

**3<sup>rd</sup> Session of the Meeting of Parties**

**Bristol, United Kingdom**

**26 – 28 July 2000**

**Resolution No. 3  
Incidental Take of Small Cetaceans**

The Meeting of Parties:

RECALLING that the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas agreed in its Annex that "... management measures shall be applied ..." to develop, in the light of available data indicating unacceptable interaction, modifications of fishing gear and fishing practices in order to reduce by-catches and that in the waters of EU Member States, Article 2 of Council Regulation (EEC) No. 3760/92 of December 1992 stipulates that the common fisheries policy shall provide for rational and responsible exploitation on a sustainable basis, taking account of the implications for the marine ecosystem;

RECALLING that, in the waters of EU Member States, Article 12.4 of Council Directive 92/43/EEC requires States to establish a system to monitor the incidental capture and killing of all cetaceans, and that in the light of the information gathered they shall take further research or conservation measures as required to ensure that incidental capture and killing does not have a significant negative impact on the species concerned;

RECALLING the Statement of Conclusions at the Intermediate Ministerial Meeting on the Integration of Fisheries and Environmental Issues held in March 1997 in Bergen, where Ministers agreed to take appropriate measures to minimise, in accordance with the FAO Code of Conduct for Responsible Fisheries, adverse impact of fishing activities on North Sea species and their habitats;

RECALLING the recommendations adopted at this meeting concerning the future work on abundance estimates and population structure;

NOTING Resolution 6.2 on by-catch adopted by the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) at its Sixth Meeting (Cape Town, November 1999);

NOTING the findings in the report of the ASCOBANS working group on by-catch, November 1997, "Cetacean by-catch issues in the ASCOBANS area", which documents levels of by-catch in some North Sea fisheries, and studies that have helped define the sub-structure of harbour porpoise populations in the North Sea;

NOTING that the above report documents an abundance estimate of 170,000 harbour porpoises in the central and south North Sea and a minimum estimated annual by-catch of 4,450 harbour porpoises in this area; and an abundance estimate of 36,000 harbour porpoises and a minimum estimated annual by-catch of 2,200 animals on the Celtic Shelf, which is adjacent to the ASCOBANS area and where catches may have an adverse effect on the recovery of porpoise populations within ASCOBANS waters;

NOTING that abundance for a part of the harbour porpoise range of occurrence in the Baltic Sea is estimated to be 600 (confidence limits: 200 and 3300 and that the Advisory Committee will agree a Recovery Plan for harbour porpoise in the Baltic Sea, which will also include by-catch mitigation measures.

NOTING the findings of the "Review of Marine Mammal By-catch Observer Schemes", which recommended that a properly designed observer scheme is the best way of acquiring reliable information on by-catch, but that extrapolation from existing information on comparable gear types and areas may be necessary when an observer scheme is logistically impossible;

NOTING that the International Whaling Commission has endorsed its Scientific Committee's advice that an estimated annual by-catch of 1 % of estimated population size indicates that further research should be undertaken immediately to clarify the status of the stocks and that an estimated annual by-catch of 2 % may cause the population to decline and requires immediate action to reduce by-catch;

NOTING the Resolution on Incidental Take of Small Cetaceans adopted by the 2<sup>nd</sup> Meeting of Parties (ASCOBANS/MOP2/DOC. 4);

RECALLING that the Second Meeting of Parties agreed that specific conservation objectives needed to be defined to enhance the work of ASCOBANS and monitor its success and also agreed with the approach to achieve this and the working definitions given in ASCOBANS/MOP/2/DOC.4, specifically:

- (1) that the aim of ASCOBANS can be interpreted as "to restore and/or maintain biological or management stocks of small cetaceans at the level they would reach when there is the lowest possible anthropogenic influence" - a suitable short-term practical sub-objective is to restore and/or maintain stocks/populations to 80% or more of the carrying capacity;
- (2) that the general aim should be to minimise (i.e. to ultimately reduce to zero) anthropogenic removals within some yet to be specified time frame, and that intermediate target levels should be set; and
- (3) that the longer term approach, which involves *inter alia* taking into account uncertainty in the available data, should be developed by the Advisory Committee;

