



**A S C O B A N S**

AGREEMENT ON THE CONSERVATION OF SMALL CETACEANS  
OF THE BALTIC AND NORTH SEAS  
ACCORD SUR LA CONSERVATION DES PETITS CÉTACÉS  
DE LA MER BALTIQUE ET DE LA MER DU NORD  
ABKOMMEN ZUR ERHALTUNG DER KLEINWALE  
IN DER NORD-UND OSTSEE  
СОГЛАШЕНИЕ ОБ ОХРАНЕ МАЛЫХ КИТОВ  
БАЛТИЙСКОГО И СЕВЕРНОГО МОРЕ

# ADVISORY COMMITTEE MEETING

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Report of the fifth meeting of the Advisory Committee

**ASCOBANS**  
Agreement on the Conservation  
of Small Cetaceans of the  
Baltic and North Seas

ASCOBANS Secretariat  
United Nations Premises in Bonn  
Martin-Luther-King-Str. 8  
D-53175 Bonn, Germany

Tel: +49 228 8152418  
Fax: +49 228 8152440  
E-mail: [ascobans@uno.de](mailto:ascobans@uno.de)  
Web: <http://www.wcmc.org.uk/cms>

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## EXECUTIVE SUMMARY - POINTS FOR ACTION

### **1. The coordinating authorities (agenda item 7)**

The SECRETARIAT and the CHAIRMAN or the VICE-CHAIRMAN will meet with each coordinating authority to actively discuss how to further the implementation of ASCOBANS.

### **2. Research options for the Baltic (agenda item 9)**

2.1 BERGGREN will provide information to the SECRETARIAT on the estimated cost of a meeting of the members of the ASCOBANS Baltic Discussion Group to finalise their report. Based on these the Advisory Committee will intersessionally decide whether ASCOBANS should fund such a meeting.

2.2 The SECRETARIAT will arrange for the report of IBSFC to be sent to the ASCOBANS Baltic Discussion Group.

2.3 VINTHER and LOCKYER will contact the DIFRES project leaders about the best way to make bycatch observation data generally available. LOCKYER will report on progress to the SECRETARIAT.

2.4 The SECRETARIAT will notify HELCOM of progress in designing a monitoring system for harbour porpoise in the Baltic Sea.

### **3. Pollutants issues (agenda item 10)**

3.1 The SECRETARIAT will co-ordinate the collection of relevant papers and reports on pollutants, including those which detail contaminant levels and biomarkers in small cetaceans.

3.2 The WORKING GROUP ON POLLUTANTS, convened by Reijnders and Simmonds, will review the information provided by the Secretariat and prepare an annual report, as well as produce recommendations of what (if any) actions should follow from their review.

3.3 The SECRETARIAT will seek observer status for OSPAR's INPUT Working Group.

3.4 The SECRETARIAT will consider if pollution matters can be usefully developed within HELCOM.

3.5 REIJNDERS will participate in the IWC programme planning group and report back to the Working Group on Pollutants.

### **4. Bycatch issues (agenda item 11)**

4.1 BJØRGE will investigate the available fisheries statistics in Skagerrak in consultation with BERGGREN.

4.2 BERGGREN will produce a table for Parties to help in the provision of fisheries data to estimate annual bycatch rates. The table will be considered by a small sub-group before being passed to the SECRETARIAT for distribution to the Advisory Committee.

4.3 The SECRETARIAT, CHAIRMAN and VICE-CHAIRMAN will liaise with the European Commission on how best to integrate the ASCOBANS objectives into the Common Fisheries Policy.

### **5. Cooperation with OSPAR, HELCOM and fisheries organisations (agenda item 12)**

5.1 The CHAIRMAN, VICE-CHAIRMAN, HAELTERS and THE SECRETARIAT will produce a paper describing the structure of OSPAR and HELCOM and provide recommendations for future work with these organisations.

5.2 The SECRETARIAT will identify meetings, in particular of fisheries related organisations, at which an ASCOBANS presence may be beneficial.

### **6. Disturbance (agenda item 13)**

6.1 GORDON and EVANS will continue their review on criteria's used in designating protected areas to be presented at the Advisory Committee meeting in 2000.

6.2 An ad-hoc group, led by TASKER, and the SECRETARIAT will review the papers resulting from the 'Seismic and Marine Mammals Workshop', and other relevant fora, and prepare a framework of information to obtain from Parties, Range States and other appropriate sources. The results will be presented at the next Advisory Committee meeting.

6.3 JEPSEN will review available information on high speed ferries in Danish waters, as well as possible mitigation measures. JEPSEN and the SECRETARIAT will prepare a paper on the issue for the next Advisory Committee meeting.

6.4 The SECRETARIAT will write to all Parties and Range States to request information on any mitigation measures that are used in operations using explosives at sea.

