

# **REPORT OF THE 26<sup>th</sup> MEETING OF THE ASCOBANS ADVISORY COMMITTEE**

**Online, 8-12 November 2021**



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

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Most of the AC26 participants in an online group picture. © ASCOBANS Secretariat.

**REPORT OF THE  
26<sup>TH</sup> MEETING OF THE ASCOBANS ADVISORY COMMITTEE**

**1. Opening of the Meeting**

**1.1. Welcoming Remarks**

1. Melanie Virtue (Secretariat) welcomed everyone to the 26th meeting of the ASCOBANS Advisory Committee (AC26). AC26 is the first virtual AC meeting in line with the decision of the 9th Meeting of the Parties (MOP9) that meetings would be held online after and prior to MOP. She hoped that Participants could again meet in person in 2022 and invited Parties to offer to host. MOP9 had been the first online governing-body meeting of the entire CMS family, with very successful outcomes which set the standard for others to follow. Ms Virtue welcomed Nynne Lemming (Denmark) and Ieva Čaraitė (Lithuania) as new national focal points. She then proposed a moment's silence to remember Robert Vagg, CMS report writer and editor, who passed away in January 2021.
2. Ms Virtue said that this would be the last meeting co-chaired by Sami Hassani (France) and Penina Blankett (Finland), and thanked them for their work, noting there would be elections towards the end of the meeting.

**1.2. Adoption of the Agenda**

3. The Chair, Sami Hassani (France), invited the Meeting to review the Provisional Agenda and the [Provisional Annotated Agenda and Schedule](#), [List of Documents](#), and Provisional List of Participants, and noted some changes to the order of items.
4. Mark Simmonds (OceanCare) explained that the non-governmental organisations (NGOs) had prepared an opening statement, with the Chair suggesting it be made during the opening of the Scientific Session under Agenda Item 1.4, which was agreed. Sinéad Murphy (Galway-Mayo Institute of Technology, GMIT) asked to add her update on the EU Member States reporting under the Marine Strategy Framework Directive (MFSD) from the ASCOBANS/ACCOBAMS<sup>1</sup> workshop on the MFSD. Anne-Marie Svoboda (Netherlands) wished to present on the mass stranding event of harbour porpoises in the Netherlands that occurred at the end of August 2021.
5. Fabian Ritter (Whale and Dolphin Conservation, WDC) asked to report on the International Whaling Commission (IWC)/CMS Workshop on Ecosystem Functioning on Cetaceans. Fiona Read (WDC) asked to speak about the listing of other species during discussions on the Iberian and Baltic harbour porpoise. The revised agenda was adopted, followed by housekeeping information by the Secretariat.

**1.3. Rules of Procedure**

6. The Chair explained that the AC Rules of Procedure, adopted at MOP8, remained in force unless an amendment was called for. Ms Virtue presented some amendments in relation to virtual meetings in the Annex to the Rules of Procedure: Operating Procedures for Virtual Meetings ([ASCOBANS/AC26/Doc.1.3](#)). The annex was adopted in the absence of objections.

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<sup>1</sup> Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area

## 1.4. Opening of the Scientific Session

7. Ms Virtue presented [Guidance on Formulation of Action Points and Recommendations](#), which had been prepared by the Secretariat in response to a request raised during AC25. Action points should be directed to Parties, the Secretariat, Working Groups (WG), or back to the AC itself, and formulated as “the Secretariat to organise a workshop on [item]”. For example. Recommendations should be articulated using active voice, such as, “Parties are encouraged to [action]”, followed by context/background if needed.
8. Mr Simmonds presented an opening statement (see Annex 8 of this report) on behalf of Coalition Clean Baltic (CCB), Nature and Biodiversity Conservation Union (NABU), OceanCare, WDC, and World Wide Fund for Nature (WWF). They wished to draw attention to the main issues they hoped to see resolved at AC26. The Chair thanked the NGOs for the statement and there were no further comments.

## 2. Review of New Information on Threats and Other Issues to Small Cetaceans

9. Drawing attention to [ASCOBANS Resolution 8.1 \(Rev.MOP9\)](#) on National Reporting, the National Reports submitted by Parties, and the Summary Compilation of the 2020 National Reports ([ASCOBANS/AC26/Inf.2](#)), Jenny Renell (Secretariat) summarised what Parties had reported as the most successful and most challenging aspects of implementation of the Agreement in 2020 (see Annex 3 and Annex 4 of this report).
10. Sven Koschinski (Invited Expert) wondered why bycatch mitigation was not included as a main priority. Katarzyna Kaminska (Poland) agreed that bycatch mitigation is an important priority but that the reporting format for this year did not include bycatch and the focus was on other issues.

### 2.1. Noise

11. Arc'hantael Labrière (Secretariat) [presented](#) a summary of the answers given by the Parties in the national reporting data relating to underwater noise for the period from 1 January – 31 December 2020. She noted that all ten Parties had reported but Sweden's report had not come in time to be included in the summary.
12. Benedikt Niesterok (Federal Maritime and Hydrographic Agency (BSH), Germany) asked whether the reporting of the increase or decrease of noise levels was based on data or was a subjective impression based on the level of activity. The Secretariat clarified that the reporting form asked Parties to include the “nature of evidence”.
13. Mr Simmonds asked whether the assessment of noise levels was based on underwater noise measurements or on the level of activity in the sea, and whether there were measurements being made. Ms Scheidat explained that the Netherlands assessment was based on what was currently known, however, limited available data meant it was difficult to extrapolate.
14. Yanis Souami, Co-Chair of the Joint Noise Working Group (JNWG) of CMS, ASCOBANS and ACCOBAMS [presented](#) its recent events. The group comprised 36 representatives from academia/research, NGOs, government institutions and consultants/other experts and worked online through email. In December 2020 the group re-elected Sigrid Lüber (OceanCare) and Yanis Souami for the chairing role. The TOR and Operational Procedures for the JNWG had been updated in December 2020, in part to establish the Industry Advisory Group (IAG) on Underwater Noise.
15. The JNWG had undertaken a review of the report on Best Available Technology (BAT) and Best Environmental Practices (BEP) for Three Noise Sources: Shipping, Seismic Airgun

Surveys and Pile Driving (as per CMS COP Decision 13.59) from March to May 2021. Following consultation with the IAG, the JNWG would send the advice to the Secretariat to be published as part of the CMS Technical Series.

16. Regarding ACCOBAMS future work within the framework of the ongoing EU QUIETSEAS project, a workshop was to be organised with project partners and members of the JNWG. The workshop would contribute to addressing noise (Descriptor 11) and its potential impact on biodiversity (Descriptor 1) at the regional level.
17. Mr Souami reminded participants that the ASCOBANS AC, ACCOBAMS Scientific Committee, and their WGs could ask, via the Secretariat, the JNWG for advice on issues regarding underwater noise and urged the AC to inform the JNWG about their priorities for the JNWG. Mr Simmonds proposed that the JNWG be asked to advise on the best ways to monitor noise levels in Parties' waters with the aim of making comparable measurements.
18. Heidrun Frisch-Nwakanma (Secretariat) encouraged Parties to review the updated TOR and Operational Procedures, following on from the restructuring referred to by Mr Souami, as well as the JNWG Work Plan, which could be updated on a regular basis in line with priorities. She also briefed the Meeting about the establishment of the IAG, noting that only one sector (oil and gas exploration) was initially represented within the group, but that the Secretariat had reached out to widen the membership. As a result, currently there were eight members across three sectors: oil and gas; pile driving; and offshore infrastructure and shipping. The membership was expected to continue to increase.
19. Aline Kühl-Stenzel (NABU) referred to the comments on ASCOBANS monitoring and reporting process with regards to underwater noise affecting cetaceans<sup>2</sup> [from AC23](#), saying it contained good suggestions, highlighted gaps in International Council for the Exploration of the Sea (ICES) Noise Register, and made recommendations for better understanding of cumulative noise impacts. She encouraged the JNWG to look at this document and the recommendations in it and come back to the AC with advice.
20. Ms Renell (Secretariat) referred to [AC26/Doc.2.1](#) containing the responses from the Netherlands and Poland to a query on national navies' mitigation protocols for use of military sonar, and sought advice on how to proceed with the related WPA #8.
21. Patricia Brtnik (Germany) said Germany had received some information from the navy, indicating that there are instructions (but not a protocol) on the protection of marine mammals. In Germany, marine mammal sightings were collected and input into a database. This information was used for sonar systems planning, and for other sound inputs such as detonations. Risk-minimising measures were employed, and some entries and sightings were voluntarily reported to the BSH to support their national sound registry (MarineEars). She had also been advised to consider the NATO WG on active sonar risk mitigation, which had a protocol (not yet publicly available) containing non-binding guidelines to minimise risk to marine mammals. Mr Simmonds asked whether it would be appropriate to invite NATO to share this protocol with ASCOBANS and wondered if the JWGN could coordinate the invitation. Mr Souami agreed and noted that they had tried in the past to meet with NATO without success, so he welcomed the opportunity to make contact. Mr Ritter pointed out the connection with the military vs. pinger issue<sup>3</sup>. The Chair agreed.
22. The ensuing discussion focused on how to address underwater noise issues related to the military. Peter Evans (Sea Watch Foundation) pointed out that these issues were frequently dealt with by national navies, rather than NATO, and stressed engaging also with the navies themselves. Ms Blankett agreed with inviting NATO but noted, for the pinger issue, that not all countries were in NATO, so agreed with Mr Evans that there was a need to open discussions

<sup>2</sup> [ASCOBANS/AC23/Inf.5.1.1a](#)

<sup>3</sup> A few Baltic Sea countries' navies have raised concern over the usage of pingers interfering with navies' devices.

with countries' navies. The Chair suggested it would be easier to have a representative from NATO attend the AC than the navies. Stina Nyström (WWF Sweden) was concerned about the military pinger issue and wondered if it is possible for the relevant Parties to give an update on resolving this issue and moving it forward.

23. Ms Brtnik (Germany) agreed with inviting NATO and national representatives from the navies and suggested forming a WG. Nathalie Houtman (WWF) suggested inviting military representatives to join in this WG. Ms Virtue cautioned that it had been very hard to get any response from the military. Mr Souami agreed: ACCOBAMS and JNWG had organised a workshop in 2019 with some navy representatives from the ACCOBAMS area and it was very hard to get a response from them. It would be much easier if the focal points or the Ministry for each country made an official request and emphasised connecting with NATO. Jens Warrie (Belgium) suggested asking the relevant environmental officers in the Ministry of Defence to participate. He also asked if anyone had knowledge of mitigation methods which could be shared, with Mr Ritter (WDC) highlighting the CMS Guidelines on Environmental Impact Assessments for Marine Noise-generating activities<sup>4</sup>, which also referred to military activities. Mr Evans again urged direct engagement, as many operations were undertaken by the individual navies outside of what is being done with NATO, and many AC members have contacts with the national navies.
24. Catherine Bell (UK) proposed that the navy be asked specific questions in order to help have more targeted engagement, and to hopefully move things forward. Katarzyna Kaminska (Poland) said Poland had engaged with the military on the question of pingers with some success but also felt specific questions would help. She thought, supported by Ms Brtnik, the better option would be to invite the military to cooperate on an ad hoc basis than to expect them to be involved in the longer term.
25. Dagmar Struss (NABU) said that in general the response from the German navy was that they had an important defence mission but that this was shifting following the exploding of 40 mines in the Baltic Sea Nature Reserve which was believed to be illegal. Mr Niesterok added more information on military cooperation in Germany, saying that they do get information, albeit limited, from the military about relevant activities. Mr Ritter reminded about the CMS Family guidelines for noise mitigation which refer to military activities. He acknowledged there would be difficulties in getting hold of NATO or navies, but that shouldn't prevent us in trying to do so and to highlight that there was currently a public interest related to the military vs. pinger issue. Andrew Brownlow (Invited Expert) noted the importance of gathering wider information to better determine what activities are leading to negative impacts since this is not always easy to determine.

## **2.2. Ocean Energy**

26. The Chair introduced this agenda item and referred the Meeting to [Resolution 8.6 Ocean Energy](#). The Secretariat [presented](#) an overview of the responses in the National Reports related to ocean energy (Section II.B.4).
27. Mr Haelters (Belgium) was concerned that the responses indicated a decreasing impact of offshore windfarms. He suggested this could be, as for Belgium's responses, due to the lack of construction activities in the reporting period, even though the number of windfarms in operation had increased. Monika Lesz (Poland) informed the Meeting that Poland was planning to build an installation at sea, which would produce hydrogen from seawater as a future energy source.
28. Discussion then focused on whether windfarms could benefit marine mammals, with Ms Lesz wondering whether windfarm construction could create a safe haven for marine mammals as fisheries cannot access. Mr Simmonds noted there is no evidence to support this. He continued

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<sup>4</sup> <https://www.cms.int/en/guidelines/cms-family-guidelines-EIAs-marine-noise>

that in some habitats the windfarms led to a change in substrata and so changed the local habitat, but the extent to which fishing is excluded was not clear. The initial concerns about impact were largely focused on the sounds from pile driving and operational visits to windfarms to maintain them. He had not seen any evidence about the impact of associated operational activities, such as ship strikes and some noise and chemical pollution risk, and suggested more research would be useful. He also referred to the responses from four Parties that tidal energy was not applicable as a source of pressure, given there were not many underwater turbines in existence at this point and so this was very difficult to judge.

29. Mr Ritter referred to a study from the Netherlands that indicated that pylons could act as artificial reefs, but said that the positive effects were not clear. What had been underestimated in Germany was the operational traffic to and from windfarms, which was run largely by fast-moving vessels with associated risk of collision and underwater noise. He urged more studies on this and on underwater noise production from windfarm services. Mr Koschinski said that in Germany, fishing is excluded from windfarms for shipping safety reasons, but that there was a lot of pressure for windfarms to do aquaculture. He said there is good reason to exclude trawl fishing as there were a lot of cables, but this could lead to the argument of shifting fisheries from trawls to setnets. Ms Blankett said that in Finland there were discussions about aquaculture around the offshore windfarms. At the moment there is only one windfarm in the offshore area, but several are planned in the marine area. She referred to preliminary information about artificial reefs that the first species to come are invasive species and agreed more information was needed.
30. Ms Scheidat noted there was an ongoing discussion in the Netherlands about the multi-use of offshore windfarms. It was also possible that they could be areas with increased ecological value. She pointed out, however, that windfarms would eventually be decommissioned and that it was unclear how this disruption would impact the local ecosystem. There were few studies giving a long-term look at the changes in habitat due to windfarms and so the Dutch government are supporting long-term projects on porpoise habitat use and change over time.
31. Tobias Schaffeld (Invited Expert) presented on the [Status Quo on Ocean Energy in the Agreement area](#), focusing on acoustic impacts using examples of the current status in Germany. A map showed that the German EEZ would become quite crowded with existing and planned-for offshore windfarms, offshore energy, and areas reserved for shipping lanes, sand and gravel extraction and military activities. He also showed trends over the past 15 years with deeper wind turbines further from the shore, but also improvement of the capacity of some turbines.
32. The key issue was impulsive noise from piledriving, which at close distance leads to lethal injuries for harbour porpoises and causes hearing impairment even at a distance. Noting the importance of hearing for harbour porpoise, he explained that while over time the hearing may recover (temporary threshold shift, TTS), it can still result in a permanent threshold shift (PTS) or some other longer-term hearing impairment. The definition of hearing impairment is very important from a legal perspective as, for example, in Germany, inducing hearing impairment is prohibited by law and is defined as a TTS. He also outlined the impacts related to the cessation of foraging activity, for example, when harbour porpoises flee from the noise source area.
33. Mr Schaffeld outlined several mitigation measures and issues that may arise. The diameter of wind turbines may increase in the future generating greater levels of pile driving noise, whilst if wind turbines are placed at greater depths, big bubble curtains might not be applicable as a mitigation measure. Other mitigation measures included isolation casings, hydro sound dampers (both of which build a curtain around and deflect the noise), and vibrating pile drivers. He flagged that these latter may have different impacts because of the continuous noise source. There had been some technological developments such as pulse prolongation by adaptation of hydraulic hammers and BLUE piling. More research was needed on the effects of these measures.

34. On best practices and guidelines, he informed that single strikes above 164dB could produce a TTS<sup>5</sup> and referred to the Single Strike Regulation<sup>6</sup> in Germany. A further study showed that multiple strikes with 145dB could induce a TTS if the cumulative energy exceeds 175dB<sup>7</sup>. Analysis of underwater noise recordings of a German offshore windfarm demonstrated that the safe circle to minimise impact was 5,6km. Mr Evans noted that this is based on one particular site, and may vary. Mr Schaffeld recommended prior deterrence up to a minimum of deterrence distance<sup>8</sup> to enable the harbour porpoise to escape to the safe distance. Using the fastest reported swim speed of harbour porpoise for that windfarm, a minimum deterrence distance of 2,4km was calculated.
35. Ms Kühl-Stenzel asked how Parties could implement coherent planning to ensure there are safe areas for harbour porpoise and asked for more detail on noise associated with vessel movement and during the operational phase. Mr Schaffeld urged agreement across countries on areas and time periods when noise activities should be restricted, for example during the calving season. On the effects of the operational phase, they had seen an increase of vessel activity offshore with some high-speed vessels and increased noise when the vessel was pushing against the pile. He also noted that, even though wind farms might create an artificial reef which could support some fish species, acoustic communication was also important for some fish species so the noise could be a problem for them too.
36. Mr Evans asked to what extent the fact that fish are dependent on particle motion was being incorporated in his studies as that could have an indirect effect on top predators such as harbour porpoise. Mr Schaffeld said it was difficult to separate particle motion in the lab, although they were testing the effects of vessel noise on fish and potential hearing damage.
37. Given different countries were using different noise thresholds, Ms Houtman wondered whether a uniform noise threshold could help mitigate noise. Mr Schaffeld explained that Germany was the only country that considered TTS as a hearing impairment while others aimed to prevent a PTS, which is linked to much higher thresholds. Some studies for mammals indicated that a TTS affects auditory function, and recurrent TTS could affect the ability to distinguish a relevant signal in high background noise situations, which makes the animal vulnerable in such situations. Ms Blankett noted that Finland had done some research and had guidance regarding wind turbine constructions (noise etc.), as well as on operations after the windfarm construction was finished.
38. Ms Svoboda highlighted the Netherlands' longer-term 'Offshore Wind Ecological Programme' which was updated regularly. One priority was to start a long-term project on harbour porpoise habitat use with a tagging pilot project starting within the next year. On establishing common thresholds for pile driving, Mr Ritter noted that a similar mitigation technique would have a different effect depending on water depth and current, and that thresholds depend on what was technically feasible within an acceptable budget. Behavioural disturbances for harbour porpoise have been reported at 144dB, which strongly indicates that the permitted noise level should be lower than where it was now in Germany. Mr Simmonds pointed to discussions about the occurrence of PTS as a criterion to enact noise mitigation measures, which the NGO community had strongly opposed as a PTS clearly handicaps the animal.
39. It was agreed that the proposed action points would be considered under Agenda Item 11.

