCOBANS.
2. The financial period for budgeting and reporting purposes of the Agreement shall be the period beginning 1 January 2013 and ending 31 December 2015⁴.
3. The Trust Funds shall continue to be administered by the Executive Director of the United Nations Environment Programme (UNEP), subject to the approval of the Governing Council of UNEP.
4. The administration of the Trust Funds shall be governed by the Financial Regulations and Rules of the United Nations, the Staff Regulations and Rules of the United Nations and other administrative policies or procedures promulgated by the Secretary-General of the United Nations.
5. In accordance with United Nations rules, UNEP shall deduct from the income of the Trust Funds an administrative charge equal to 13 per cent⁵ of the expenditure charged to the Trust Funds in respect of activities financed under the Trust Fund.
6. In the event that the Parties wish the Trust Funds to be extended beyond the financial period, the Executive Director of UNEP shall be so advised in writing immediately after the eighth session of the Meeting of Parties. It is understood that such extension of the Trust Funds shall be decided at the discretion of the Secretary-General of the United Nations.
7. The financial resources of the Trust Funds for the financial period shall be derived from:
 - (a) The contributions made by the Parties by reference to Annex 2, including contributions from any new Parties;
 - (b) Further contributions from Parties and contributions from States not Parties to the Agreement, other governmental, intergovernmental and non-governmental organizations and other sources.

⁴ This should be read as 31 December 2016, if Resolution No. 7 is agreed by all Parties of the Agreement.

⁵ 7 per cent for voluntary contributions by the European Union

8. All contributions to the Trust Fund shall be paid in Euros. Contributions shall be paid in annual instalments. The contributions shall be due on 1 January for each budget year. Contributions shall be paid into the following account:

UNEP Euro Account
Account No. 6161603755
IBAN: DE 56501108006161603755
JP Morgan AG
PO Box 60284
Junghoffstrasse 14
60311 Frankfurt/Main
Germany
Bank code number 501 108 00
SWIFT No. CHASDEFX

9. For contributions from States that become Parties after the beginning of the financial period, the initial contribution (from the thirtieth day after deposit of the instrument of ratification, acceptance or accession until the end of the financial period) shall be determined pro rata based on the contribution of other States Parties on the same level on the United Nations scale of assessment, as it applies from time to time. However, if the contribution of a new Party determined on this basis were to be more than 20 per cent of the budget, the contribution of that Party shall be 20 per cent of the budget for the financial year of joining (or *pro rata* for a partial year). Contributions of Parties acceding to the Agreement during the ongoing financial period will not be used to reduce the subscriptions of existing Parties during that financial period, but will rather flow into the Trust Fund of the core budget. Contributions for all Parties throughout the financial period shall be based on the UN Scale of Assessments applicable at the time of adoption of this resolution.

10. For the convenience of the Parties, for each of the years of the financial period the Executive Director of UNEP shall as soon as possible notify the Parties to the Agreement of their assessed contributions.

11. Contributions received into the Trust Funds that are not immediately required to finance activities shall be invested at the discretion of the United Nations, and any income shall be credited to the Trust Funds.

12. The Trust Funds shall be subject to audit by the United Nations Board of Auditors.

13. The budget estimates covering the income and expenditure for each of the calendar years constituting the financial period to which they relate, prepared in Euros, shall be submitted to the ordinary session of the Meeting of Parties to the Agreement.

14. The estimates of each of the calendar years covered by the financial period shall be divided into sections and objects of expenditures, shall be specified according to budget lines, shall include references to the programmes of work to which they relate, and shall be accompanied by such information as may be required by or on behalf of the contributors, and such further information as the Executive Director of UNEP may deem useful and advisable.

15. The proposed budget, including all the necessary information, shall be dispatched by the Secretariat to all Parties at least ninety days before the date fixed for the opening of the ordinary session of the Meeting of Parties at which they are to be considered.

16. The budget shall be adopted by a three-quarters majority of the Parties present and voting at the ordinary session.

17. In the event that the Executive Director of UNEP anticipates that there might be a shortfall in resources over the financial period as a whole, the Executive Director shall consult with the Secretariat, who shall seek the advice of the Advisory Committee as to its priorities for expenditure.

18. Commitments against the resources of the Trust Funds may be made only if they are covered by the necessary income of the Agreement. In the case of voluntary (non-statutory) contributions by Parties or non-Party Range States, commitments may be made immediately upon conclusion of the relevant donor agreement.

19. Upon the request of the Secretariat of the Agreement, after seeking the advice of the Advisory Committee, the Executive Director of UNEP should, to the extent consistent with the Financial Regulations and Rules of the United Nations, make transfers from one budget line to another. At the end of any calendar year within the financial period, the Executive Director of UNEP may transfer any uncommitted balance of appropriations to the following calendar year, provided that the total budget approved by the Parties is not exceeded, unless specifically sanctioned by the Advisory Committee.

20. At the end of each calendar year within the financial period⁶, the Executive Director of UNEP shall submit to the Parties, through the UNEP/ASCOBANS Secretariat, the year-end accounts. The Executive Director shall also submit, as soon as practicable, the audited accounts for the financial period. These shall include full details of actual expenditure compared to the original provisions for each budget line.

21. Those financial reports required to be submitted by the Executive Director of UNEP shall be transmitted simultaneously by the Secretariat of the Agreement to the members of the Advisory Committee.

⁶ The calendar year 1 January to 31 December is the accounting and financial year, but the accounts official closure date is 31 March of the following year. Thus, on 31 March the accounts of the previous year have to be closed, and it is only then that the Executive Director can submit the accounts of the previous calendar year.

Resolution No. 7

Application of Article 6.1 of the Agreement

Recalling Article 6.1 of the Agreement concerning Meetings of the Parties, which provides that the Parties shall meet not less than once every three years;

Noting that, unlike the terms of the majority of multilateral environmental agreements, no discretion is given to the Parties, as an alternative, to meet at such other time as they may decide upon;

Noting the need for the Secretariat and Parties to have adequate time during the intersessional period for the effective implementation of the resolutions and decisions taken by the Meeting of the Parties;

Considering therefore that there is a need to apply the Agreement in such a way so as to give greater discretion to the Parties in the scheduling of their meetings;

Further considering that this can be achieved by means of a subsequent agreement of the Parties in line with Article 31(3)(a) of the Vienna Convention on the Law of Treaties that would not be contrary to the object and purpose of the Agreement;

The Meeting of the Parties to ASCOBANS

1. *Agrees* that the phrase "not less than once every three years" in Article 6.1 shall be applied in such a way that meetings shall be held every three years or at such other time as the Parties may otherwise decide upon, that other time being within a period of not more than one year either side of that third year;

2. *Requests* those Parties to the Agreement that were not present at the adoption of this resolution to give their consent to this agreement on the application of Article 6.1 to the Depositary of the Agreement by 23 January 2013 to enable this resolution to enter into force, failing which this resolution shall have no effect.

Note by the Secretariat

Both Belgium and Lithuania communicated their consent to Resolution 7.7 on the Application of Article 6.1 of the Agreement (Annex 11) to the Depositary before the indicated deadline. In line with this, the budgetary provisions as outlined in Annex 1B of Resolution 7.6 on Financial, Budgetary and Administrative Matters (Annex 10) took effect.