RECOGNISING the high selectivity of bottom set gillnets in relation to target fish species;

NOTING that the IWC/ASCOBANS Working Group on harbour porpoises advised that the maximum annual by-catch that achieves the ASCOBANS interim objective over an *infinite* time horizon, assuming no uncertainty in any parameter, is 1.7% of the population size in that year. This advice was subsequently endorsed by IWC at its 51<sup>st</sup> meeting. If uncertainty is considered, such as measurement error in estimating population size, maximum annual by-catch must be less than 1.7% to ensure a high probability of meeting the ASCOBANS objective;

NOTING the agreement at this Meeting of Parties that an estimated annual by-catch of 2 % was too high and that further research indicated that an anthropogenic removal above 1.7 % of a harbour porpoise population must be considered unacceptable;

REGRETTING that the recommendation set out in the above mentioned Resolution to reduce by-catch to less than 2% of a population, preferably by the Third Meeting of Parties, has not been fulfilled;

NOTING that efforts to reduce by-catch require close co-operation between managers, scientists and fishermen;

RECOGNISING the need to integrate by-catch issues in sustainable fisheries practices and socio-economic considerations, particularly in the context of the Common Fisheries Policy of the European Union;

COMMENDS those countries that have adopted measures to reduce by-catch; that have set up and continued observer programmes to estimate marine mammal by-catch in fisheries; and have undertaken research on methods to reduce levels of by-catch;

REQUESTS that Parties and Range States continue to investigate methods to reduce by-catch and fully evaluate them and their ecological implications, noting the valuable input the fishing industry may have to such studies;

DEFINES, for the present, according to the most recent scientific information "unacceptable interactions" as being, in the short term, a total anthropogenic removal above 1.7 % of the best available estimate of abundance, keeping in mind that the 2<sup>nd</sup> Meeting of Parties recommended an anthropogenic removal of more than 2% is an "unacceptable interaction";

UNDERLINES the intermediate precautionary objective to reduce by-catches to less than 1% of the best available population estimate;

NOTING also that if available evidence suggests that a population is severely reduced, or in the case of species other than the harbour porpoise, or where there is significant uncertainty in parameters such as population size or by-catch levels, then "unacceptable interaction" may involve an anthropogenic removal of much less than 1.7 %;

PROPOSES that competent authorities accept this interim definition in respect of findings of current and future research in the ASCOBANS area and in adjacent waters where there may be conservation implications for cetacean populations within the ASCOBANS area;

RECOMMENDS in view of the foregoing that competent authorities take precautionary measures to ensure that the total anthropogenic removal of marine mammals in the area defined by the ASCOBANS agreement and its adjacent waters is reduced as soon as possible to below an “unacceptable interaction”;

RECOMMENDS, particularly with regard to harbour porpoises in the central and south North Sea (ICES Areas IVb and IVc), that total anthropogenic removal is reduced without delay by competent authorities, regardless of the time needed to establish better population data and to calculate an acceptable removal level;

RECOMMENDS that relevant Parties and Range States continue to make estimates of annual by-catch for North Sea set-net fisheries and pelagic trawl fisheries where they are currently lacking, especially in the northern North Sea;

REQUESTS that relevant Parties and Range States provide where possible an estimate of total harbour porpoise by-catch in the Skagerrak/Kattegat/Belt Sea and the Baltic Sea;

REQUESTS Parties and Range States to continue collecting data on fishing efforts, reporting in a summary style and focussing in particular on the types of fisheries relevant to small cetaceans and by-catch;

URGES Parties and Range States in the Baltic Sea region (referring to HELCOM Recommendation 17/2), together with the Advisory Committee, to continue their work towards developing a recovery plan for porpoises in the Baltic Sea, one element of which should be to identify human activities, including those resulting in by-catches, that are potential threats to the recovery of this species in the Baltic, and that the competent authorities consider appropriate methods to limit such threats;

URGES the ASCOBANS Secretariat, Parties and Range States to promote the integration of by-catch issues in the Common Fisheries Policies and in relevant National Fisheries Policies.