<sup>5</sup> Lucke et al. (2009). Temporary shift in masked hearing thresholds in a harbor porpoise (*Phocoena phocoena*) after exposure to seismic airgun stimuli. DOI:[10.1121/1.3117443](https://doi.org/10.1121/1.3117443)

<sup>6</sup> Within a distance of 750 meters from the sound source, it is not allowed to exceed a sound exposure level (SEL) of 160 dB and a peak sound pressure level (SPLp-p) of 190 dB for a single strike.

<sup>7</sup> Kastelein et al. (2016). Pile driving playback sounds and temporary threshold shift in harbor porpoises (*Phocoena phocoena*): Effect of exposure duration. DOI:[10.1121/1.4948571](https://doi.org/10.1121/1.4948571)

<sup>8</sup> Schaffeld, Tobias (2020): Effect of anthropogenic underwater noise on harbour porpoise hearing in areas of high ecological importance. Hannover. [urn:nbn:de:gbv:95-114647](https://urn.nbn.de/gbv:95-114647)

### 2.3. Unexploded Ordnance

40. The Chair introduced this agenda item and referred to the related documents including EU Council Conclusions on Maritime Security ([ASCOBANS/AC26/Inf.2.3](#)), and [Resolution 8.8 Addressing the Threats of Underwater Munitions](#). The Secretariat presented an overview of the responses in Section II.C.8 of the National Reports.
41. Discussion focused on how to avoid double reporting, given, as Ms Scheidat noted, that the data were already reported to OSPAR. Mr Warrie explained, as he was involved in the data review process, that OSPAR mainly added shipwrecks to the reporting so there should not be any mismatch in the current reporting formats. Mr Koschinski noted that in question 8.2, three countries reported to HELCOM but there was no unexploded ordnance (UXO) database in HELCOM so wondered if it was going directly to the HELCOM impulsive noise registry. He also noted that the HELCOM impulsive noise registry was also incomplete and urged the Parties to provide the information to HELCOM, including the size of the charge. Ms Scheidat acknowledged that Parties were providing information on UXO to the HELCOM impulsive noise registry, but that if there was a two-year delay before the data were accessible that wasn't efficient. She referred back to previous discussions on this during the review of the national reporting format, and again wondered whether UXO could be accessed from the HELCOM impulsive noise register.
42. Mr Koschinski said there were two databases at OSPAR – one on impulsive noise and one on UXO. There was some double-reporting, but they contained very different data. Mr Warrie noted the time lag for the OSPAR database, with the most recent information being 2017, and that the database was not very detailed as the focus of the OSPAR recommendation was not about considering impact to the marine environment. Ms Scheidat proposed tabling this issue again under national reporting to ensure that the reports gather the information that is useful for ASCOBANS. Ms Murphy highlighted the ICES Impulsive Noise Registry that did have data inputted to 2020, though Mr Evans noted that the registry is also incomplete and there are data from 2020 that had not been submitted by late 2021.
43. Mr Koschinski presented an overview of the status quo on UXO in the Agreement area. He presented a map showing the location of UXO, indicating a lot of developments in the North and Baltic Seas. The encounters were becoming more frequent. UXO were of concern to ASCOBANS for several reasons, including: the explosions were the loudest point source of underwater impulsive noise; blast injuries affected small cetaceans at ranges of many kilometres and there was a potential for population impact; and there was release of toxic substances.
44. In 2019, mass strandings of harbour porpoise followed the exploding of 42 mines in the Fehmarn Belt Marine Protected Area (MPA). The carcasses were retrieved with injuries typical for blasts such as bleeding in the acoustic fat, damage in the middle ear, fractured ear bones and damage to the inner ear. While the size of the problem was not clear, there had been a number of such reports including in 2005 a mass stranding off the coast of Jutland, Denmark where a prior large military exercise with underwater explosions could have contributed to those deaths; and a mass stranding in Kyle of Durness, Scotland in 2011 of long finned pilot whales, where bombs had been detonated a few days before. Mr Koschinski referred to a 2015 publication<sup>9</sup> which indicated that ordnance explosions might have a population effect.
45. On mitigating measures, he recommended using a combination of bubble curtains and seal scarers. The scaring distance of a seal scarer was approximately 1km, the danger radius was approximately 10km, the deterrence area was about 1% of the danger area and a density typical for the North Sea was about 1 animal per km<sup>2</sup>. In this example, if one can deter three animals with a seal scarer, 311 others could be harmed because they were in the danger area

<sup>9</sup> Assessing the Impact of Underwater Clearance of Unexploded Ordnance on Harbour Porpoises (*Phocoena phocoena*) in the Dutch North Sea. [DOI 10.1578/AM.41.4.2015.503](#).

and also the ones deterred from the inner circle would also be deterred to the outer circle and so were still in danger. The challenge was also that a protected species observer typically probably could not see further than 1km, depending on light, waves, and weather. For a bubble curtain, the pressure reduction of 15dB reduced the danger radius by a factor of 10 and the danger area by 99%.

46. Mr Koschinski reported on the recent international forum for tackling the challenges of offshore clearance in Kiel, Germany<sup>10</sup>. Some of the representatives from navies and NATO who were present were aware of the problem and risks for marine mammals of the detonations, but argued that their task is to focus on national security and human safety and not on the environment. There was willingness to be environmentally friendly and he could reach out to some of these people on this issue. During the conference, industry presented some ideas for robotic salvage methods including water manipulators, a platform which is protected against possible explosions and contains a combustion system for UXO. The approximate cost was €100m and the German government might fund a pilot of this programme.
47. Mr Koschinski concluded with proposing action points (see [presentation](#)). Sarah Dolman (WDC) supported the action points and emphasised the importance of the information, in particular on distances for potential injury, and on how inadequate observation from around the site could point to the need for other measures. She drew attention to the development of guidelines which are useful to militaries and offshore development companies, and urged drawing together the information from Mr Koschinski's presentation in one place.
48. Ms Brtnik supported the action points and having guidelines on best practice. She asked about a WG in Germany to work on some guidelines for environmentally friendly UXO removals and wondered if the navies were participating in this, with Mr Koschinski responding that he was involved in the WG tasked to come up with voluntary guidelines for German waters. Julia Carlström (Sweden) noted that the safe distances depended on many factors and that, due to the low salinity of the Baltic Sea, impact distances were in general longer in the Baltic Sea than the North Sea. She urged that, given the critical status of the harbour porpoise in the Baltic Sea, countries around the Baltic Sea come together to address this. Ms Kaminska supported the action points and asked about how best to mitigate the impacts of large detonations with a charge weight >1000 kg. Mr Koschinski responded that while bubble curtains had never been used for such a large explosion, there were several tests in German waters that showed this technology was scalable and worth investigating further, using a larger distance of the bubble curtain from the explosive.
49. Ms Kühl-Stenzel urged the AC to recommend that detonations should be a last resort and supported the action points. Ms Scheidat supported activities within ASCOBANS on this, noting that the examples given did not consider density, with Mr Koschinski responding that the example used a typical density and that the 2015 study he had referred to did use a population model derived from sighting surveys. Ms Scheidat also noted impacts on other ecosystem components such as fish, which were then also affecting cetaceans. Mr Niesterok queried whether density was always the most appropriate measure to conduct an impact assessment.

## **2.4. Marine Spatial Planning**

50. The Chair introduced this agenda item and referred to the National Reports, the HELCOM-VASAB Guideline for the Implementation of Ecosystem-Based Approach in Maritime Spatial Planning (MSP) in the Baltic Sea Area<sup>11</sup>, and [Resolution 8.9 Cumulative Impacts](#). The Secretariat [presented](#) an overview of the responses in the National Reports on MSP (Section II.D.15).

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<sup>10</sup> <https://munitionclearanceweek.org/>

<sup>11</sup> [ASCOBANS/AC26/Inf.2.4](#)

51. Jip Vrooman (the Netherlands) informed that the Dutch government had set up a North Sea Dialogue in 2020 under the supervision of an independent chair. Government representatives, main economic users and nature conservation agencies were tasked to come to an agreement on how to proceed with MSP and outline a roadmap. In June 2020 the agreement was signed, unfortunately without the final support of the fishing sector. It delineated spatial allocations for additional nature conservation areas and offshore windfarms and provided a transition fund for different sectors that might need transitions and money for research.
52. The Secretariat referred to AC25 Action Point 9 instructing the AC to draft a resolution for MOP9 on an ecosystem-based approach to examine the effects of pressures on small cetaceans. A correspondence group had been formed, but the resolution was not finalised so it was suggested the AC might want to follow up on this.
53. Ms Kühl-Stenzel gave a [presentation](#) on the status quo of MSP in the Agreement area. She explained that the marine spatial planning process brings all actors together to try to have an inclusive democratic process to allocate space for shipping lanes, offshore windfarms, sand and gravel extractions and nature with the aim, as the 2014 MSP Directive was interpreted by the European Commission, of establishing good environmental status. As a useful background, she recommended everyone to have a look at Ms Blankett's presentation<sup>12</sup> on MSP given at AC23.
54. Ms Kühl-Stenzel highlighted that the Netherlands used an inter-disciplinary approach with a third MSP in preparation and a 6-year cycle in line with the MSP Directive, but that the methodology used was not consistent across countries. The EC was evaluating national plans once they were ready. The Birdlife Network was preparing an assessment of selected national MSPs, and WWF was doing an evaluation of all countries at a higher level, looking at an ecosystem-based approach likely to be ready by the beginning of 2022. Small cetaceans were being considered as part of WWF's evaluation.
55. She urged Parties to ensure the spatial/temporal distributions of cetaceans were included in these MSPs, but also to consider how industrial sectors like ocean energy affect the ASCOBANS species under certain conditions and certain depths. She said alarm bells were ringing at all levels about the status of seas and referred to the recent IPCC/IPBES report<sup>13</sup> reminding us that climate change and nature conservation need to go hand-in-hand. Marine spatial planning needed to create the space for recovery.
56. She recommended a checklist when looking at national MSPs, including application of an ecosystem-based approach, based on the Joint HELCOM-VASAB Maritime Spatial Planning Working Group (HELCOM-VASAB MSP WG) guidelines; considering how different sectors were operating in this space and avoiding conflict with cetaceans; species-specific zonation and management of cetaceans; and ecological coherence across the ocean basin. She further recommended using guidelines for cetacean-friendly MSPs, ensuring that ASCOBANS' voice was heard in their development by contributing to the evaluations and potentially measuring performance against the HELCOM-VASAB MSP WG indicators.
57. Ms Blankett agreed it was important to consider cetaceans in MSPs and asked about defining the EEZ for the MSP, noting that the MSP Directive included all water areas under the MSP. In Finland the MSP was non-binding guidance, which was an important aspect to consider. She agreed it would be good to be in communication with HELCOM-VASAB MSP WG which had its next meeting the following week. Ms Kühl-Stenzel agreed with Ms Blankett's comments, noting that some of the national plans included coastal waters and agreeing it would be good to link up to the HELCOM-VASAB MSP WG.

<sup>12</sup> <https://www.ascobans.org/en/document/marine-spatial-planning>

<sup>13</sup> Global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services. <https://doi.org/10.5281/zenodo.3831673>

58. Ms Scheidat was concerned that Ms Kühl-Stenzel had correlated the harbour porpoise population reduction in the Sylt outer reef to windfarms when it was not clear that these activities were the cause, and further warned against dramatizing the state of the seas especially when working with stakeholders where it was important to also point out what is going well. Ms Kühl-Stenzel agreed that it was important to be constructive and manage this together using the full potential of the MSP process.
59. Mr Evans urged moving marine spatial planning to a different level. Looking at overlaps with human activities with other taxa is just a first step, and what is needed is to look at the impacts and causal links in quantitative terms. Several studies were going on leading to a better understanding/mapping impacts in a cumulative sense through activities. He urged taking an ecosystem-based approach.
60. Oliver Schall (Germany) asked whether any analyses had been done across EU countries of the status of implementation of the MSP Directive. Ms Kühl-Stenzel said NABU was closely following the EC which would judge the implementation. The EC would like for the Marine Strategy Framework Directive (MSFD) and the MSP Directive to go together. The priority was to work on the implementation, but she felt it might be necessary to change the MSP Directive in the longer term. ASCOBANS could help translate the guidance from the EC specifically as it related to cetaceans.
61. Mr Simmonds said there were some opportunities to develop guidance not just for ASCOBANS Parties but that might have broader implications. He proposed an intersessional WG tasked with considering the concerns and questions raised, such as how to best develop guidelines for cetacean friendly MSPs. This was agreed.

## **2.5. Other**

62. The Secretariat provided a briefing on the issues raised in 2020 National Reports regarding 'Other Matters' (Section VII). Two difficulties were indicated in implementing the Agreement: slow process to develop and implement indicators of the EU MSFD; and the lack of sufficient information on bycatch covering both the Baltic and the Belt Sea population which made it impossible to assess the threat level and decide on mitigations. Burning issues highlighted were: overcoming challenges to protect beaked whales in the NE Atlantic – [ASCOBANS Intersessional WG Report](#); and ensuring funding for SAMBAH-II.

### Outcomes from JBWG1

63. Mr Evans, as Co-Chair of the Joint Bycatch Working Group of ASCOBANS and ACCOBAMS, [presented](#) the outcomes from their first meeting (JBWG1), Recommendations from JBWG1<sup>14</sup>; and the ASCOBANS Technical Series No.1 on Monitoring Cetacean Bycatch: An Analysis of Different Methods Aboard Commercial Fishing Vessels<sup>15</sup>.
64. JBWG1 was held online from 10-12 February 2021, with >150 participants from 31 countries spanning the Baltic, North Atlantic, Mediterranean and Black Seas, including scientists, managers, decision-makers, and representatives from the fishing sector. They shared experiences and discussed priorities. Twenty-four recommendations in total were made including: Five general ones calling for increased and more targeted sampling of high-risk fisheries along with urgent measures in the Black Sea and Baltic Proper; ten recommendations to improve monitoring including better understanding of factors relating to bycatch risk; and nine recommendations to prevent and mitigate bycatch including greater stakeholder engagement, area-based measures, alternative fishing gears, and new technologies.

<sup>14</sup> <https://www.ascobans.org/en/document/recommendations-1st-meeting-joint-bycatch-working-group-accobams-and-ascobans>

<sup>15</sup> <https://www.ascobans.org/en/publication/monitoring-cetacean-bycatch-analysis-different-methods-aboard-commercial-fishing-vessels>

65. An ASCOBANS cost-benefit analyses of monitoring methods had compared two methods used for bycatch monitoring: at-sea observers and Remote Electronic Monitoring (REM). Three fisheries were used as examples: a UK gillnet fishery; a French pelagic trawl fishery; and a Danish gillnet fishery. The suitability of each method was dependent on the aim of the monitoring process, the levels of coverage required to improve confidence limits and their utility, the acceptance of stakeholders towards the selected methods and whether the implementation was mandatory or voluntary. The conclusion was that REM provides a cost-effective and high-quality monitoring coverage especially suited for larger, pelagic vessels of for high levels of fleet coverage. Its accuracy is increased with additional fishing sensors, GPS data and the ongoing development of machine learning approaches that automatically identify bycatch indicators. Developments in portable REM units could allow systems to be swapped across smaller vessels, saving costs. There was potential to combine REM with self-reporting system from fishers to report all Endangered, Threatened and Protected (ETP) species bycatch events, with observers conducting the video reviews and collecting other data.
66. Various mitigation measures were investigated to reduce cetacean bycatch including Acoustic Deterrent Devices (ADDs), Porpoise Alerting Devices (PAL), acrylic echo enhancers and others. A report on this prepared by Fiona Read (WDC) was about to be released. Most mitigation measures within the ASCOBANS Agreement Area were for static nets. The cost of implementation varied between €1,000 – 5,000 for a 4,000m long gillnet. ADDs were the only proven mitigation method in the ASCOBANS region. She concluded that mitigation measures and their effectiveness needed to be assessed on a case-by-case basis and trials should be conducted in operational fisheries. Alternative gears were reviewed and were generally limited to coastal waters. The cost of switching gears varied between €2,000 (fyke nets) and €46,000 (pots). The success of mitigation measures and alternative gears required close collaboration between industry, scientific institutions, and government. Countries needed to comply with their legal obligations to reduce and prevent cetacean bycatch.
67. Ursula Krampe (DG MARE) asked if there was an assessment on cost and efficiency and loss for the alternative gears compared to the use of static nets such as gillnets. Ms Read answered that they did look at catch efficiency but did not detail the economics as catch efficiency varied across regions. It was not always the case that to go from gillnet to pot was more efficient as the fish caught may not be in such good health. There were some impacts that change the cost of gears, for example in Scotland, the mobile sector trawl up a lot of pots. WDC were starting an alternative gear project and would be looking into this and interviewing fishers on the impacts.
68. Mr Haelters asked whether WDC looked at the impacts to reduce seal bycatch, noting that Belgium had a much higher incidence of bycatch-evidence in stranded seals than in stranded porpoises. Ms Read responded that they did not focus on seals except to say that there might be depredation impacts. The employed mitigation methods were similar for seals and cetaceans. The work in the Baltic was mainly about seals and WDC had recently finished a study looking at the entanglement risk of pots and no fishers reported seal bycatch, which suggested that pots could be an alternative to reduce both seal and harbour porpoise bycatch.
69. Mr Evans said that, although ASCOBANS and ACCOBAMS are focused on cetaceans, there was a need to embrace other taxa to ensure that mitigation measures work across taxa. The JBWG could pay close attention to monitoring and mitigation measures for cetaceans and whether there needed to be any modification for other taxa. REM was effective for seabird and turtle bycatch, for example. Ms Bell agreed on looking across taxa and said that the UK was trying to do this, and she was happy to report back further. Ms Svoboda noted the proposed EU LIFE CIBBRiNA<sup>16</sup> project hoped to look across taxa too.

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<sup>16</sup> Coordinated Development and Implementation of Best Practice in Bycatch Reduction in the North Atlantic Region

70. The JBWG Work Plan 2021-2022 included to: collate and prepare an overview of scientific information relevant to bycatch of affected cetacean species related to abundance and MUs including population dynamics; reviewing available information on Illegal Unreported and Unregulated (IUU) fishing, recreational fishing, identification of bycatch risk areas, fishing techniques and gear applied in both Agreement areas related to bycatch; contributing to the assessment process of the EU-MFSD criteria and/or UNEP-MAP EcAP and associated targets and review and provide updates on bycatch mitigation measures and their effectiveness; preparing an overview of national and international legislation and other relevant measures relevant to the monitoring and management of cetaceans; preparing advice on target setting including potential conservation and user objectives; and provide technical support as required to facilitate dialogue with relevant bodies.

