

Agenda Item 14

Advice on Authority of Working Groups to Act  
on Urgent Matters

Document 14

**Authority of Working Groups to Act on  
Urgent Matters - Options for Consideration  
of the Advisory Committee**

**Action Requested**

- Take note
- Provide guidance

Submitted by

Secretariat



**AUTHORITY OF WORKING GROUPS TO ACT ON URGENT MATTERS -  
OPTIONS FOR CONSIDERATION OF THE ADVISORY COMMITTEE**

1. The ASCOBANS Jastarnia Group (JG), in its recent meeting in March 2022, requested the 27<sup>th</sup> Meeting of the Advisory Committee (AC) to give guidance on how the AC working groups, including JG, can provide advice on urgent matters to relevant stakeholders (J18/AP29).
2. For ease of understanding, please find recent examples:

- a) In 2021 it was brought to the attention of the JG that three countries in the Baltic had raised concerns over possible interference of acoustic deterrent devices (pingers) on military applications. The International Council for the Exploration of the Sea (ICES) had in 2020 advised<sup>1</sup> that regarding bycatch of the harbour porpoise in Baltic Proper, a combination of spatial-temporal closures and pingers in static nets fisheries be applied. The rationale was that pingers have been shown to reduce bycatch of harbour porpoise by 50-80% in operational fisheries with static nets, in comparison to nets without pingers. For the Baltic Proper harbour porpoise, bycatch mitigation is urgently needed, and since closing fisheries entirely is unlikely, pingers could be used to decrease bycatch risk in the population range. Therefore, the JG felt that this issue should be addressed promptly.

In May 2021, JG17 agreed that a letter should be sent to the relevant Range States' ministries and their navies, to request that navies or their research institutes closely investigate the possible interference between pingers and military underwater acoustic activities. A draft letter was reviewed within the JG, and since the Parties in question were in attendance in the JG meeting and did not raise objections, the matter was agreed, and two letters subsequently sent. The Secretariat proposes to continue this practice when relevant Parties are present.

- b) At JG18 in March 2022, another draft letter was considered raising concern of the effect of underwater explosions to harbour porpoises. It was planned to be sent to all Baltic Proper Range States and their navies. However, a procedural question was then raised regarding the authority of Working Groups to send such letters. Consequently, JG18 agreed that the timing of sending the letter should be discussed at AC27 (see JG18/AP25).
  - c) Another example of the expert capacity of the working groups is developing comments or statements. At JG16 in June 2020, a representative from the European Commission (EC) invited "technical and scientific comments" on ICES Special Request Advice on Emergency Measures to Prevent Bycatch from the Jastarnia Group. After the meeting, comments<sup>2</sup> were elaborated swiftly, in order to support EC in their process that was already in motion. The JG16 participants, including five ASCOBANS National Coordinators, reviewed the document before it was sent. The comments were later shared on the JG16 webpage, and were included in the JG16 Meeting Report as an annex.
3. The Advisory Committee is requested to provide guidance on this matter, that is, whether and through what procedure working groups can send communications on urgent issues in their name. Options the AC may wish to consider include:
    - To authorise working groups to continue to send out communications on urgent issues, as per the procedure followed in paragraph 2. a) above;

<sup>1</sup> [https://www.ices.dk/sites/pub/Publication%20Reports/Advice/2020/Special\\_Requests/eu.2020.04.pdf](https://www.ices.dk/sites/pub/Publication%20Reports/Advice/2020/Special_Requests/eu.2020.04.pdf)

<sup>2</sup> <https://www.ascobans.org/en/document/technical-and-scientific-comments-ices-special-request-advice-emergency-measures-prevent>

- To authorise the Chair and/or Vice-Chair or the AC to review communications on urgent issues, with a short deadline; and
  - To endorse working groups' communications through email correspondence and silence procedure, with a short deadline.
4. The procedure to endorse working groups' Action Points intersessionally through email correspondence and silence procedure is already in place and working well. This also enables ASCOBANS National Coordinators to share finalised Action Points / Recommendations with their relevant ministries and colleagues without having to wait, potentially months, until the next meeting of the AC. Part of the National Coordinator's responsibilities is to share meeting outcomes to the relevant stakeholders in their countries. Kindly refer to the *Manual for the National Focal Points for CMS and its Instruments*, accessible [here](#).