#### ASCOBANS Workshop on Management of MPAs for Small Cetaceans

71. Ida Carlén, Coordinator of the ASCOBANS Baltic harbour porpoise action plans, presented the outcomes<sup>17</sup> from the ASCOBANS Workshop on Management of MPAs for Small Cetaceans which had been tasked by AC25. The intention had been to hold the workshop in April 2020, but it was eventually held in two online sessions in May and June 2021. The objectives were to discuss and make recommendations on criteria and clear options for well-formulated conservation objectives for small cetacean MPAs and create a toolbox of conservation measures for small cetacean MPAs.
72. The participants of the workshop identified the main threats as: bycatch, impulsive/acute underwater noise, continuous/chronic underwater noise, prey depletion; environmental contaminants and pollutants; disturbance from the presence of humans; and habitat quality. They first discussed conservation objectives, starting by drafting a list of ambitious ideas, choosing a few and rewording to well-formulated SMART objectives. In part two of the workshop, they spent three days (led by facilitators) looking at ambitious and innovative examples of practical conservation measures and creating situation models, considering what leads to the threats, drafting measures, and prioritising and specifying - for example: "Establish and enforce mandatory use of effective mitigation measures during construction and other noise-emitting activities, within MPAs and their buffer zone."
73. Ms Carlén said that the Workshop organising committee proposed holding a second workshop to agree a more complete toolbox of measures and asked for feedback from the AC. Ms Brtník, Ms Day, and Ms Dolman all had found the workshop very useful and were in favour of a follow-up. Mr Simmonds recommended that everyone should read the report and also favoured a follow-up. The AC Chair also supported a second workshop, and it was agreed. Ms Carlén thanked everyone and the funders WWF Sweden and WWF Germany.

#### IWC/CMS Workshop on Ecosystem Functioning of Cetaceans

74. Mr Ritter, Co-Chair of the IWC/CMS Workshop on Ecosystem Functioning of Cetaceans, briefed the meeting on the outcomes<sup>18</sup> of the workshop. The role of cetaceans in well-functioning marine ecosystems was being discussed in several fora and had been on the IWC agenda for several years. The original workshop was planned for April 2020 and eventually took place online in April 2021. Some of the world's leading scientists in ecosystem functioning attended. They reviewed the existing literature and knowledge about ecosystem functioning including presentations under four categories: whale falls, nutrient circulation, ocean fertilisation, and cetaceans as predators.
75. Mr Ritter referred to a table in the report that listed the ecosystem functions of cetaceans. The main ecosystem functions could be summarised as: whales move organic matter and nutrients vertically in the water column (whale pump), and horizontally via the transport of nutrients from

<sup>17</sup> <https://www.ascobans.org/en/document/report-ascobans-workshop-management-mpas-small-cetaceans>

<sup>18</sup> [ASCOBANS/AC26/Inf.2.5d](#)

highly productive foraging grounds to nutrient poor low latitude feeding grounds (the great whale conveyor belt); cetacean faeces locally enhance primary production especially through iron; cetaceans (large and small) contribute to marine bio-chemical cycles; cetacean carcasses contribute to deep sea biodiversity (whale falls); through their large body mass they contribute to carbon storage and carbon sequestration when they die; and cetaceans also can play important roles as predators and prey. A variety of marine species contribute to nutrient mobility providing ecological benefits including primary production.

76. The workshop noted a significant loss in carbon sequestration value as a result of commercial whaling, and noted how that value was increasing as many whales appeared to recover. Climate change and other anthropogenic impacts were also discussed, and participants agreed that studying these and cetaceans' impact on ecosystem functioning was important.
77. Participants to the workshop agreed that vertebrates were an integral part in a well-functioning marine ecosystem and that they provide a long list of ecosystem functions and services to humans. Interest in the issue of ecosystems of cetaceans, in particular climate change, had increased and was likely to continue to do so through discussions about blue carbon and nature-based solutions to stakeholders.
78. A second workshop was planned, focussing more on technical issues and modelling of ecosystem functioning. In the meantime, WDC was organising two symposia to follow up on the IWC/CMS workshop: the first took place in October 2021 and the next one would be in December 2021.

#### Mass Stranding of Harbour Porpoises

79. Ms Svoboda presented on the mass stranding of +/- 200 harbour porpoises in the Wadden Islands, the Netherlands, in August 2021. The mass stranding event was considered unusual, as in general there were approximately 500 strandings during a whole year in the Netherlands. A group of experts investigated 22 of the animals and they put a call out to North Sea users and through ASCOBANS to neighbouring countries, to ask about activities that might have taken place, and to investigate strandings elsewhere at that time. They also asked Rijkswaterstaat to undertake a drift model, and the resulting hypotheses were that it could be the result of the strong north/western wind in the previous 10 days, noise impact, other human activity, or toxic algal bloom or another substance. The drift model was based on search and rescue activities for drowned people, modelling +/- 2 weeks prior to the event and narrowing it down to a moment in time which led to the date of 11 August as the approximate time of mass mortality, which very similar outcomes for the different strandings locations.
80. Results of the outreach to other countries did not reveal any uncommon activities reported. The UK reported a large numbers of bird strandings and strange behaviour of birds in Scotland at the time whilst there had been many bird strandings also in the Netherlands in the last weeks prior to the mass stranding event.
81. Mr Haelters asked whether the Netherlands had investigated specific fishing vessels active in the area at the time of the presumed death of the animals to consider possible bycatch. Ms Svoboda noted that in the Netherlands there were only a few vessels still fishing with gillnets, and there were very low levels of bycatch, so it seemed unlikely. Mr Ritter asked if they had reached out to strandings networks and added that if it turned out to be an algal bloom, this would add to the factors that can affect harbour porpoise in the North Sea at the population level. Mr Simmonds said that saxitoxins were one of the most concerning toxins, also for humans, and asked if they were talking to the UK about bird data and to the people in the US who had experience in looking at unusual marine mammal mortality events as saxitoxin was more commonly reported there. Ms Svoboda said that Lonneke IJsseldijk, who had carried out the necropsies, had been in touch with Francis Gulland in the US.

82. Ms Murphy suggested it could have been a localised event involving saxitoxins as this had occurred in Cork Harbour in Ireland. She asked how the 22 individuals out of the 200 stranded harbour porpoises had been selected. Ms Svoboda explained that the freshest specimens were used and that there had also been some juveniles, but they were not as fresh. Ms Murphy said one would expect juveniles at that time of year, and that she would not rule out acoustic trauma. Ms Svoboda noted that because of decomposition, they could not look for evidence of acoustic trauma, but that acoustic trauma would have been considered if a significant event involving underwater noise had taken place. There were no naval exercises going on either.
83. Ms Murphy commended the Netherlands in acting fast to get the samples analysed and suggested there might be some other drift models from France which could be helpful. Ms Houtman encouraged not ruling out human impact yet and asked whether a timescale was known for getting the results on algal blooms. Ms Svoboda assured that they were not ruling out other human activities and that results were expected by the end of November 2021.

### **3. Species Action Plans (SAP)**

#### **3.1. Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan)**

84. Ida Carlén, Chair of the ASCOBANS Jastarnia Group (JG), [presented](#) an update on activities of the group, referring to the relevant documents: the Proposed update to the JG TOR ([ASCOBANS/AC26/Doc.3.1a](#)); the [JG17 Meeting Report](#); the Progress Report on the Jastarnia Plan<sup>19</sup>; and the Progress Report on the WBBK Plan<sup>20</sup> which she presented here rather than under Agenda Item 3.2 given the links between the two.
85. She reported that the JG had discussed the Baltic Proper Harbour Porpoise listing in CMS Appendix I and the updating of the JG TOR, the extent of plan areas, and had some suggestions and priorities for the Parties to consider and some proposed Action Points.
86. The ICES advice, Joint Recommendations and Delegated Act was currently the most important item for the Baltic harbour porpoise conservation plan. In July 2019, a group of NGOs proposed emergency measures and in May 2020, ICES scientific advice was published. In December 2020 and September 2021, BALTFISH submitted joint recommendations to the EC on measures within the MPAs and a draft delegated act was presented at a meeting of the European Commission Expert Group on Fisheries and Aquaculture in September 2021, where the Member States and experts had a chance to comment on the text. Some comments were made about clarifying the text, and the JG was now waiting for the delegated act to go to the European Parliament. Ms Carlén briefly described the Delegated Act closure areas and timings and the areas for obligatory use of pingers. There were military concerns about the large-scale use of pingers in static net fisheries and so there were no measures outside of MPAs, which was a big concern for this endangered population. The JG hoped there would be further proposals soon.
87. Ms Carlén said that national monitoring was being expanded and showed a map of the monitoring stations in the Baltic countries. There was concern as in Sweden county boards wanted to have regional monitoring programmes, but this had not been approved by the military. A Mini-SCANS-II pilot survey had been carried out in the WBBK in 2020, indicating the lowest abundance estimate since 1994. A trend analysis would be finalised in the first half of 2022.
88. On underwater noise and offshore windfarms, she showed a map of the Baltic Sea and plans for existing windfarms in the Baltic Sea region, indicating a concerning number of areas planned for windfarms, and urged keeping an eye on possible negative effects.

<sup>19</sup> [ASCOBANS/AC26/Inf.3.1a](#)

<sup>20</sup> [ASCOBANS/AC/26/Inf.3.2](#)

89. Ms Carlén informed the AC that the draft proposal for CMS listing for inclusion of the Baltic Proper Harbour Porpoise in CMS Appendix I ([ASCOBANS/AC26/Doc4.4a](#)) was on MS Teams for comments and thanked Ms Carlström and others for comments so far, noting it would be discussed later under Agenda Item 4.4.
90. The JG TOR had been updated as they had not previously included the WBBK Plan and Ms Carlén hoped the AC was happy with the revisions (updated TOR available in Annex 2 of this report). JG17 had also discussed the extent of the Jastarnia and WBBK plan areas to bring them in line with the MUs in the region. It was agreed that the plan areas should be updated in conjunction with future updates of the plans, so that the Jastarnia Plan extends East from 13.0°E and the WBBK Plan extends from 56.95°N to 13.5°E giving a slight overlap between the two plans.
91. Finally, she referred to the Action Points from JG17 ([ASCOBANS/AC26/Doc.3.1b](#)) and said the JG had felt that the immediate priority was to resolve the military issue currently preventing bycatch mitigation measures being taken in the entire population area, in line with Article 12 of the EU Habitats Directive, which is a legal requirement for EU Member States. Other priorities were SAMBAH-II and the CMS Appendix I listing.
92. Ms Murphy wondered whether the JG had reviewed the BALTFISH Joint Recommendation before it was submitted, with Ms Carlén responding that the JG was not formally given the Joint Recommendation but saw it through other fora. Ms Kaminska commented that the Delegated Act was being finalised and had been submitted to countries with their comments. She thanked the EC for this and for including the suggestion for a derogation period for implementation of pinger obligations in Puck Bay as an important issue. A call for applications would be made for fishermen to purchase pingers, following which there would need to be time to train them on their use.
93. Mr Evans said SAMBAH-II would rely on C-PODs or F-PODs so agreed that it was concerning if the military were opposing this, with Ms Carlström explaining there was no real solution at this point, but they had had a discussion with the Swedish Environmental Ministry two weeks ago and were trying to have a dialogue with the equivalent level on the military side. The county boards were trying to deploy F-PODs, but the issue was not the type of instrument being used but rather the number of instruments and how long they would be in the water.
94. Stina Nyström (WWF) fully supported the suggested priorities and wondered about the issue of underwater continuous noise from shipping. Ms Carlén said this was indeed a priority from the JG, but the focus was on bycatch for now and hoped underwater noise was an issue that could be dealt with at the international level. Ms Kaminska expressed surprise that C-PODs or F-PODs were being questioned, as did Ms Brtnik who suggested changing the dates for SAMBAH-II to try to apply for funding again.
95. Ursula Krampe (EC - DG MARE) expected that the earliest date for the implementation of the Delegated Act was February 2022 (2 months scrutiny), but said that the EU Parliament might take longer if it used the four months' scrutiny. Member States had time to comment until mid-November and the next step was the adoption in the European Parliament. The September 2021 Joint Recommendation (JR) contained commitments from Member States on additional control measures and on measures to stop fishing activities with static nets where harbour porpoises were sighted. Ms Krampe was confident, given the regional cooperation, that things were going in the right direction. She also clarified that the Delegated Act contained an obligation to equip static nets with ADDs in the Puck Bay, and in an area in Swedish waters in the southern Baltic Sea where pingers were to be mandatory in certain seasons, and which was closed in other seasons. The national military concerns prevent pingers to be used in further areas.

96. Ms Murphy asked whether the Delegated Act stipulated the type of pingers to be used. Ms Krampe responded that pingers had to comply with the Technical Measures Regulation as set out in the Implementing Act. If Member States proposed certain other pingers and could justify their effectiveness, then these could also be considered. Ms Kaminska said Poland was going to use Banana pingers or Future Oceans pingers at the fishers' discretion.

### **3.2. Conservation Plan for the Harbour Porpoise Population in the Western Baltic, the Belt Sea and the Kattegat (WBBK Plan)**

See Agenda Item 3.1 above.

### **3.3. Conservation Plan for Harbour Porpoises in the North Sea (North Sea Plan)**

97. Mr Evans, as Chair of the North Sea Group, presented an update on activities of the North Sea Group (NSG) and the most recent meeting (20-21 January 2021), including the Priority Recommendations from NSG9<sup>21</sup>. The conservation plan for the Harbour Porpoise in the North Sea was adopted in September 2009 at MOP6 in Bonn and the first meeting of the group was in May 2011. Twelve action points had been adopted with the Conservation Plan, with eight, listed as high priority, reviewed annually, and the remaining points periodically.
98. Mr Evans reported on his study on a comparison of fishing effort determined by AIS and VMS between 2015-2018, producing maps and assessing risk in Belgium, Denmark, France, Germany, the Netherlands, Sweden, and the UK, with the aim of having more targeted monitoring and mitigation efforts<sup>22</sup>. A direct comparison showed that both methods identify the same areas of relatively high effort for each of the major gear types.
99. He presented Harbour Porpoise Seasonal Bycatch Risk Maps indicating potential hotspots of bycatch risk as SW Skagerrak, just west of Sylt Outer Reef (German Bight), and in Dutch and Belgian waters including the Dover Strait. Bycatch risk was highest between April-September but with some geographic variability. He also reviewed recent abundance survey data in Belgian, Danish, French, and German waters.
100. On strandings networks, he reported that most countries around the North Sea had strandings networks and these had been analysed recently by Lonneke IJsseldijk as part of her PhD research<sup>23</sup>. Seasonal peaks in strandings varied by region and strandings numbers had shown a major increase in the southern North Sea. Trends and causes of death varied by age group.
101. Mr Evans reported on impulsive noise findings, drawing from the ICES Impulsive Noise Register (2018-20), noting that they showed quite a lot of airgun activity in the western half of the North Sea. The picture was not complete, however, as some data from countries still needed to be submitted and so he urged Parties to report back about the difference from what the ICES register is showing.
102. On spatial and temporal trends in vessel densities estimated from AIS he reported that an analysis was underway on data from 2013-2017, which indicated increases across most classes of vessels over the time period and increases in particular for large and fast vessels and in vessel activity in MPAs.
103. He ended by noting that a review of the entire North Sea conservation plan was planned to be carried out in 2022.

<sup>21</sup> ASCOBANS/AC26/Inf3.3a.

<sup>22</sup> Evans et al. (2021). Risk Assessment of Bycatch of Protected Species in Fishing Activities.

<https://ec.europa.eu/environment/natura2000/marine/docs/RISK%20MAPPING%20REPORT.pdf>

<sup>23</sup> IJsseldijk, L.L. (2021). Living on a knife-edge. Unravelling harbour porpoise health through multidisciplinary and cross-border approaches. [https://www.globalacademicpress.com/ebooks/lonneke\\_ijsseldijk/](https://www.globalacademicpress.com/ebooks/lonneke_ijsseldijk/)

104. Ms Svoboda thanked Mr Evans for the presentation and noted that although the Netherlands had changed their aerial surveys to a 3-yearly cycle, they also had other aerial surveys for birds etc. which captured data on cetaceans 6 times per year as well as visual observations from the shore annually.

### **3.4. SAP for the North-East Atlantic Common Dolphin**

105. Ms Murphy, as co-Chair of the Steering Group of the Species Action Plan for the North-East Atlantic Common Dolphin (Common Dolphin Group, CDG), presented an update on the CDG's work and its second meeting on 3 December 2020, noting that the CDG SAP was the newest of the action plans. There was no coordinator for the group, which had contributed to delays in progressing the work coming out of that meeting. A date was yet to be set for the next meeting.

106. Topics focused on at the second meeting included: The ICES Special Request Advice regarding the emergency measures to prevent bycatch of the Common Dolphin in the Bay of Biscay; and Tour-de-table reports from the Parties which had been collated into a colour-coded implementation table and data inputted up to December 2020. Representatives from each Party noted an increase in stranding events in recent years and in many cases the strandings were related to bycatch. CDG recommendations were being finalised as part of the report.

107. Regarding the ICES Special Request Advice, there had been a long review and assessment process and ICES advised on a series of temporal closures and application of pingers on trawl nets. The US temporal framework was employed as a quantitative interpretation of a management objective to measure the limit of the mortality rate that might affect the conservation status of the species. Given uncertainty around bycatch data and abundance data, ICES used three alternative anthropogenic mortality limits and assumed that reducing bycatch to less than 10% of potential biological removal (PBR) was a quantitative interpretation of what minimising a more feasible limit might mean, while acknowledging this might be less than a strict interpretation of Art. 12 of the EU Habitats Directive.

- Using onboard data for bycatch per metier in the Bay of Biscay and Iberian coast as well as strandings data, ICES estimated that about 3,199 common dolphins had died per year as a result of bycatch using at-sea observer data, whereas 6,620 were estimated using strandings data. The most recent estimates of abundance were of 634,286 individuals in that part of the NE Atlantic surveyed by SCANS-III and ObSERVE. ICES reviewed a series of 15 scenarios to reduce the mortality below the PBR and advised on the measures to meet that object to reduce the mortality below the PBR.
- ICES highlighted that the emergency measures should be considered as a transition and highlighted that bycatch is a major threat to the common dolphin in the NE Atlantic and the potential impact of pollution and resource depletion require more consideration.
- In response to the ICES advice, Spain issued a Ministerial Order concerning pingers for bottom trawl fleets with dedicated on-board observers, trials of on-board cameras, rules on landing cetaceans and move-on rules. The project CetAMBI<sup>24</sup> was awarded funding at the end of 2020, is coordinated by Spain, and involves 15 partners including from France and Portugal. The project aim is to assess cetacean populations in the Bay of Biscay and along the Iberian Coast over a 2-year period, to coordinate sub-regional cetacean bycatch assessment and to coordinate measures to reduce cetacean bycatch. As of December 2020, France noted a series of measures they intended to undertake, which have also been revised over the past year. They were not going to use the PBR approach, and they determined that Good Environmental Status was when bycatch has fallen below 1% of best abundance. In October 2020 the Member States of the South-Western Waters (SWW) Regional Group submitted a Joint Recommendation to the EC with the aim of reducing

<sup>24</sup> Coordinated Cetacean Assessment, Monitoring and Management Strategy in the Bay of Biscay and Iberian Coast sub-region

accidental catches of small cetaceans in the Bay of Biscay. The Joint Recommendation had not been reviewed by the EC at the time of CDG2 so was not discussed further.

- 2019 Conservation Status Reports of the Common Dolphin under the Art. 17 of the EU Habitats Directive Species assessment: the CDG discussed the results from the most recent round of reporting with the overall Marine Atlantic region given the assessment of "Unknown." The meeting heard reports from France, Ireland, Portugal, Spain, and the UK, including that the common dolphin status was only considered favourable in Ireland in the 2007-2019 reports. The CDG discussed whether to undertake a transboundary joint regional assessment of the conservation status of the species and that perhaps this was the means by which the UK information could be included in the trans-boundary assessment.

108. Ms Read pointed out that the Scientific Technical and Economic Committee for Fisheries (STECF) had said that the estimated bycatch of common dolphin off the French coast had increased in the last two years and was higher than the 2016-2018 estimates used in the ICES emergency measures report. For 2019, the estimates based on strandings showed a 70% increase compared to the data used in the 2016-2018 report, which exceeded the PBR and the 1% bycatch threshold applied. The EC informed the SW Waters High Level Group that the Joint Recommendations were inadequate as were trawl fisher closures and pinger requirements. She requested that the AC write to the EC and ask that emergency measures be implemented this winter. Ms Murphy suggested that an expert in the CDG be officially appointed to the SW Waters High Level Group
109. Emma Day (UK) made the group aware that the Clean Catch UK project is doing trials in SW England gillnet fisheries involving various mitigation measures including pingers. Common dolphin are the most common cetacean species involved in bycatch in that specific fishery.
110. The EC felt it would be worthwhile to go back to the scientific assessment to say it was not useful for common dolphin to use these pingers and strongly recommended doing more trials. France was only testing the Cetasaver, and Ms Murphy recommended broadening the testing. Ms Krampe requested further updated scientific information about this issue, noting that 50% of bycatch was due to static net fisheries in the Bay of Biscay. Ms Murphy responded that the CDG could prioritise this at the next meeting, suggesting it would be interesting to hear from France what data they had on static gear fisheries in the Bay of Biscay.
111. Mr Evans said that one of the big challenges with application of PBR or other approaches such as RLA was the lack of certainty around population size, so it was hard to know exactly what proportion of the population was being taken by bycatch. He noted that surveys of a wider area south and west of the SCANS-III<sup>25</sup> surveyed areas was needed. When they had collated all the data from the SCANS and national surveys etc., they had used ship-based surveys, which worked quite well though it was still challenging to recognise differences from aerial surveys.

#### **4. Special Species Sessions**

##### **4.1. Bottlenose Dolphin**

112. Mr Evans presented an update on the population structure and status, distribution, abundance, life history, threats and pressures, the overall conservation status, and recommendations for research and conservation action regarding the bottlenose dolphin.
113. Bottlenose dolphin worldwide distribution was estimated as 600,000 individuals and occupied temperate and tropical regions. The coastal ecotype was usually found in depths of 50m or less and within 20km of land and the offshore ecotype favoured the shelf edge and offshore

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<sup>25</sup> SCANS = Small Cetaceans in European Atlantic waters and the North Sea

shelf seas between 50-500m depth. Coastal populations were not easily surveyed by line transect methods and capture-mark-recapture techniques using Photo-ID were usually employed for these instead. Offshore populations showed highest densities along the shelf edge, particularly from the west of Ireland southwards, in the Bay of Biscay and around the Iberian coast where the shelf edge came close to the coast. In those areas offshore and coastal ecotypes might overlap spatially. There was some evidence for inshore movements in summer months and northwards movements along the shelf edge in winter.

114. Genetic studies indicated coastal and pelagic populations to be highly differentiated in the NE Atlantic with a finer-scale population structure within the two ecotypes. Three distinct populations had been identified around Ireland and there are distinct differences observed between animals from Northern Galicia, Southern Galicia, and Portugal. Animals from offshore Atlantic showed much higher genetic diversity and greater gene flow.
115. From a management perspective, it was useful to identify groups of individuals where evidence indicated reduced exchange rates at current times and Mr Evans explained that different lines of complementary evidence rates over an extended period tend to be used – particularly Photo-ID matches – and showed a map with a recent proposal for Management Units (MUs) of bottlenose dolphins, although these might be subject to modification. There was still further work to be done on population structure and it was likely that as knowledge of population structure increased, there would be further sub-divisions, as there were in the US.
116. He outlined the annual cycle of the bottlenose dolphin and explained that information on growth and reproduction was limited because few animals strand ashore and there was a need for more information from European populations, on growth, reproduction, and survival. Since there were few strandings of the coastal ecotype, there had been limited stomach contents analysis so feeding ecology was sometimes based on observation. Bottlenose dolphin in NW Europe were shown to have a diverse diet. Mr Evans outlined details of prey species in Europe and modelled prey distributions as well as a possible schematic to describe variation in bottlenose dolphin behavioural ecology in relation to the environment.
117. Regarding human pressures potentially affecting bottlenose dolphins, the greatest pressures on the coastal ecotypes were a variety of contaminants, nutrient enrichment, underwater noise, disturbance, and vessel strikes. Bycatch was more of a problem for the species around the Iberian Peninsula, possibly due to the transient nature of the dolphins and fisheries there. PCB contaminant burdens in Europe were the highest of all cetacean species. Bycatch was more of a problem in southern than northern Europe and risk maps highlighted a number of areas around the Iberian Peninsula where bycatch risk was high, including several locations along the West and Southwest costs of Portugal and in Spain the Galician coast. Recreational activities were having increasingly an impact on coastal bottlenose dolphin populations. Recommendations proposed by Mr Evans are available in the [presentation](#).
118. In the ensuing discussion, Ms Svoboda reported that even though in the latest IUCN Red List the species was listed as ‘regionally extinct’ from the Netherlands it was actually coming back. A publication<sup>26</sup> documented the visit of a group of 20 bottlenose dolphins in Dutch coastal waters. Based on photographs, nine animals were matched with the population from Scotland in the Moray Firth. Mr Evans said that bottlenose dolphins in the North Sea had also been occurring in Danish waters. There was a high mortality in the Moray Firth too when a recent mass stranding occurred apparently involving a transient offshore group since no matches were found with the local population. Bottlenose dolphins can move over big areas at the edge of their normal coastal range and in the North Sea may occasionally cross to the Dutch coast or the coast of Scandinavia.

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<sup>26</sup> Hoekendijk et al. (2021). Bottlenose dolphins in the Netherlands come from two sides: Across the North Sea and through the English Channel. [doi:10.1017/S0025315421000679](https://doi.org/10.1017/S0025315421000679)

119. Ms Dolman said historically there were illegal static nets in the Moray Firth in the 1990s and a number of dolphins were caught. The population there was now increasing. The Cornwall Wildlife Trust had reports of a small number of bottlenose dolphins that had been bycaught stranded and, given the small size of the population there, this could be significant. Mr Evans said that during surveys in the Moray Firth during the 1990s, fishers reported occasional bycatches in salmon nets. Usually, however, dolphins identified the nets and avoided them, if they were local to the area (as revealed by coastal studies around set nets at the time), and so it was surprising that some of them did still get caught.
120. Mr Brownlow updated the information from 14 August 2021, when 50-70 dolphins came into the Moray Firth and a large number stranded. Approximately half the group refloated themselves with the tide and were carried back, but about 15 of them washed up dead later. Post-mortem examinations were carried out on nine of them and it seemed they were not of the coastal ecotype but rather were part of a much more abundant offshore ecotype. They were in good body condition, had been recently feeding, so the stranding appeared to be related to a navigational error due to the geographical complexity of the region. They were also looking into the impact of algal blooms and contaminant burdens. This was a work-in-progress, and he would update when results come in.
121. Mr Simmonds asked who had carried out the work on the MUs for the bottlenose dolphin in Europe and whether there was a programme of work to further refine the MUs. Mr Evans said the original map was made by the UK Inter-Agency Marine Mammal Group, conveyed to OSPAR, and presented in a review by OSPAR. He agreed that further work and review by OSPAR was needed, and hopefully by the respective countries. There was a need to be able to differentiate the relevant bottlenose dolphin groups within the ASCOBANS area and the Iberian Peninsula, as was being done in the US. Mr Simmonds asked whether ASCOBANS should take a view on this and wondered whether there was a research group actively looking at this now. Mr Evans explained that he was giving an update on abundance and trend to OSPAR as part of the MSFD Indicator assessments. Ms Murphy mentioned she had been appointed a member of the OSPAR Marine Mammal Expert Group in 2020 and they were using MUs devised by others, e.g. for harbour porpoise they were using the MUs initially devised by ICES and then revised by the NAMMCO IMR workshop back in 2019. For bottlenose dolphins, they did not have the expertise within the group, and Mr Evans recommended holding a joint ASCOBANS/OSPAR/ICES one-day workshop (a follow-up of the 2007 ASCOBANS/HELCOM workshop), bringing together all the experts, including genetic experts, and people working on ecological tracers, to discuss these and redefine the boundaries. There was probably a need to work on this within ASCOBANS, outside of the OSPAR and ICES groups.
122. Mr Haelters asked about Photo-ID catalogues and the Chair said catalogues were available for Brittany and Normandy, but not online. Mr Evans responded that there was a catalogue for the North Sea where members of the public submit photos, but it was not yet online.
123. Ms Scheidat noted the different trends related to population abundance in bottlenose dolphins, and wondered if there was a way to exchange photos and Photo-ID data from different areas to help bring more data together. Mr Evans welcomed this idea and said there was a project started by SMRU in St Andrews, Scotland which could be built upon, or they could develop a new international one. He suggested that ASCOBANS could share contact points, so people knew who had which catalogues.
124. He also suggested the workshop could be extended to cover species beyond the bottlenose dolphin including the harbour porpoise and other dolphin species. He emphasised that this should focus on current changes and rely upon Photo-ID knowledge. Ms Murphy agreed and recommended clarifying what ASCOBANS defined as an MU as she was concerned about expecting OSPAR or ICES to adopt what was defined by ASCOBANS.

125. It was agreed to include the recommendations for consideration with the Action Points under Agenda Item 11. Mr Evans clarified that the proposal was a one-day workshop for bottlenose dolphins and other species, similar to what had been done in 2007 involving a wide community of experts across Europe and North America. The Secretariat proposed that the first step would be to outline the TOR for the workshop and Ms Murphy and Mr Evans agreed to work on this, together with Mr Simmonds. Later in the meeting it was agreed they would need some time for this and to consult with OSPAR and ICES so they would continue the work intersessionally.

#### **4.2. *Lagenorhynchus* species**

126. Andrew Brownlow and Marc Gose (Invited Experts) [presented](#) recent information on the white-beaked dolphin and the Atlantic white-sided dolphin, with Mr Brownlow explaining that the piece of work came out of a recommendation from AC25, as there was work done by Lonneke IJsseldijk for example, and it seemed that both species were a useful priority species given where they sat in the trophic level. He introduced Mr Gose who had begun the process of collating samples from everywhere around the ASCOBANS region as part of his PhD research at the University of Edinburgh.
127. Analysis of the current sample archive was encouraging, in particular from networks at the margins of current distribution and for historical samples. Mr Gose emphasised the value in collaboration/data-sharing between strandings networks to enable a wider, ecosystem approach to any analysis. He showed an updated version of the sample database table which had been presented to AC25, including a couple of new countries which were not part of ASCOBANS demonstrating the ecosystem approach being taken. Most of the samples were from the UK for both of the species and he pointed out there were a large number of samples available from the Faroe Islands after the mass killing there but appreciated the ethical issues of using these samples.
128. Mr Gose explained that his PhD thesis focused on the genetic analysis of tissues from stranded animals drawing from a database with 322 samples available – 148 Atlantic white-sided dolphin and 174 white-beaked dolphin. He had done some preliminary analysis on the mitochondrial control region with the finding that there was no apparent geographical structure based on mtDNA. There was a need for whole genomic analysis of these species, as they had a high haplotype diversity. Around a third of the samples were unsuitable for analysis and one of the messages was that an agreed protocol for sample collection and storage could enhance sample quality and applicability. The next stage of the research, already underway, was to assess the fine-scale population structure of the two species.
129. He concluded by saying that collaboration and data sharing between stranding networks was valuable and should be carried on and facilitated. The research findings so far put further emphasis on points mentioned during AC25 that had seldom been addressed: abundance estimates; contaminant studies; dietary analyses; and life history studies. Fine-scale population structure and genomic analysis was now underway but additional funding would be required to allow useful whole-genome sequencing (WGS) analyses. The recommendations proposed are available in the [presentation](#).
130. Ms Lesz asked when he expected to get the results if he received the additional funding needed. Mr Gose explained his research was not dependent on additional funding, but that WGS went beyond his research and would require an additional €250 per carcass and could be completed within the next two years.
131. Geneviève Desportes (North Atlantic Marine Mammal Commission, NAMMCO) pointed out that the Faroese hunt could provide additional samples for Mr Gose's investigations, and asked if Mr Gose had been in touch with Bjarne Mikkelsen who was working on sample collection. Mr Gose confirmed he had and referred to the new data abundance estimates on *Lagenorhynchus* from the 2015 Iceland survey and also for the period 2014-18 for the

Norwegian area, and that a WGS was published for the Atlantic white-sided dolphin in 2021 but not for the white-beaked dolphin.

132. Mr Simmonds referred to the ethical issue about where scientists get their samples from and suggested that as an international body ASCOBANS should give careful consideration to this issue. Additionally, he proposed an Intersessional Working Group (IWG) on *Lagenorhynchus* be established (see membership in Annex 1). Mr Evans responded that the first recommendation from the Invited Expert built on that from the AC25 but the second one was new so supported the idea of an IWG to consider the broader issues. Ms Scheidat queried whether the WG should also address the issue on the use of samples collected from hunted animals. Mr Simmonds thought it should be more a scientific WG than focusing on ethical issues. Mr Brownlow agreed that an IWG would be very useful but thought the second recommendation related to strandings data in general and touched on the ethical issue of data sources provenance that could be used for genetics, which were two very different issues. Ms Desportes informed that the NAMMCO Scientific Committee was planning to have a WG on *Lagenorhynchus* in 2023, and proposed collaboration.
133. The TOR for the intersessional WG was agreed as follows: (1) Review the available information on population structures and trends, distribution, abundance, mortality, reproductive output, health, diet, and data gaps related to both species in the NE Atlantic; (2) Review issues that pose a conservation threat to the species and their populations; and (3) Review recommendations proposed at AC26, and take note of relevant recommendations from AC24.

#### Mass killing of Atlantic white-sided dolphins

134. Oliver Schall (Germany), presented a document on the mass killing of 1,423 Atlantic white-sided dolphins in the Faroe Islands on 12 September 2021 ([ASCOBANS/AC26/Doc.4.2](#)). The AC had in one of its past meetings discussed the hunts in relation to the Risso's dolphin, and had written a letter to the Faroe Islands in 2011. The recent event, however, was sad from a species welfare perspective and, considering the high number of animals killed, was touching on species conservation issues. ASCOBANS [Resolution 3.3](#) stated that an anthropogenic removal of more than 1.7% of the population must be considered unacceptable as sustainable use. There was a lack of information on the genetics, and he welcomed the work of Marc Gose. Germany, other EU Member States, and NGOs were seriously concerned about the mass killing event in the Faroe Islands. Mr Schall proposed the AC to write to the Faroese Government confirming that they could not support this traditional practice given the welfare and species-level concerns and to ask the Faroe Islands to bring the hunts to an end or at least restrict the hunting quota and use more humane killing methods.
135. It was noted that the issue has been on the political agenda in the Netherlands. Their ambassador in Denmark had been in touch three times recently with the Faeroese government and had voiced concerns on the high numbers killed. Questions to Parliament had also been raised. The EC had launched a process to send a statement to the Faroese government, and the Netherlands had provided their views, that they actively supported the conservation of all whales, and in line with the EU position, condemned this event, and called for more action by the Faroese government.
136. Ms Lesz added that there was a discussion among EU countries within the IWC who were also preparing a response. She wondered if ASCOBANS should join the IWC on this. Ms Lemming confirmed that Denmark had to remain neutral on the issue. Ms Bell had not heard from the IWC about them doing something specifically and supported Mr Schall's recommendation of writing a letter. The AC agreed to send a letter to the Faroe Islands.
137. Mr Simmonds gave an update on the TOR for the intersessional WG on *Lagenorhynchus*, as detailed in paragraph 133. It was also agreed that recommendations proposed by Mr Gose would be considered by the intersessional WG, and that the WG should take note of relevant recommendations from AC24.

#### **4.3. Beaked Whales**

138. MOP9 had requested to establish an intersessional Working Group on Beaked Whales. Ms Dolman, Chair of the WG, introduced the group's report and recommendations, and Mr Brownlow presented the results ([ASCOBANS/AC26/Doc.4.3](#)).
139. The WG asked the strandings networks from a number of countries, highlighted in a chart, to supply beaked whale data on strandings between 1990-2020. The majority of strandings occurred on the coasts of Ireland, Scotland, and France, and data on this were available on the online app by scanning the QR code contained in the presentation. The data from the strandings network indicated that the increasing trend in beaked whale strandings was reflected across all networks, which could also be a reflection of the increased monitoring efforts. Beaked whale strandings were found to be dispersed, with clusters which would be classed as unusual mortality events (UMEs), however, and there were not the same peaks of UMEs in other species which suggested it did not represent increased efforts and more likely represented at-sea mortalities. More than a third of beaked whale strandings occurred in the last five years.
140. He highlighted the severe decomposition of most of the carcasses, and noted that necropsies could only be performed on 15% of the animals. However, due to limitations in logistics, funding, and personnel there are restrictions on the data. Of the cases they could examine, nearly  $\frac{3}{4}$  were found to have live stranded. Although there was no conclusive evidence of acoustic exposure, the live stranding pattern points towards behavioural disturbance.
141. He concluded by saying that NE Atlantic strandings data showed a high and potentially growing incidence of strandings of beaked whales, with several UMEs, indicating that the NE Atlantic had become a global hotspot. Quantifying the anthropogenic impact of underwater noise exposure on beaked whales solely through necropsies and other pathology methods of stranded animals, was limited, and a wider interdisciplinary approach was needed. Ms Dolman added that powerful sonars deployed in or close to important beaked whale habitat could at least be in part responsible for these findings. There was a need for more knowledge of beaked whale biology in the region.
142. The report made a number of recommendations on monitoring and mitigation, including that: Parties are encouraged to undertake baseline and impact monitoring in the NE Atlantic region; noise registry data and availability should be improved for all noise sources, including military sonar; and governments, the military and other sound producers should collaborate with beaked whale experts to develop and implement effective and precautionary mitigation strategies where data are not adequate.
143. Ms Day supported the recommendations, and noted that the UK had shared the report with the UK Ministry of Defence. Ms Day asked for clarification on the recommendation to avoid military sonar in beaked whale habitat, which would be hard to achieve due to the vast area involved and suggested focusing on a limited geographic area. Ms Dolman suggested inviting a member of the UK Ministry of Defence to a future session of the WG and noted that it would be a challenge to produce a map of a required area.
144. Mr Evans highlighted that there was scope to have protected areas for beaked whales and that it would be possible to identify some from acoustic monitoring as a start and to identify hot spots for beaked whales within a variety of EEZs. He said they might be on the high seas and suggested considering those as a more practical way of tackling this issue from the navies' perspective.
145. Mr Simmonds welcomed the recommendations and noted that the WG under Ms Dolman had also reported to the IWC Scientific Committee. The IWC SC had received the results well and, as a result, set up its own intersessional WG. The issues affecting beaked whales in the North Atlantic were affecting beaked whales globally as well.

#### 4.4. Harbour Porpoise Baltic Proper & Iberian Populations

146. AC25 had requested that the text for proposals for the Baltic and Iberian populations of the harbour porpoise to be listed in CMS Appendices should be discussed in AC26. The Secretariat pointed to the documents to review: the draft proposal for the inclusion of the Baltic Proper harbour porpoise on Appendix I of CMS ([ASCOBANS/AC26/Doc.4.4a](#)); and the draft proposal for the inclusion of the Iberian harbour porpoise on the Appendices of CMS ([ASCOBANS/AC26/Doc.4.4b](#)); and [Resolution 9.2](#). She said they were in the MS Teams environment to submit comments and edits and suggested, supported by the Chair, that members submit edits and comments and establish a WG to look at these in more detail after the meeting. It was advised that ample time be reserved for Parties' consultation process before proposals are submitted to CMS.
147. Ms Carlén asked when the EU deadline was for document submission, with Sophie Ouzet (EC) responding it would be good to have the documents 10 months prior to CMS COP.
148. Ms Blankett said Finland was happy to take the Baltic harbour porpoise proposal forward to the EU. She suggested having the focal points from range states involved in the WG, in particular France, given their upcoming EU presidency in 2022 (spring). Intersessional WGs were established for each of the listing proposals with volunteers in each group (see Annex 1).
149. Mr Simmonds noted that the IWC Scientific Committee had discussed the Baltic Proper harbour porpoise at its last meeting in May 2021, and there had been a series of comments which would be useful to look at. He drew attention to a recent paper on harbour porpoise conservation<sup>27</sup> which had been submitted to the IWC.
150. It was agreed that a draft recommendation would be considered with the action point discussion under Agenda Item 11.

#### 5. Relevant EU Policy Matters

151. Kenneth Patterson (EC - DG MARE) [presented](#) on the state of play on Other Effective Area-based Conservation Measures (OECMS) and the Common Fisheries Policy (CFP). He explained that the EC had just published the first report on the implementation of the Technical Measures Regulation in September 2021 (under Art 31). The EC had done an analysis of the size-selectivity of fishing gear, finding there had not been much change and knowledge was still limited. Therefore, work was ongoing on this through the EC's Scientific, Technical and Economic Committee for Fisheries (STECF), and further follow-up was needed before the Member States set joint recommendations. The EC also looked at the impact of fishing gear on sensitive species by habitat and sea basin, with the main sources being the EU Red Lists, STECF, and the ICES Ecosystem Overviews. On environmental issues, EC had looked into sensitive species such as sturgeons and angel shark and on cetaceans there was a bit more information on the harbour porpoise, bottlenose dolphin, common dolphin, and sperm whale as well as right, sei and blue whales. Apart from noting that they were critically endangered, there was little information to put forward on these species.
152. A public consultation was now underway until 20 December 2021, which would be followed by an action plan containing a list of measures the EC recommends Member States put in place, including deciding on regional action plans for Member States within 12 months. There was a link with the Biodiversity Strategy and the fixing of conservation targets in EU law under a new regulation which would be a bit more precise than the Habitats Directive. There would be a further analysis after three years. The link to contribute to the public consultation was: [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12953-Action-plan-to-conserve-fisheries-resources-and-protect-marine-ecosystems\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12953-Action-plan-to-conserve-fisheries-resources-and-protect-marine-ecosystems_en).

<sup>27</sup> <https://www.frontiersin.org/articles/10.3389/fmars.2021.617478/full>

153. Mr Patterson explained that if Member States did not take action, the EC would either undertake emergency measures or launch technical measures depending on the situation. Ms Murphy asked whether the AC was agreeing to review the document as ASCOBANS and if so, suggested this be done through the JBWG. The Secretariat suggested including that in the draft action points for discussion under Agenda Item 11. Mr Evans suggested there should be comments from individuals/institutions, but separate ones by the JBWG, but he would need to consult with his Co-Chair. In response to a question from Ms Dolman, Mr Patterson explained that the action plan would have some more species-specific targeted measures and some more broad geographic questions.
154. Ms Krampe briefed on the state of play on the Joint Recommendation concerning the common dolphin in the Bay of Biscay, which was submitted in October 2020 and assessed by STECF in April 2021 resulting in a negative assessment, which meant it could not be transposed into a delegated act. There was a recommendation for the obligatory use of pingers in trawlers, which had already been in legislation in France and Spain since 1 January 2021. The EC was in continuous dialogue with France and Spain on stronger implementation measures and, while area closures were the most efficient means, they wanted to enable France and Spain to test pingers as well as other measures. Ms Krampe added that emergency measures under Article 12 of the Common Fisheries Policy are not possible for the moment as there is no imminent threat to the population.
155. Ms Dolman pointed out that there was a challenge with the common dolphin in the Bay of Biscay in that the emergency measure bar was too high and the joint recommendation bar too low. She stressed that the situation had gotten worse for the past two years and was expected to continue over the next winter. She was aware that the SW Waters High Level Group had to respond to the EC letter by the end of September 2021 and wondered whether anything would change that winter to influence the bycatch levels. Ms Krampe said the EC could not report on concrete measures yet, although there was a lot of activity on this issue in France in particular. The EC had replied to the SW Waters High Level Group to acknowledge the need for stronger measures, but they were not possible as yet. The Chair asked if the EC would attend the next meeting of the French National WG on Bycatch and Ms Krampe said the EC has a permanent place on that WG.
156. Ms Murphy said that the OSPAR Marine Mammal Expert Group (OMMEG), helped by ICES, were developing a bycatch threshold indicator, and asked what would happen if the common dolphin did not achieve this bycatch threshold indicator level. However, Ms Krampe explained that this indicator was not part of Article 12, but since it did not indicate an “imminent threat”, it was therefore not sufficient evidence to trigger emergency measures. Mr Patterson pointed out that, while this would not trigger emergency levels, it would relate to the use of the indicator within MSFD. In response to a further question from Ms Murphy about time frames, Ms Krampe explained that the EC favoured joint recommendations as far as possible, as any new one meant a stronger mitigation measure being proposed, and if this could be considered, it would be. The Joint Recommendation for the harbour porpoise was not completely sufficient but was a step in the right direction. The only concrete mitigation measures for the common dolphin were pingers which were already in national law.
157. Mr Patterson pointed out that there was currently no time frame under the CFP whereas the MSFD had deadlines which were not really being enforced or applied. His colleagues were working on this with a view to fixing restoration targets and timelines in a future nature restoration directive. Ms Svoboda thought that for fisheries measures even if it was for MSFD targets, it would still have to go through the CFP to implement measures for fisheries. He agreed and said there was a dual obligation – the CFP should be consistent with environmental law and there is an obligation to respect both.
158. Sophie Ouzet (EC - DG Environment) continued with an update on the bycatch infringement procedures. In case the corrective measures by France and Spain would not be satisfactory,

the infringement procedure would continue. The EC was in the process of analysing the report submitted by Sweden.

159. The EC was working on a nature restoration instrument that would provide additional tools to work on the infringement issues, but Ms Ouzet could not expand on this at this stage. The Biodiversity Strategy also contained the target of improving conservation status for negatively affected species, which was challenging as the status of many species was unknown. She pointed out that some species could be taken up by Member States as a pledge under this target. ASCOBANS could act in an advisory capacity to support Member States to comply with EU law on these issues. There was also work being done under the CetAMBIon project and by ICES on monitoring systems and monitoring bycatch, and the EC was very supportive and involved in these. Ms Ouzet added that species protection guidance had been released on 12 October 2021 under the Habitats Directive and encouraged Parties to have a look. It had many aspects relevant to the marine environment and marine mammals, including regarding deliberate disturbance and strict protection of mammals in the marine environment, with specific highlights on addressing the impacts of underwater anthropogenic noise on cetaceans and impacts of seismic exploration on mammals; and a monitoring system for the incidental capture and killing of Annex IV(a) species<sup>28</sup>.

#### Joint ACCOBAMS/ASCOBANS WG on MSFD

160. Ms Murphy presented an update on the Joint ACCOBAMS/ASCOBANS Working Group on the EU Marine Strategy Framework Directive (MSFD), saying it had so far been maintaining a watching brief but that she would propose a workshop as an action point from AC26. There was a Technical Report by the EC Joint Research Centre (JRC) on the MSFD which was a review and analysis of the Member States' 2018 reports on Descriptor 1 (Species Biological Diversity) which included marine mammals. They assessed reports against several criteria and in addition noted that for Descriptor 1, assessments should consider the pressure assessments, such as adverse effects of contaminants or marine litter. The main conclusions were that there were notable gaps in the reviews, including that small toothed cetacean species, deep-diving cetaceans and baleen whales were sparsely reported on, and for many species the lack of data or lack of thresholds did not allow for complete assessment.
161. Ms Murphy also reported on the ongoing work by OSPAR on developing indicators, highlighting the OSPAR Biodiversity Indicators relating to cetaceans, including Abundance and Distribution of Cetaceans (M4) and Marine Mammal Bycatch (M6). OSPAR was developing these with the MSFD in mind, deciding to go with a single species approach to avoid masking. They had also defined Assessment Units (AUs) and re-reviewed the AUs, but Ms Murphy suggested organising another workshop to bring together the experts to revise the AUs, as they were working on the currently available genetic information and there was a need to know the range of AUs and have enough monitoring for the species being considered in order to look at trends and ensure that there was enough data to do the assessment. She outlined the provisional list of species being reviewed, noting that the work was being done by the University of La Rochelle and colleagues in Sweden and the Netherlands. The workshop could review the results of the analysis of the modelling work that was being undertaken to see what could be reported on.
162. On Indicator M6, OSPAR had produced a conservation objective, very much based on what was proposed by ASCOBANS, as "a population should be able to recover to or be maintained at 80% of carrying capacity, with 80% probability, within a 100-year period". Population would be equivalent to that defined as an AU for the Quality Status Report (QSR) 2023 application. This had been proposed to OSPAR Contracting Parties within the NE Atlantic and they were hoping for agreement by the end of 2021. On thresholds for Indicator M6, different approaches were being taken, for example in the North Sea there was sufficient information on the harbour

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<sup>28</sup> [https://ec.europa.eu/environment/news/habitats-directive-new-guidance-protected-species-2021-10-12\\_en](https://ec.europa.eu/environment/news/habitats-directive-new-guidance-protected-species-2021-10-12_en); [https://ec.europa.eu/environment/nature/conservation/species/guidance/index\\_en.htm](https://ec.europa.eu/environment/nature/conservation/species/guidance/index_en.htm)

porpoise, using the AU from the NAMMCO IMR 2019 workshop. Outside the North Sea they were using a modified PBR approach. For the common dolphin AU, in the North Sea a modified PBR approach was also being applied.

163. ICES had been asked if they would collate bycatch data to assess the bycatch rate within the AU and provisionally identify the thresholds with results being provided in December 2021 for assessment by OMMEG. These were used at the ICES Workshop on estimation of Mortality of Marine Mammals due to Bycatch (WKMOMA) in September 2021.
164. OSPAR had proposed a candidate Marine Mammal Indicator to undertake a pilot assessment for the QSR and were collating data across Contracting Parties to undertake a provisional trend and status assessment. They were using juvenile harbour porpoise for the pilot assessment.
165. On HELCOM, HOLAS<sup>29</sup> II was undertaken in 2018 (for the assessment period 2011-2016) and did not include a cetacean indicator in the integrated assessment, but it did note that HELCOM was developing a core indicator to assess the number of drowned mammals and waterbirds caught in fishing gear, which was undergoing further development for HOLAS III and was due to be published in 2023. OSPAR was hoping to develop porpoise abundance and distribution indicators ready for use in HOLAS III. That work was being aided by the HELCOM BLUES<sup>30</sup> project.
166. Ms Murphy then proposed holding a workshop within the next year to pull together the information between HELCOM, ASCOBANS, ACCOBAMS and OSPAR to review the work being done and assist colleagues in the Mediterranean. This would give those not involved in the various WGs on this a means of viewing and discussing the results.
167. Ms Carlström informed the meeting that a HELCOM/OSPAR workshop was held in Spring 2021 on harmonisation of setting thresholds for abundance. Ms Murphy said it would be useful to have someone from the HELCOM region involved in this work as Co-Chair for the Joint MSFD WG and suggested Ms Carlström might like to take that role.

## **6. Cooperation with Other Bodies**

### **6.1. Reports by the Secretariat, Parties and Partners**

168. Ms Renell (Secretariat) presented the document<sup>31</sup> on reports back from relevant meetings and referred to the relevant Work Plan Activities, and reports from the various members related to these during the course of AC26. She noted that the Secretariat had received some reports back only from Finland and requested the AC members to provide more responses for AC27, asking whether there was a different format that would make it easier to report back. She highlighted the meetings the Secretariat had attended and the reports that had been submitted, including to the UN Division for Ocean Affairs and the Law of the Sea (DOALOS).

#### Baltic Sea Action Plan

169. Ms Blankett gave a [presentation](#) on the recently adopted HELCOM Baltic Sea Action Plan. The HELCOM Ministerial Meeting took place in October 2021, adopting the Baltic Sea Action Plan to 2030. The vision was for a healthy and resilient Baltic Sea environment resulting in a good ecological status and supporting a wide range of economic and social activities. The Ministers set goals and related ecological and management objectives for the Baltic Sea, to address pressures and threats and overarching issues such as climate change, finance, and

<sup>29</sup> Holistic Assessment of the Ecosystem Health of the Baltic Sea

<sup>30</sup> Biodiversity, Litter, Underwater noise and Effective regional measures for the Baltic Sea

<sup>31</sup> [ASCOBANS/AC26/Inf.6.1](#)

awareness-raising. The four goals were that the Baltic Sea is healthy and resilient; unaffected by hazardous substances and toxins, that sea-based activities are environmentally sustainable, and unaffected by eutrophication.

170. The Action Plan contained 200 actions related to the goals including to: specify the knowledge gaps in all threats to Baltic harbour porpoise population by 2022 at the latest, and by 2023 for the Western Baltic population, including areas of high bycatch risk, underwater noise, contaminants and prey depletion; strengthen the Baltic harbour porpoise population; and by 2025 to identify possible mitigation measures for threats other than bycatch; include information on functional and life history traits for species in the HELCOM Biodiversity database by 2024.
171. The goals on fisheries and bycatch threats from sea-based activity goals included to: reduce the negative impacts of fishing activities in the marine ecosystems; continually test, promote and introduce new technical and operational bycatch mitigation measures such as seal safe gears, and to have cooperation with the competent authorities and replace with gears that are not problematic for by-catch and to evaluate the measures every five years by 2023; have the data need by ICES on bycatch and the programmes to feed the data-gaps outlined in the HELCOM Roadmap on Fisheries Data.
172. The goals on underwater noise included to: identify by 2025 BEP and BAT for continuous underwater noise in the Baltic Sea and implement in line with recommendations and regulations of the International Maritime Organisation (IMO); work towards regionally coordinated actions on underwater noise aiming in the long term towards addressing the adverse effects of underwater noise on marine species identified as sensitive to noise; study by 2026 the impact of continuous underwater noise from the installation, operation and decommissioning of offshore windfarms on marine biota; and reduce the impact of impulsive underwater noise on marine biodiversity. There were also other actions related to e.g. marine litter.

#### CetAMBICion

173. Graham Pierce, Invited Expert, [presented](#) on the EU MSFD project CetAMBICion<sup>32</sup>, describing the structure, including an advisory board from various sectors and the project partners from France, Portugal and Spain, and he outlined the objectives. He highlighted its relevance to ASCOBANS as the intention is the development of a coordinated approach to monitoring and assessment of cetaceans in the region, in particular concerning bycatch.
174. The first Work Package (WP) entailed reviewing the 2018 MSFD reports for Descriptor 1 of GES of the three Member States. Some elements of dealing with bycatch had started and there was a deliverable available on the review of MSFD second cycle reports and state-of-the-art for cetaceans. WP2 had to do with coordinated sub-regional assessment, GES determination, and monitoring strategies for cetaceans. WP2 included setting up a working platform for Member States in the sub-region to compare data on relevant cetacean species and shared populations. A deliverable on a gap analysis in geographical and environmental space was available. Under WP3 it was planned to develop a coordinated sub-regional assessment, GES determination and monitoring strategy for cetacean bycatch including several components comparing bycatch sampling schemes, and identifying gears and fleets and areas which have biggest risk of producing bycatch of cetaceans. OSPAR had just produced new thresholds. WP4 was about coordinating measures to address cetacean bycatch mitigation including trials of different approaches and assessing suitability of technical measures. They had already started talking to industry, and trials were likely to start in 2022. WPs 5 and 6 concerned dissemination of results, sectoral participation and capacity building strategies and general coordination respectively.

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<sup>32</sup> Coordinated Cetacean Assessment, Monitoring and Management Strategy in the Bay of Biscay and Iberian Coast sub-region

175. The Spanish government had funded three other projects as well as introducing a series of measures with Spanish fishing fleets and in collaboration with some Spanish Universities, including dedicated on-board observers, an onboard camera pilot programme and obligations to report bycatch in logbooks.

#### EU LIFE CIBBRiNA

176. Ms Svoboda gave a [presentation](#) on the proposal for the EU LIFE project CIBBRiNA<sup>33</sup>. The overarching project objectives were to minimise and, where possible, eliminate bycatch in the NE Atlantic/Baltic regions, achieve successful cross-border cooperation with fishers and among countries, and implement successful monitoring programmes in cooperation with the Fisheries Regional Coordination Groups (RCGs). The scope was high-risk fisheries, at the multi-species level, in the NE Atlantic/Baltic with linkages to other areas.
177. The guiding principles in the proposal outlined the intention to work jointly with fishers, scientists, policymakers, and NGOs, with the prerequisite of “an open mind towards possible solutions”. The solutions would need to be suitable for use by fishers. The intention was cooperation and co-creation with the fisheries industry through mutual trust respect and understanding of different perspectives. The intention was to build on existing work to avoid repetition and the various work packages focused on embedding these principles.
178. The EU LIFE call for proposals was launched in July 2021 and the deadline for the full proposal was 20 November 2021. The EU co-funding aim was 75% with the total project cost being €10-20million. CIBBRiNA comprised 36 confirmed beneficiary partners and ten associated partners from a range of fisheries, industry and scientific organisations, NGOs, and government. There was a stakeholder advisory board with fifteen organisations. The proposal was for a six-year timeline starting in 2022 with a four-phase approach and 11 WPs. The proposal contained several case studies divided by fishery and area or region with a set of representative case studies.
179. Ms Svoboda outlined the project management structure including WP leads and Task Leaders. They were in the final steps before submitting the proposal, currently gathering final comments on the draft. She requested that the AC think about a lead for WP10 focusing on the long-term implementation of the project, suggesting that it would be beneficial to have governments involved in the last phase of the project in 2025/8 and in general, and were also considering having ACCOBAMS and the FAO on the Stakeholder Advisory Board. She also urged CIBBRiNA partners to provide the information requested over email as soon as possible. She closed by saying they were considering additional contributions to the project such as specific case studies which did not yet have funding secured.

#### SCANS-IV

180. Ms Scheidat [presented](#) on SCANS-IV, which would cover the European Atlantic. The main objectives were abundance estimate and trend assessment of the regularly occurring cetacean species by population-wide surveys; to provide outputs for Member States to report under the EU Marine Strategy Framework Directive and the Habitats Directive (Art. 17) and for the OSPAR/HELCOM assessments; to provide outputs for impact assessments of offshore industries and fisheries; and to support development of a governance framework for future SCANS surveys conducted in a six-year cycle.
181. The proposed study area was the Great North Sea, Celtic Seas, Bay of Biscay, and southern Norway, with areas being covered by aerial surveys, and using regional survey teams where available, and by shipboard surveys covering primarily offshore waters. The project structure was now principally driven by national bodies as the project had not been successful with attaining EU funding.

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<sup>33</sup> Coordinated Development and Implementation of Best Practice in Bycatch Reduction in the North Atlantic Region

182. Ms Scheidat thanked the funding agencies and ASCOBANS for supporting the process, and hoped they would continue to particularly provide support, for example with permit applications.

#### SAMBAH-II

183. Ms Carlström [presented](#) an update on SAMBAH-II<sup>34</sup>, noting that the aims of the project were to: evaluate the conservation status of the critically endangered Baltic Proper Harbour Porpoise population; build on the results of SAMBAH (LIFE08 NAT/S/000261); and collect a second set of acoustic monitoring data throughout the project area. The proposal was for a six-year project including two years of static acoustic monitoring. The consortium submitted a concept note for an EU LIFE Traditional Project, sub-programme Nature and Diversity, in February 2020 under the lead of the German Federal Agency for Nature Conservation (BfN), the German Oceanographic Museum (DMM), and the Swedish Museum of Natural History (NRM). There were 17 partners across seven countries. Latvia and Russia were asked for cooperation but were unable to acquire the necessary national matched funding.
184. The project had three objectives with associated project actions. The objectives included: (1) providing a holistic assessment of the status of the Baltic Proper population, listing the key conservation actions to secure its survival; (2) investigating whether the detection rate of the Baltic Proper population had changed during the last decade, indicating a change in abundance; and (3) providing a harmonised acoustic monitoring standard and scheme for porpoises in the Baltic marine region.
185. The concept note was approved in Autumn 2020, and the full application submitted in February 2021, which was then rejected. A revision was submitted but with the same outcome. They were recommended to submit an application for the current round of LIFE, but the project did not fit the LIFE programme 2021-2024 so they were looking for other options for funding. Ms Carlén, supported by Ms Carlström, noted that the JG felt this was a priority project, asked for ideas for funding, and urged an action point from AC26 on SAMBAH-II.
- #### **6.2. Dates of Interest 2022**
186. The Secretariat presented the draft List of Dates of Interest to ASCOBANS in 2021-2022 ([ASCOBANS/AC26/Doc.6.2](#)), and invited comments on the dates and whether they could report back to the Secretariat from these meetings for the next AC27.
187. Mr Simmonds mentioned the IWC Climate Change Workshop, which would meet from 30 November - 2 December 2021 and asked if anyone would like to be invited. Ms Day mentioned that the OSPAR Biodiversity Committee was meeting on 11 April 2022. The Chair gave dates for the One Ocean summit from 11-12 February 2022, with Ms Blankett saying the host was France.
188. Ms Murphy mentioned that AC25 had requested for an ASCOBANS/ACCOBAMS Workshop on the common dolphin to be held at the next European Cetacean Society (ECS) conference in Israel. Ms Carlén said the ECS might now be a hybrid event or even fully online. Mr Evans suggested a separate common dolphin meeting, and this was supported by Ms Read and Eunice Pinn. An amended list of dates of interest can be found in Annex 2 of this report.
189. It was agreed to discuss the dates for AC27 under Agenda Item 20.

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<sup>34</sup> Static Acoustic Monitoring of the Baltic Sea Harbour Porpoise

## 7. Publicity and Outreach

### 7.1. Reports by the Secretariat, Parties and Partners

190. Ms Renell (Secretariat) presented the [Report of the Secretariat on Outreach Activities](#), noting they related to WP Activities 44 and 48. The winner of the ASCOBANS Outreach and Education award was granted to Marine Mammal Science Education projects, presented at MOP9, which was the first CMS Family governing body meeting held online. The ASCOBANS website was still the main outreach channel. Some of the species-pages had been updated in line with Peter Evans' book *European Whales, Dolphins and Porpoises*. Mr Evans said he had updated some items in his book, and he offered to send the updates to the Secretariat to assist in updating the species pages on the ASCOBANS website.
191. Ms Renell also highlighted the publication of the ASCOBANS report *Monitoring Cetacean Bycatch: An Analysis of Different Methods Aboard Commercial Fishing Vessels* by Grant P. Course, which launched the ASCOBANS Technical Series. Finally, the Independent Bonn International School had organised this year's competition to design the ASCOBANS season's greeting card, winner of which would be announced in December.
192. Ms Lesz informed that, on 27 September 2021, a webinar had been held in Poland dedicated to harbour porpoise. The webinar had been recorded and would be published on social media. She also mentioned a distribution of porpoise mascots in Poland's largest grocery store, Biedronka.
193. Ieva Čaraitė (Lithuania) informed that the Lithuanian Sea Museum held its annual harbour porpoise event, and in 2020, activities were organised for children. In 2021 a travel centre was created in the museum with an enriched programme about the harbour porpoise.
194. Ms Scheidat reported about a simulation game being released in the Netherlands, where people could see how changes in cetacean ecosystem services influence ecosystems <https://whalepooseimulation.com>.

### 7.2. ASCOBANS 30<sup>th</sup> Anniversary

195. The Secretariat informed the Meeting about plans for the 30th anniversary of the Agreement being concluded and opened for signature in 2022. They now had an anniversary logo, were planning to launch a Twitter account, and thinking of inviting statements and organising an anniversary webinar. Mr Simmonds queried whether Twitter was the right platform and suggested TikTok, for example, and using material on a range of platforms. The Secretariat was concerned about the time commitment for TikTok videos. Ms Nyström recommended Twitter and LinkedIn.
196. Ms Ouzet pointed out that 2022 is also the anniversary of the EU LIFE programme and the EU Habitats Directive so suggested collaborating. Ms Struss also suggested they could integrate plans in the NABU Schleswig-Holstein 2022 Baltic Harbour Porpoise Day. The Chair suggested a small WG to further develop ideas, which was agreed (see Annex 1).

## 8. Funding of Projects and Activities

### 8.1. Progress of Projects/Activities Supported by ASCOBANS

197. The Chair introduced this item, noting that the progress of the coordination of the regional harbour porpoise action plans had been covered under Agenda Item 3.

### Web-accessed Database for Marine Mammal Stranding and Necropsy Data

198. Rob Deaville (Zoological Society London, ZSL) briefed the meeting on the status of the project *Web-accessed Database for Marine Mammal Stranding and Necropsy Data*, noting that in 2011 a workshop had been proposed to look at the feasibility of having a web-accessed strandings database. In 2016 a fully-costed proposal was produced for a web-accessed database and [Resolution 8.10 \(Rev.MOP9\)](#) supported the work. This was therefore a longstanding process with many resolutions supporting the work to produce a combined database across the ASCOBANS region. Currently, they had adopted the ZSL tiered low-cost approach subsidised by the donation of ZSL ICT staff time. However, COVID had had a significant financial impact on ZSL with the subsequent loss of a large number of ZSL staff and so the funding had been returned to ASCOBANS.
199. Mr Deaville then queried what the next steps should be, whether there was still an appetite for an ASCOBANS strandings/necropsies database. If so, should it still be focused on the ASCOBANS region or be a low-cost simpler option in collaboration with other IGOs such as IWC. There had been initial discussions by the Secretariat with ACCOBAMS, IWC and HELCOM about a strandings and necropsy database, and possible funding to support development. He regretted that they had not been able to produce the work thus far but hoped they could produce something fit-for-purpose in the longer term. He suggested an intersessional workshop to reassess and identify process and potential candidates to take this forward. The Chair asked for comments and ideas.
200. Mr Haelters said no apologies were needed and pointed out that they were finding in the project CIBBRINA that it was difficult to ignore strandings data. He highlighted that strandings data would provide for a cost-effective useful alternative to on-board schemes and monitoring, as there is bycatch outside of the areas in which observer schemes operate. It would be a good opportunity to work within CIBBRINA on both harbour porpoise and seals, and data could usefully be input into other work packages as well. It would also be an opportunity to build on the work done in the publication by Marielle ten Doeschate and Lonneke IJsseldijk that did not include necropsies and cause of death, but did include life history parameters. It would be useful to have spatio-temporal information within the CIBBRINA project without having to set up an international database on strandings.
201. Mr Pierce said that within CIBBRINA, La Rochelle University would be carrying out similar activities to those that Mr Haelters mentioned. There was no specific attempt to create a database, but he invited ZSL to join the project. Ms Svoboda said that Ms Doeschate and Ms IJsseldijk would be involved in the CIBBRINA project too and felt it would be good to have some ASCOBANS involvement even outside CIBBRINA.
202. Mr Deaville was keen to hear more about CIBBRINA. His concern was that they lose more granularity across the ASCOBANS region and suggested it would be good to have a system to have strandings data in a more coherent form.
203. Mr Brownlow said there was value in having a process of amalgamating data that would be reliable for several different packages – a unified database for contaminant work. He wondered if there was a mechanism to get funding, or if there was an argument for what kind of data could be gained across strandings networks. The unified database could extend to involve the IWC, for example, as they were also looking at the best way to handle data. There was also the Global Strandings Network, which was just a website now but could be extended. He suggested holding a workshop – initially online, then perhaps an in-person workshop. The project would require sufficient resources to be successful. Mr Simmonds welcomed the workshop idea, favouring a virtual workshop, and felt that collaboration with the IWC would be useful to avoid duplication.
204. Ms Renell (Secretariat) explained she had contacted ACCOBAMS, the IWC and HELCOM to get an idea about their plans and how their existing strandings databases work. There was

consensus in that it would be good to have a common database, if possible - however there were potentially big obstacles. They had concluded that ASCOBANS could first develop a "shopping list" of what they needed, what the database would be used for, what level of data would be accessible, and who could access. A further idea from the discussions was that if it was not possible to create something specific for ASCOBANS, it would work to draw information from other databases to which Parties already submit information to, and then make it available on the ASCOBANS website.

205. Mr Haelters asked if the IWC and ACCOBAMSs option would exclude seal bycatch. Ms Carlström referred to Ms Blankett's presentation on life history data in the HELCOM [Biodiversity Database](#) and said that OSPAR was working on an Excel sheet, collecting data on sampled animals. She supported the idea of the shopping list because having to report similar data to different organisations was very time-consuming, and suggested it could be used for indicator development in the EU work as well as on underwater noise. She wondered if ICES could be a future host for such a database. Ms Blankett mentioned that the HELCOM database included seals and other species, and wondered how broad the definition of marine mammals would be. She pointed out that the ASCOBANS/HELCOM harbour porpoise database includes some strandings information, but supported a brainstorming workshop. There was general agreement on holding a brainstorming workshop.

## **8.2. Project Proposals Received in the 2021 Call**

206. The Secretariat presented an [overview](#) of the submitted project proposals and the results of the prioritisation consultation undertaken prior to the meeting. Thirteen proposals had been received with feedback from nine Parties and one observer, resulting in three projects being prioritised during this consultation process:
- Using fishers' knowledge to understand the use of alternative gears to static gillnets in the ASCOBANS Region
  - Status of the Iberian Harbour Porpoise
  - Prediction of the cochlear frequency maps of Harbour Porpoise
207. The proposals would then be considered by AC26 under Agenda Item 8.3. Ms Lesz, Ms Read, and Nibani Houssine (AGIR) welcomed prioritising the alternative gears project, with Mr Houssine stressing the challenges and importance of working with fishers.

## **8.3. Prioritisation of Activities Requiring Funding**

See Agenda Item 17.

## **9. ASCOBANS Work Plan: Overview of Implementation**

208. Ms Renell presented an overview of the implementation of the ASCOBANS Work Plan 2021-2024 ([ASCOBANS/AC26/Doc.9](#)) and referred to the related [Resolution 9.1](#). Throughout the meeting, she had flagged the status of relevant Work Plan Activities (WPA) for each agenda item. Now she focused on the activities not yet discussed under other agenda items.
209. On WPA 51 (Establish an intersessional WG to identify the barriers to understanding and improving conservation status of data deficient taxa), the WG members had not met yet and the Secretariat asked if anyone else would like to join. The aim was for the group to report to the next AC meeting. On WPA 68 (Consider the relationship of ASCOBANS to other organizations in order to identify potential duplication or gaps in efforts), she invited the AC to suggest how this should be handled. Ms Virtue and Ms Blankett pointed out that there was already a long list of action points so urged considering priorities. The Chair favoured having a WG. Mr Warrie, supported by several others, proposed a WG to report back to the next AC

meeting to have more concrete information as to what the task would involve. Belgium offered to lead (see Annex 1). It was agreed that a dedicated agenda item would be required on Activity 28 for AC27.

## **10. Any Other Scientific Issues**

No topics were flagged under this Agenda Item.

## **11. Adoption of the List of Action Points of the Scientific Session**

210. The Secretariat presented the draft list of action points and recommendations generated during the meeting which had been available in the Teams environment for review and comments. Each point was reviewed and edited on screen. The revised and final lists of Action Points and Recommendations can be found on the [AC26 website](#) under 'Meeting Report', and as Annex 1 to this meeting report.

## **12. Close of the Scientific Session**

211. After the customary expression of thanks to all involved in the successful conduct of the meeting so far, the Chair closed the Scientific Session on Thursday morning at 11:20 CET.

## **13. Opening of the Institutional Session**

212. The session was opened by Penina Blankett, AC Vice-Chair.

## **14. Status of Accession and Acceptance of the Agreement's Amendment**

213. The Secretariat presented the [Status of Accession and Acceptance of the Agreement's Amendment](#) to the Meeting, noting no change since AC25. Both Belgium and Lithuania reported that the process for acceptance of the amendment had been started and hoped for progress by AC27.

## **15. National Reporting Form**

214. The Secretariat asked participants to provide feedback on the National Report questions for 2021, concerning bycatch, resource depletion, biological information, monitoring programmes, and stranding networks and strandings, that were available in [ASCOBANS/AC26/Inf.15](#). The Vice-Chair called for volunteers or nominations for invited experts to present on the above topics next year. As no nominations came forward, the Secretariat was tasked to follow up in the new year.
215. Ms Scheidat welcomed the switch to the online reporting format, noted that the Netherlands was working on updates and suggested that any Parties that encounter issues could feedback to the Secretariat to resolve any technical issues. She also noted that SCANS IV will take place in July 2022, and the Secretariat said results could be included in the "burning issues" section at the end of the national reporting form.

## **16. Financial and Administrative Issues**

### **16.1. Administrative Issues**

216. Ms Renell (Secretariat) introduced its Report on Administrative Issues 2020-2021 ([ASCOBANS/AC26/Doc.16.1](#)) to the Meeting, noting that since MOP9 there had been no changes in staff or Secretariat arrangements but the Secretariat had received support from three excellent interns. Three projects had been administered in this reporting period.
217. A notable matter was that there had been an unexpected increase in Umoja (enterprise resource planning system used by the UN) corporate administrative costs. In February 2021 UN headquarters introduced a new way of calculating Umoja costs based on staff headcount, and this increased the costs. The question to the AC was where to take the shortfall from and where to take the annual cost – out of the annual existing budget lines or through an additional invoice to Parties for example. Hillary Sang and Enkhtuya Sereenen (CMS Administrative and Finance Management Unit, AFMU) had joined meeting to help answer questions on this issue.
218. Mr Schall noted that there were intense discussions on this issue in the CMS Standing Committee and EUROBATS, as this affects all Agreements under CMS and others beyond, but had found other solutions to tackle the costs. He suggested finding an interim solution and to then resolve fully at AC27. Ms Bell, supported by Mr Schall, suggested moving on to Agenda Item 16.3 on budgetary issues first to better understand how to best address this, which was agreed.
219. Ms Sereenen further explained that by the end of 2023 there would be a \$29,000 (USD) shortfall across all agreements and for ASCOBANS the shortfall would be approximately \$1,349. She reiterated that the AC were being requested to consider how to address this \$1,349 shortfall in the interim, and then to consider a permanent solution for the ongoing \$4,200 Umoja costs apportioned to ASCOBANS. She suggested that the interim cost could be covered by the surplus referred to in the End of Term Report on Budgetary Issues 2020. The remaining discussion was held under Agenda Item 16.3.

### **16.2. End of Term Report on Budgetary Issues 2020**

220. Ms Renell presented the End of Term Report on Budgetary Issues 2020 ([ASCOBANS/AC26/Doc.16.2](#)) to the Meeting, noting that voluntary contributions had been received from Finland, Germany, the Netherlands, and Poland. She outlined the budget areas in the balance of approximately €100,000. The AC approved the report.

### **16.3. Mid-term Report on Budgetary Issues 2021**

221. Ms Renell (Secretariat) presented the Mid-term Report on Budgetary Issues 2021 ([ASCOBANS/AC26/Doc.16.3](#)) to the AC, noting that by the end of June 2021 they had received a voluntary contribution from the United Kingdom, and since then, also from Germany. The outstanding contributions noted in the document had now been paid. All savings from the old budget period (carry-over) were allocated to the conservation projects except for the lines mentioned in the document. Travel lines were quite inflated due to no travel in 2020-2021. She asked for comments.
222. Ms Bell asked what the carryover was likely to be for 2022 and, supported by Ms Scheidat, suggested that it looked like there were sufficient funds within the existing core budget to cover the Umoja issue discussed under Agenda Item 16.1. Mr Schall was happy to see that the Trust Fund was in a good state and that this could cover the Umoja needs. The Secretariat responded to a question from Ms Lesz confirming that countries would not be expected to receive an additional invoice.

223. Ms Sereen noted that the 2021 expenditure was €92,000 and that historically expenditure was usually €81,000, so the 2021 balance would be roughly €120,000.
224. The Chair asked whether it was agreed to take the Umoja costs from 'operating costs' in the core budget, and the Secretariat confirmed they would investigate which budget line under 'operating costs' had the least expenditure by the end of 2022. Ms Sereen explained it would be better to have a new budget line for the Umoja costs and put money in there for the saving of the core costs when they do the reporting. She requested the AC to agree which line the Umoja costs should come from.
225. Ms Bell noted that there was quite a lot of carry-over, and asked if that was because of COVID or if it was underspend. She wondered if they could re-forecast some funds to go to conservation projects. The Secretariat said that as a UN Agency it was necessary to retain the certain budget lines for equipment, IT services, operation costs, and maintenance of equipment etc. even if it was not fully spent, as it was a problem if there suddenly was a need for the funds, but the line was removed. The report was approved.

## **17. Assignment of Funds to Prioritised Activities**

226. Ms Renell (Secretariat) sought the meeting's views on the proposed Prioritisation of Activities Requiring Funding ([ASCOBANS/AC26/Doc.8.3/Rev.1](#)), noting that the strandings and necropsies database workshop (discussed under Agenda Item 8.1) would also be included in the list. Responding to a question from Ms Blankett, she explained that the total funding for all these activities was €138,000, which was not yet available in the budget. Ms Kühl-Stenzel was concerned that there were already additional activities requiring funding coming from AC26, such as the guidelines for cetacean-friendly MSPs.
227. Germany gave the project proposal on 'Using fishers' knowledge to understand the use of alternative gears to static gillnets in the ASCOBANS Region' top priority, noting Poland's plea during the meeting for this project and emphasising its relation to bycatch. Germany placed the project on 'Long-term Coordination of the Harbour Porpoise Action Plans' second priority and the 'Continuation of the ASCOBANS Workshop on Management of MPAs for Small Cetaceans' third. The Netherlands also prioritised the fishers' knowledge project. Poland, Belgium, France and Sweden prioritised the 'Long-term Coordination of the Harbour Porpoise Action Plans' and the "alternative gears" project. Finland agreed with this order, and also prioritised the MPA workshop.
228. The Secretariat noted that a voluntary contribution of € 25,600 had been received from Germany for the 'Long-term Coordination of the Harbour Porpoise Action Plans' and the "alternative gears" project costs. The Netherlands announced they would like to pledge €10,000 to allocate to the "alternative gears" project and would inform later where to allocate the remainder.
229. Ms Carlén acknowledged that the MPA project budget was quite high, and that funding could be applied for from other places too, and that Ms Blankett mentioned there might be a voluntary contribution from Finland for this project. Ms Carlén also hoped to receive funding from the EU Biogeographical process. Mr Simmonds commended the Parties for their continuing support for the MPAs workshop. Ms Nyström also noted that the Coordination of the NE Atlantic Common Dolphin was important.
230. The Netherlands, supported by Belgium, commented that the project on the 'Status of the Iberian Harbour Porpoise' should also be considered as a priority, as this was agreed as the second highest priority in the review process (see [ASCOBANS/AC26/Doc.8.2](#)). She also wondered whether it would be possible to reduce the costs of the "cochlear mapping" project by reducing sample size to enable the UK to promote this project, with Belgium suggesting

using the savings on the MPA workshop (suggested by Ms Carlén) for the “cochlear mapping” project.

231. The Secretariat urged selecting more priorities so that, if the funds were available, they could be supported. Directing savings from core budget to conservation projects could generally only be done after the end of the budget period, and might require an MOP decision.
232. Poland asked about the workshop on strandings and necropsies agreed upon under Agenda Item 8.1 with the UK suggesting, supported by Belgium, that it was more important to look at the causes and that the project on algae blooms might be useful to think about in terms of likely causes of some strandings.
233. Discussion also focused on whether to prioritise the project on the ‘Status of the Iberian Harbour Porpoise’, given it was given 2nd priority, with some Parties preferring to focus on the projects currently prioritised in the discussions. The UK pointed out that they could prioritise the three projects now, being considered most important together with the three prioritised in the review process, and there was sufficient funding for those six projects. The Netherlands rationale for prioritizing the Iberian harbour porpoise population was its current conservation status. Germany noted that Portugal and Spain are not Parties to ASCOBANS, and as such funding for the Iberian porpoise project should be found via regional agreements such as ACCOBAMS.
234. The Secretariat noted there was nearly €70,000 in funding available, so the shortfall was about €4,000 to fund the seven prioritised initiatives. Ms Bell wondered if they could ask ACCOBAMS to fund the shortfall, in particular the Status of the Iberian Harbour Porpoise. Mr Simmonds noted that ACCOBAMS was poised to move into action on the Iberian harbour porpoise as the population was amongst the smallest recorded in Europe which was why it was such a pressing issue. The Vice-Chair requested the Secretariat to have a conversation with ACCOBAMS and to ask Parties for further voluntary contributions.
235. After discussion, Parties agreed on the listing of priorities as: 1. Long-term coordination of the Harbour Porpoise Action Plans; 2. Using fishers’ knowledge to understand the use of alternative gears to static gillnets in the ASCOBANS Region’; 3. Continuation of the ASCOBANS workshop on management of MPAs for small cetaceans; 4. An expert workshop to recommend small cetacean conservation objectives in relation to anthropogenic removals; 5. Prediction of the cochlear frequency maps of harbour porpoise; 6. Coordination of the Species Action Plan for the NE Atlantic Common Dolphin; and 7. Status of the Iberian harbour porpoise.

## **18. Election of Chair and Vice-Chair of the Advisory Committee 2022-2025**

236. The Vice-Chair noted it was time for her and Mr Hassani to step aside as Chairpersons, having been in this position for over ten years. She and Mr Hassani expressed their thanks and hoped to continue to contribute to the AC as a member of their national delegations. The Secretariat and the AC sincerely thanked them for their wise chairing.
237. Ms Virtue announced that Jens Warrie (Belgium) and Katarzyna Kaminska (Poland) had been nominated and were willing to take up the mantle as Chair and Vice-Chair of the AC. With support from the AC, the new Chairpersons were welcomed, and the AC expressed confidence in their leadership.

## **19. Any Other Institutional Issues**

There were no items raised under Any Other Institutional Issues.

**20. Date and Venue of the 27<sup>th</sup> Meeting of the Advisory Committee**

238. The Secretariat presented several possible dates for AC27 in late 2022 and Parties were invited to host. Discussions included avoiding an overlap with several other meetings such as HELCOM, IWC, and other CMS meetings. It was agreed that the Secretariat would circulate a doodle poll in January 2022 to assess most suitable dates, which ultimately would also depend on the venue. The Secretariat agreed to pursue venue options later, including whether to hold it in Bonn. The Secretariat also pointed out that 2022 would be the 30<sup>th</sup> anniversary of ASCOBANS, which would be a nice opportunity to host this meeting.

**21. Adoption of the List of Action Points of the Institutional Session**

239. The Action Points and Recommendations are included in Annex 1 to this report.

**22. Close of the Meeting**

240. After the customary expression of thanks and noting that there were a lot of action points to work on during the intersessional period, the Chair declared the Institutional Session of the meeting closed on Thursday 11 November 2021 at 14:40 CET.

**Annex 1:****ACTION POINTS AND RECOMMENDATIONS FROM  
THE 26<sup>TH</sup> MEETING OF THE ASCOBANS ADVISORY COMMITTEE****SCIENTIFIC SESSION***Action Point = AP, Recommendation = R***Underwater noise**

1. R) The Advisory Committee and its working groups are encouraged to reach out, via the Secretariat, to the Joint Noise Working Group of CMS, ASCOBANS and ACCOBAMS, for matters of underwater noise requiring advice.
2. AP) The Secretariat to seek advice from the Joint Noise Working Group of CMS, ASCOBANS and ACCOBAMS on:
  - How to improve monitoring and mitigation of underwater noise and to reduce the cumulative impact on small cetaceans; and
  - Provide guidance on monitoring and mitigating the impact of continuous and impulsive noise, noting recommendations included in [ASCOBANS/AC23/Inf.5.1.1a](#).
3. AP) The Secretariat to convene a workshop(s) with representatives of national navies and NATO, to consider the following issues:
  - navies' mitigation protocols for use of military sonar and management of other activities that can contribute to potentially harmful underwater noise, including the removal and/or detonation of Unexploded Ordnance (UXO); and
  - solutions for acoustic monitoring and bycatch mitigation (deterrent devices) in synergy with national security activities.

This requires that Parties identify these representatives.

4. R) Parties concerned are encouraged to start or continue dialogue regarding the need for solutions in the Baltic Sea for acoustic monitoring and on bycatch mitigation (pingers), as needed, in synergy with national security activities, and to report back when updates are available. The Secretariat to seek an update on the situation in three and six months.
5. R) Parties are encouraged to include speed boats and other recreational vessels (also high-frequency ones such as Rigid hulled Inflatable Boats) in the monitoring and mitigation of continuous noise.
6. R) Parties are encouraged to revisit a document submitted to the 23<sup>rd</sup> Meeting of the Advisory Committee, *Comments on ASCOBANS monitoring and reporting process with regards to underwater noise affecting cetaceans* ([ASCOBANS/AC23/Inf.5.1.1a](#)).

**Unexploded ordnance**

7. R) Parties are encouraged to strive for a detailed registration of munition encounters within OSPAR and/or HELCOM and are encouraged to promote optimal mitigation methods with regards to cetacean wellbeing. Parties are encouraged to take a proactive approach in the removal of underwater munitions with the aim to avoid detonations wherever possible.
8. AP) Parties are requested to bring to the attention of the relevant fora within HELCOM and OSPAR the need for mapping, evaluating, prioritizing, and finally retrieving unexploded ordnance with the aim to avoid negative impacts on small cetaceans.

9. AP) The Secretariat to promote these efforts and to monitor such activities with a focus on cetaceans in cooperation with the OSPAR and HELCOM Secretariats.
10. AP) The Secretariat to request the Joint Noise Working Group to develop guidelines for mitigation of explosions and environmentally sound removal of UXO from the sea.
11. R) Parties are encouraged to exchange ideas, study results and other information on Best Available Techniques and Best Environmental Practice between NATO, Navies, statutory nature conservation authorities, taking into account technology developed under US programmes. Environmental Security Technology Certification Programme (ESTCP) and Strategic Environmental Research and Development Programme (SERDP).
12. R) Parties are encouraged to prioritise UXO removal mechanisms over detonation. If detonations cannot be avoided, Parties are encouraged to use noise mitigation in combination with noise exposure mitigation methods which reduce impacts on cetaceans. Parties should ensure that information is recorded on the ICES Impulsive Noise Registry.
13. R) Parties are encouraged to investigate stranded small cetaceans for blast trauma-related injuries.

### **Ocean energy**

14. R) Parties are encouraged to:
  - Monitor population trends of small cetaceans affected by renewable energy sites (construction, operation) across countries.
  - Minimize negative impacts on small cetaceans throughout the entire life cycle of offshore wind park operation, including after the operation phase.
  - Consider adopting common noise thresholds and consider lower noise thresholds for particular species and circumstances for the ASCOBANS region, recognizing that avoidance of temporary threshold shifts should be avoided at all costs.
  - Regulate offshore wind parks so that the disturbance to cetaceans and the threat of ship strikes caused by service operation and other vessels operating in relation to offshore wind parks is minimized, including speed restrictions and initiating a process to select routes including outside of marine protected areas.
  - Plan the coherent development of offshore wind parks across the ASCOBANS Area in space and time to ensure that populations of cetaceans are not disturbed, their conservation status and movement patterns not affected, taking into account cumulative impacts.

### **Marine Spatial Planning (MSP)**

15. AP) The Secretariat to include in the agenda of AC28, the subject of ecosystem-based approach to examine the effects of pressures on small cetaceans, with a view to having a draft resolution to be presented to MOP10.
16. AP) The Secretariat to establish an intersessional working group (IWG) to elaborate on how to best develop guidelines for cetacean-friendly MSP and a draft resolution for MOP10. Members include: Penina Blankett, Oliver Schall and/or Patricia Brtnik, Ida Carlén, Julia Carlström, Peter Evans, Aline Kühl-Stenzel, Stina Nyström, Fiona Read, Mark Simmonds, Susanne Viker. Others are welcome to join. Secretariat to seek voluntary contributions (to recruit a consultant to develop the guidelines).
17. R) The Parties are encouraged to consistently include the distributions of all relevant cetaceans listed under ASCOBANS in their national marine spatial plans, for example through reservation areas. Attention should be paid to avoid barriers to cetacean movement throughout their range, including international borders.

18. AP) The Secretariat, with the input of Parties, to amend the relevant questions in the MSP section on the National Report with regards to species-specific provisions, and threats to cetaceans being managed through MSP; and on performance against HELCOM-VASAB<sup>35</sup> key elements for applying the ecosystem-based approach in MSP.

### **Marine Protected Areas**

19. AP) The Advisory Committee to support organising a second ASCOBANS Workshop on management of MPAs for Small Cetaceans, to build on the outcomes of the first workshop held in May and June 2021. The organising committee from 2020-2021 is invited to continue (i.e. Penina Blankett, Ida Carlén, Stina Nyström, Sophie Ouzet, Mark Simmonds, Heike Zidowitz).

### **Jastarnia and WBBK Plans**

20. AP) Parties to fulfil Article 12 of the EU Habitats Directive by implementing strict protection against bycatch in the entire range of the harbour porpoise populations in the Baltic and WBBK areas, including implementing alternative fishing methods not causing bycatch of small cetaceans, the use of acoustic deterrent devices and/or other mitigation measures.
21. AP) All Parties and Non-Parties bordering the Baltic Sea are strongly encouraged to support SAMBAH-II, both in terms of providing funds and by ensuring that there are no other obstacles, to allow the project to start as soon as possible.
22. AP) Parties to contribute to and fund SAMBAH II for estimation of current harbour porpoise abundance in the Baltic Sea.

### **Common Dolphin SAP**

23. AP) The Secretariat to write the European Commission to strongly suggest that Member States implement the ICES advice for the common dolphin in the Bay of Biscay (a combination of temporal closures of all métiers of concern and application of pingers on pair trawlers to mitigate bycatch outside of the period of closure) in the winter of 2021-2022. Despite the measures being in place the previous winter, the number of bycaught animals is still high. STECF<sup>36</sup> advice acknowledges that current measures from the Joint Recommendations are not ambitious enough to address the situation.
24. R) Parties are encouraged to develop a strategic long-term, population-level bycatch prevention and reduction plan to ensure the favourable conservation status of the common dolphin. The strategic bycatch prevention and reduction plan, detailing monitoring and mitigation requirements, could be co-developed by the ASCOBANS Common Dolphin Group in association with other stakeholders, including Advisory Councils and the fishing industry.
25. AP) The Advisory Committee to strive to nominate an expert to the South Western Waters Advisory Council<sup>37</sup> to work on the development of the Joint Recommendations for measures to reduce cetacean bycatch in the Bay of Biscay.
26. R) Parties are encouraged to trial pingers on commercial static nets to establish their effectiveness for mitigating common dolphin bycatch.
27. R) Parties are encouraged to undertake a transboundary assessment for the common dolphin, including for reporting under Article 17 of the Habitats Directive, with the support of the

<sup>35</sup> Vision and Strategies around the Baltic Sea

<sup>36</sup> Scientific, Technical and Economic Committee for Fisheries (European Commission)

<sup>37</sup> <https://cc-sud.eu/index.php/en/swwac/who-are-we-swac>

ASCOBANS Common Dolphin Group. Where possible, Parties to include the range of the North-East Atlantic population.

### **Bottlenose Dolphin**

28. R) Research & Monitoring:

Parties are encouraged to:

- Support long-term photo-ID studies of coastal bottlenose dolphins at key sites in the ASCOBANS Agreement Area to determine abundance trends, survival rates, home ranges, and habitat preferences.
- Further investigate the population structure of both coastal and offshore ecotypes.
- Coordinate material from strandings for analysis to better assess growth rates and life history parameters, diet, and health status including further investigations of contaminant levels and their impact.
- Provide links to the holders of photo-identification catalogues to facilitate the comparison of photographs from bottlenose dolphins that were registered outside their usual range.
- Better monitor coastal fishing effort and bycatch rates in high-risk areas such as around the Iberian Peninsula, particularly for small vessels that are currently poorly monitored.

29. R) Conservation Action:

Parties are encouraged to:

- Identify contexts in which bottlenose dolphin bycatch occurs and introduce appropriate mitigation measures.
- Ensure management is fully effective in relation to the conservation objectives within Marine Protected Areas, by identifying population trends and linking pressures with impacts so that appropriate measures can be taken.
- Identify key features of natural supporting habitats for bottlenose dolphins in coastal areas, and direct effort to restoration where appropriate - a good example would be the planting of seagrass beds.

30. AP) The Advisory Committee to draft TOR for a workshop, potentially in collaboration with other bodies such as OSPAR and ICES, to review conservation units and their delineation for bottlenose dolphins and some other small cetacean species within the ASCOBANS region, updating the ASCOBANS-HELCOM Population Structure workshop held in 2008. Drafting group: Sarah Dolman, Peter Evans, Sinead Murphy, Graham Pierce, Mark Simmonds. Secretariat to organise this workshop.

### ***Lagenorhynchus* species**

31. AP) The Advisory Committee to establish an Intersessional Working Group (IWG) on *Lagenorhynchus* sp. to

- Review the available information about the population structures and trends, distributions, abundances, mortalities, reproductive outputs, health, diet, behaviour, and data gaps related to both species in the NE Atlantic; and
- Review issues that pose a conservation threat to the species and their populations.
- Take note of the relevant recommendations from AC24.

Members: Mark Simmonds, Peter Evans, Andrew Brownlow, Meike Scheidat/Lonneke Ijsseldijk, Fiona Read, Nicola Hodgins. Others are welcome to join.

32. AP) The Secretariat to send a letter to the Faroe Islands, copied to Denmark, based on the conclusions of [ASCOBANS/AC26/Doc.4.2](#).

## **Beaked Whales in the Northeast Atlantic**

33. R) Parties are encouraged to:
- Raise the profile of the issue of military activities, both through engagement with and conveying recommendations to national navies and to NATO, and distribute findings of the report ([ASCOBANS/AC26/Doc.4.3](#)) widely.
  - Improve noise registry data (the range of noise sources included) and availability (both accessibility and closer to real-time).
  - Establish a programme of long-term acoustic monitoring and analysis to provide information on anthropogenic noise events.
  - Contribute to the collection of Beaked Whale monitoring data as detailed in the report [ASCOBANS/AC26/Doc.4.3](#).
34. AP) The Secretariat and Parties to collaborate with national navies and with NATO with regards to mitigating pressures from military exercises, as detailed in the report [ASCOBANS/AC26/Doc.4.3](#).
35. AP) The Secretariat to establish a drafting group to develop a resolution on Beaked Whales for AC28, ahead of MOP10. Members: Intersessional Working Group (IWG) on Beaked Whales, Nikki Taylor; others are welcome to join.
36. AP) The Secretariat to provide a list of beaked whale experts on the ASCOBANS website as contact points.
37. AP) ASCOBANS IWG Beaked Whales to collaborate with the corresponding working group in IWC, to assist in the implementation of the above actions.

## **Harbour Porpoise Baltic Proper & Iberian Populations**

38. AP) The Secretariat to establish an Intersessional Working Group to work on CMS Baltic harbour porpoise listing proposal for submission to EU<sup>38</sup>, approximately by December 2022<sup>39</sup>. Members: Penina Blankett, Patricia Brtnik, Julia Carlström, Susanne Viker, Ida Carlén, Peter Evans, Fiona Read, Mark Simmonds, Katarzyna Kaminska, Aline Kühl-Stenzel, Stina Nyström, Dagmar Struss.
39. AP) The Secretariat to establish an Intersessional Working Group to work on CMS Iberian harbour porpoise listing proposal for submission to EU, with the same timing as above. Members: Sarah Dolman, Peter Evans, Sinéad Murphy, Graham Pierce, Fiona Read. Members are welcome from Portugal and Spain.
40. R) Parties to consider additional CMS proposals to extend the range of other ASCOBANS species to include the Atlantic Region.

## **Relevant EU Policy Matters**

41. AP) The Joint Bycatch Working Group of ASCOBANS and ACCOBAMS to participate in the [targeted consultation](#) of the EU Action Plan to conserve fisheries resources and protect marine ecosystems.
42. R) The Secretariat to consider appointing a third co-chair from the Baltic region to the Joint ACCOBAMS/ASCOBANS Working Group on Marine Strategy Framework Directive (MSFD).

<sup>38</sup> The EC needs to have a 218(9) Council Decision, based on a Commission proposal. From Commission side, to have the time necessary to get through this process, the EC would need to receive a draft at the very latest about 4 months (an extra month would be most welcomed) before the date that submissions need to be made to the CMS which is 150 days before the COP. All in all, that would mean the EC would need to receive the proposal at the latest 9 months (10 months would be appreciated) before the COP.

<sup>39</sup> Assuming that CMS COP14 takes place around October 2023. Currently, the dates are not set.

43. AP) The Secretariat to organise a meeting in cooperation with OSPAR, HELCOM and ACCOBAMS on presenting results of marine mammal indicator assessments used for reporting by Member States under the MSFD.

### **Cooperation with other bodies**

44. R) Parties to consider participation in the CIBBRiNA<sup>40</sup> project, specifically taking a lead role in Work Package 10 ("Sustainability, replication and exploitation"), case studies, as well as contributions to travel of smaller organisations and subcontracts.

### **ASCOBANS 30<sup>th</sup> Anniversary**

45. AP) The Secretariat to establish an Intersessional Working Group to further develop ideas for ASCOBANS 30<sup>th</sup> anniversary. Members: Penina Blankett, Sami Hassani, Monika Lesz, Susanne Viker, Stina Nyström, Sandra Striegel, Dagmar Struss.

### **Web-accessed Database for Marine Mammal Stranding and Necropsy Data**

46. AP) The Secretariat to organise a virtual brainstorming meeting on the strandings and necropsy database. Invitees to include data users, database experts, strandings and necropsy experts, and other relevant stakeholders, such as IWC, HELCOM, ACCOBAMS. The workshop would aim to:
- Discuss and scope the scientific, social, and administrative<sup>41</sup> drivers for the creation of an online database of marine strandings.
  - Review existing or planned databases containing marine strandings data.
  - Identify i) common and ii) diverging requirements/specifications of present stakeholders (ASCOBANS, ACCOBAMS, IWC, HELCOM).
  - Identify anticipated constraints, limitations or concerns of taking either a unilateral or shared approach.
  - Outline a design brief divided into 'essential' 'useful' and 'nice to have' attributes.
  - Discuss the technical aspects of the implementation and maintenance of a relational database.
  - Produce estimated costs and time for delivery.
  - Identify potential database architect candidates and a steering group to take this work forward.

### **ASCOBANS Work Plan: Overview of Implementation**

47. AP) The Secretariat to convene a meeting of the Intersessional Working Group on Data Deficient Taxa, which aims to identify the barriers to understanding and improving the conservation status of data deficient species, and will report back to AC27. Members: Roma Banga, Andrew Brownlow, Peter Evans, Sinead Murphy, Fiona Read, Mark Simmonds, Nikki Taylor. Others are welcome to join.
48. AP) The Secretariat to organise a virtual brainstorming session to respond to Work Plan Activity 68 ("Consider the relationship of ASCOBANS to other organisations..., to identify potential duplication or gaps in efforts."). Belgium offered to lead.

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<sup>40</sup> Coordinated Development and Implementation of Best Practice in Bycatch Reduction in the North Atlantic Region

<sup>41</sup> Referring to needs of member states, avoiding duplication of efforts in reporting.

## INSTITUTIONAL SESSION

49. The Advisory Committee agreed to use the ASCOBANS 'operating costs' budget line to cover the increased Umoja costs, referred to in ASCOBANS/AC26/Doc.16.1.
50. The Advisory Committee agreed to allocate funding for the following activities, in order of priority:
  - Long-term Coordination of the Harbour Porpoise Action Plans
  - Using fishers' knowledge to understand the use of alternative gears to static gillnets in the ASCOBANS Region
  - Continuation of the ASCOBANS Workshop on Management of MPAs for Small Cetaceans
  - Expert workshop to recommend small cetacean conservation objectives in relation to anthropogenic removals
  - Prediction of the cochlear frequency maps of harbour porpoise
  - Coordination of the Species Action Plan for the North-East Atlantic Common Dolphin
  - Status of the Iberian harbour porpoise
51. The Advisory Committee appointed Jens Warrie (Belgium) as Chair and Katarzyna Kaminska (Poland) as the Vice-Chair of the AC, for the period from 2022 to 2025.
52. The Secretariat to follow up, in January 2022, with Parties to determine suitable dates and a potential host for the 27<sup>th</sup> Meeting of the Advisory Committee.

## Annex 2: Terms of Reference for the Jastarnia Group

### **1. Introduction**

The need for a Baltic harbour porpoise recovery plan was recognised for a considerable time not only by ASCOBANS, but also by other international bodies. In 2002, a recovery plan was elaborated under the auspices of ASCOBANS in a collaborative effort involving scientists, managers and stakeholders. This recovery plan is the culmination of a series of scientific initiatives and meetings. The Recovery Plan, now known as the Jastarnia Plan, was welcomed by the 4<sup>th</sup> Meeting of the Parties to ASCOBANS in Esbjerg, Denmark, in 2003.

Since 2005, annual meetings of the so-called Jastarnia Group have been held. This expert working group, composed of representatives from the environment and fisheries sectors of the countries surrounding the Baltic Sea, discusses progress made and further implementation priorities for the Jastarnia Plan and makes recommendations to the ASCOBANS Advisory Committee.

The reviewed Jastarnia Plan was adopted by the 8<sup>th</sup> Meeting of the Parties to ASCOBANS in Helsinki, Finland, in 2016. In the process of reviewing the Jastarnia Plan, it was agreed that the Jastarnia Group should continue its work and act as a Steering Group for the Jastarnia Process, in accordance with the Terms of Reference below.

The Conservation Plan for the Harbour Porpoise Population in the Western Baltic, the Belt Sea and the Kattegat (WBBK Plan) was adopted by the 7<sup>th</sup> Meeting of the Parties to ASCOBANS in Brighton, United Kingdom, in 2012. This population is also known as the Belt Sea population. Since 2013, Jastarnia Group has also acted as a Steering Group for the WBBK Plan.

### **2. Terms of Reference**

The Jastarnia Group is a working group of the ASCOBANS Advisory Committee within the meaning of Article 5.4 of the ASCOBANS Agreement. It is the Steering Group for the ASCOBANS Recovery Plan for Baltic Harbour Porpoises, and for the Conservation Plan for the Harbour Porpoise Population in the Western Baltic, the Belt Sea and the Kattegat.

#### **a) Tasks**

The Jastarnia Group has the following tasks:

- Evaluate progress in the implementation of the Jastarnia and WBBK Plans.
- Establish further implementation priorities.
- Promote the implementation of the Jastarnia and WBBK Plans.
- Carry out the periodic reviews of the Jastarnia and WBBK Plans.

#### **b) Composition**

The Group consists of representatives of all states bordering the Baltic Sea (“Baltic Sea States”), irrespective of their status as ASCOBANS Parties or Non-Party Range States, of the North Sea Coordinator, respectively the Chair of the North Sea Group, as well as Baltic Sea environmental non-governmental organisations and Baltic Sea fisheries organizations (hereinafter referred to as “Jastarnia Group Members”). Each Baltic Sea State shall be entitled to appoint two Jastarnia Group Members, one of whom shall represent the environmental sector, the other the fisheries sector and such Advisers as the Party may deem necessary.

Two Baltic Sea environmental non-governmental organizations and two Baltic Sea fisheries organizations designated by and representing the Baltic Sea environmental, respectively fisheries communities, shall be entitled to appoint one Jastarnia Group Member each and such Advisers as

they may deem necessary. The participation of environmental NGOs and Baltic Sea fisheries organizations is subject to approval by the Baltic Sea Parties prior to each meeting of the Jastarnia Group. In the event that the Chairperson of the Group is a representative of an NGO or a fisheries organization, this organization shall be granted a permanent seat in the group for the duration of that representative's term as chairperson.

The Jastarnia Group may, as appropriate, invite representatives of any other body or any individual qualified in cetacean conservation and management to participate in a meeting in the capacity of "Invited Experts".

**c) Meetings**

The Jastarnia Group meets at least once annually.

**d) Rules of Procedure**

Pursuant to Rule 19 of the Rules of Procedure of the ASCOBANS Advisory Committee, those Rules shall apply *mutatis mutandis* to the proceedings of the Jastarnia Group insofar as they are applicable.

**Annex 3:****The most successful aspects of implementation of the Agreement in 2020***Based of National Reports submitted by Parties*

- A well-established strandings network (BE)
- Consultations with military about mitigating UXO destruction (BE)
- Excellent collaboration with neighbouring countries (BE)
- Ongoing noise research, collaboration, debate - national & international (DK)
- First Danish MSP for consultation in 2021 (DK)
- SAMBAH II proposal work (FI)
- Continued acoustic monitoring (FI)
- HP included in the Finnish Marine Strategy + monitoring plan + Prioritised Action Framework (FI)
- Launch of ASCOBANS-ACCOBAMS Joint Bycatch WG (FR)
- Participation of European Commission (DG Env & DG MARE) in ASCOBANS (DE)
- Increased public awareness and interest in small cetaceans (LT)
- Updating the national HP conservation plan (NL)
- Continuation & formalisation of monitoring tasks (NL)
- More holistic analyses of data sets (NL)
- Educational campaigns conducted (PL)
- Porpoise monitoring programme (PL)
- Ongoing preparation of conservation plans for marine N2K sites (PL)
- Ongoing dialogue with fishing community (PL)
- Project to remove lost fishing nets (PL)
- Effective noise mitigation; guidance in place (UK)

#### **Annex 4:**

##### **The greatest challenges in implementing the Agreement in 2020**

*Based of National Reports submitted by Parties*

- Reduction of bycatch (FR, DE)
- Lack of bycatch information for Baltic and Belt Sea population (DK)
- Balancing the increase of renewable energy and the impacts on cetaceans (DK, UK)
- Baltic Sea: deterioration of the environment and increased pressures (PL)
- Work burden & overlap between different fora requiring similar information (BE)
- Lack of resources (human, financial, infrastructure) (LT)
- Long-term funding for monitoring / new research projects (NL)
- The ICES advice on emergency actions for HP in the Baltic Sea (FI)
- Methods for assessing cumulative impacts (NL)
- Understanding the ecological role of the HP in Dutch waters (NL)

#### **Annex 5:**

##### **The main priorities for future implementation of the Agreement**

*Based on National Reports submitted by Parties*

- Streamlining the work in different international fora (BE)
- SAMBAH-II if funding successful (FI, DK)
- SCANS 4 campaign (FR)
- Continuing noise mitigation work, incl. consultation with military (BE)
- Larger focus on cumulative impacts and their assessments (DK)
- Implementing results of the MOP9 (DE)
- Involving the Lithuanian Maritime Museum in the activities (LT)
- International cooperation on assessing bycatch; developing alternative methodologies to make bycatch monitoring cost-effective (NL)
- Rebuilding Baltic HP populations; continue activities incl. promoting pro-ecological practices (PL)
- Increasing offshore wind capacity (UK)

### Annex 6: List of Dates of Interest to ASCOBANS

Date	Organiser	Title	Venue	Participation / Report
1-5 Nov 2021	IWC	Pollution 2025 Workshop	Online	Mark Simmonds
8-10 Nov 2021	HELCOM	25 <sup>th</sup> Meeting of the Group for the Implementation of the Ecosystem Approach	Online	
16-17 Nov 2021	HELCOM	23 <sup>rd</sup> Meeting of the Joint HELCOM-VASAB Maritime Spatial Planning Working Group	Online	
22 Nov 2021	ICES	ACOM web conference to finalise advice on bycatch (WCBYC)	Online	
22-26 Nov 2021	ACCOBAMS	14 <sup>th</sup> Meeting of the Scientific Committee	Monaco	
23-26 Nov 2021	OSPAR	Intersessional Correspondence Group on Marine Litter (ICG-ML)	tbc	
29 Nov - 3 Dec 2021	IWC	Climate Change Workshop	Online	Mark Simmonds
30 Nov - 3 Dec 2021	National Park Wattenmeer, Schleswig-Holstein, BMU, CWSS	15 <sup>th</sup> International Scientific Wadden Sea Symposium	Büsum, Germany	Meike Scheidat, Jip Vrooman, NABU
Jan 2022	OSPAR	Intersessional Correspondence Group on Noise (ICG-Noise)	tbc	
tbd 2022	CBD	Resumed sessions of SBSTTA 24 <sup>42</sup> , SBI 3 <sup>43</sup> and WG2020-3 <sup>44</sup>	Geneva, Switzerland	
18-19 Jan 2022	ASCOBANS	10 <sup>th</sup> Meeting of the Steering Group for the Conservation Plan for Harbour Porpoises in the North Sea (North Sea Group)	Online	
24-28 Jan 2022	NAMMCO	28 <sup>th</sup> Scientific Committee Meeting	Copenhagen, Denmark	
30 Jan - 4 Feb 2022	ICES	Working Group on Marine Litter (WGML)	Copenhagen, Denmark	
7-10 Feb 2022	ICES	Working Group on Marine Mammal Ecology (WGMME)	Online	
11-12 Feb 2022	France in cooperation with the UN, World Bank	One Ocean Summit (OOS)	Brest, France	
16-18 Mar 2022	HELCOM	43 <sup>rd</sup> Meeting of the Helsinki Commission	Helsinki, Finland	

<sup>42</sup> Subsidiary Body on Scientific, Technical and Technological Advice

<sup>43</sup> Subsidiary Body on Implementation

<sup>44</sup> Open-ended Working Group on the Post-2020 Global Biodiversity Framework

Date	Organiser	Title	Venue	Participation / Report
28-30 Mar 2022	ASCOBANS	18 <sup>th</sup> Meeting of the Jastarnia Group	Gothenburg, Sweden	
3-7 April 2022	ECS	33 <sup>rd</sup> Annual European Cetacean Society Conference (Workshops: 3-4 April, Conference: 5-7 April)	Ashdod, Israel	Secretariat
4-8 April 2022	OSPAR	Biodiversity Committee	Iceland & online	
25 April - 8 May 2022	CBD	COP15: Second part of Fifteenth meeting of the Conference of the Parties to the Convention on Biological Diversity (COP15)	Kunming, Yunnan Province, China	
26 April - 8 May 2022	IWC	Annual Scientific Committee Meeting (SC68D)	Online	Mark Simmonds
9-23 May 2022	HELCOM	16 <sup>th</sup> Meeting of the Working Group on the State of the Environment and Nature Conservation (STATE & CONSERVATION 16)	Germany (tbc)	
16-17 May 2022	OSPAR	Intersessional Correspondence Group on Marine Litter	Seville, Spain	
13-15 Sept 2022	HELCOM	Meeting of the Expert Group on Marine Mammals	tbc	
20-22 Sept 2022	OSPAR	Meeting of the Contracting Parties	Ireland	
28-30 Sept 2022	ASCOBANS	27 <sup>th</sup> Meeting of the Advisory Committee	tbc	All
Oct 2022	CMS	53 <sup>rd</sup> Meeting of the Standing Committee	Bonn, Germany	Secretariat
10-14 Oct 2022	HELCOM	17 <sup>th</sup> Meeting of the Working Group on the State of the Environment and Nature Conservation (STATE & CONSERVATION 17)	Sweden	
13-21 Oct 2022	IWC	Biennial Commission Meeting (IWC68)	Portorož, Slovenia	
Nov 2022	ACCOBAMS	8 <sup>th</sup> Meeting of the Parties	Malta	Secretariat
14-25 Nov 2022	CITES	COP19	Panama	

## Annex 7: List of Participants

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## **Annex 8: Statement from the NGO community**

### **Collated Action Points (AP) and Recommendations from the NGO community**

**List of NGOs: CCB, NABU, OceanCare, WDC, WWF (DE, NL, SE)**

### **Opening Statement to the 26th Meeting of the Advisory Committee of ASCOBANS.**

We the undersigned organizations wish to extend our greetings and good wishes to all the delegates gathered at this meeting of the Advisory Committee. We attend these meetings to support the conservation work undertaken through the agreement and look forward to doing this in cooperation with the parties and other stakeholders. In this virtual world, we are less able to talk informally with each other, which is often an important element in making progress. In the absence of this option, we have produced this opening statement to draw attention to the main issues that we hope to see resolved at this Advisory Committee meeting.

1. Proper recognition of the imperilled nature of the porpoise populations of the Baltic proper and the Iberian Peninsula: we were grateful for the support from the Advisory Committee for the proposal to list the critically endangered porpoise population of the Baltic Proper on Appendix I at the last CMS CoP and, as this did not happen, we continue to call for support for this listing and for that of the threatened porpoise population of the Iberian region as requested by the CMS Concerted Action.
2. Since the last meeting, a new issue has arisen which threatens to block actions to conserve the porpoises of the Baltic, and perhaps elsewhere, and this is the notion that the wider use of pingers on nets (i.e. acoustic deterrent devices) may interfere with military activities. We appreciate that there are some sensitivities around any matters of national security, but we ask the Advisory Committee and the Parties to ASCOBANS to strive to resolve this matter swiftly. If it cannot be resolved, then other action to eliminate the risk of bycatch of Baltic proper harbour porpoises must be taken - such as additional closures of zones designated for static net fisheries.
3. We also draw your attention to the excellent contribution made by the working group on beaked whale strandings in the NE Atlantic, noting that this was well-received by the IWC's Scientific Committee and again call for further action to address the threats to the beaked whales of the region and particularly the management of noise pollution.
4. We appreciate that since our last meeting most of the ASCOBANS Parties have prepared new Marine Spatial Plans for their Exclusive Economic Zones, which are entering a phase of evaluation now. The conservation status of small cetaceans has unfortunately not received adequate attention within any of these plans and therefore we would like to encourage the Advisory Committee to make use of the current window of opportunity and highlight the need for cetacean-friendly spatial planning in ASCOBANS waters and beyond.

Finally, we noted with great concern the massive and unprecedented take of Atlantic white-sided dolphins made in the Faroe Islands on September 12<sup>th</sup>. This action makes a nonsense of the conservation efforts being made by ASCOBANS and elsewhere and we believe ASCOBANS should take a view on this.