#### **7. National Reports (agenda item 14)**

7.1 The SECRETARIAT will send a letter to HELCOM advising them of the lack of success in obtaining National Reports from the Baltic Range States.

7.2 The SECRETARIAT, CHAIRMAN and VICE-CHAIRMAN, will consult Advisory Committee members on a draft Work Plan formed from the meeting, and a reporting format for National Reports to support the Plan with two months of this meeting.

#### **8. The European Commission (agenda item 15.1.2).**

The SECRETARY will liaise with the EC to obtain an agreed version of the report of the recent meeting with the Commission.

#### **9. Ireland (agenda item 15.2.1)**

The SECRETARY will liaise with Ireland to obtain an agreed version of the report of the recent meeting with Ireland.

#### **10. Promotional campaign (agenda item 15.4)**

The SECRETARIAT will establish a webpage along the same lines as are established by EUROBATS.

#### **11. National legislation (agenda item 16)**

BJØRGE will draft a paper and questionnaire with items to be considered in identifying possible conflicts between national legislation and ASCOBANS resolutions that may hamper the implementation of the ASCOBANS Agreement. To be sent to the SECRETARIAT for distribution to Parties and Range States.

#### **12. Meta-database on post mortem (agenda item 20.1.2)**

The SECRETARIAT will write to organisations to seek information on the type of data they retain, for inclusion in a meta-database. The list of organisations is to be placed on the new ASCOBANS webpage.

## **1. INTRODUCTION.**

Reijnders, Chairman of the Advisory Committee, welcomed participants to the Fifth Advisory Committee Meeting taking place at The Marine Station, Hel, Poland. He considered this an important meeting because the next Triennial Workplan was to be designed. He felt the Advisory Committee had made progress in the last triennium and a momentum existed to achieve the objectives agreed to at the Meeting of Parties. The new Danish and German Advisory Committee members, Palle Uhd Jepsen and Gerhard Adams, were welcomed. The newly appointed Secretary, Holger Auel, was also welcomed. The Chairman was pleased to note that Sweden was represented again at the Advisory Committee meeting.

Skora and Kuklik, as hosts of this meeting also welcomed the participants to Hel, and provided information on practical details on the organisation of the meeting.

Apologies had been received from the Range States France and Finland for not sending an observer.

The Secretary, Jensen, was appointed Rapporteur with assistance from the convenors of the Subgroups established under agenda item 8.

The Chairman noted that this was the largest meeting of the Advisory Committee thus far, with 30 participants (Annex B).

## **2. ADOPTION OF RULES OF PROCEDURE**

The Rules of Procedure for the ASCOBANS Advisory Committee were adopted.

## **3. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR THE NEXT TRIENNIUM.**

In accordance with the Rules of Procedure, the election of the Chairman and Vice-chairman of the Advisory Committee for the next triennium was held. Germany proposed re-election of Reijnders as Chairman, which was seconded by Denmark and agreed by consensus. Tasker was proposed re-elected as Vice-chairman by Sweden, and seconded by the Netherlands. Tasker was also elected by consensus.

## **4. ADOPTION OF AGENDA**

The Agenda was adopted with minor comments to the wording of the agenda items.

The adopted agenda is given as Annex A.

## **5. DOCUMENTATION SUBMITTED TO THE MEETING**

Documents for this meeting are listed in Annex C.

## **6. ADMISSION OF OBSERVERS**

At the last Advisory Committee meeting the Rules of Procedure were amended so that '*Any body or individual qualified in cetacean conservation and management may request admittance to plenary sessions of the Advisory Committee*'. At the 2<sup>nd</sup> Meeting of Parties it was further decided that the 5 IGOs: HELCOM, IBSFC, ICES, IWC and OSPARCOM, which ASCOBANS recognise the importance of the need to cooperate with, should be invited to the Advisory Committee meetings.

The Advisory Committee welcomed those organisations attending the meeting under these procedures.

## **7. REVIEW OF THE MEETING OF PARTIES**

Reijnders evaluated the Meeting of Parties, expressing that in general the outcome of the meeting should be considered as being positive. He highlighted the successful issues as being:

- (a) the aims and objectives of ASCOBANS were clearly defined and laid down in a Resolution, which he considered important for the direction ASCOBANS was to proceed in the future,
- (b) the Resolution on Incidental Take which was finally adopted with unanimous support, as well as
- (c) the Resolution on Pollutants.

He considered the issues of concerns to be:

- (a) Whilst the Advisory Committee had found it important that the Secretariat was situated in close proximity with the scientific community, with the new secretariat located in Bonn, he considered it important that the new Secretary worked in close cooperation with the Chairman and Vice-chairman of the Advisory Committee to overcome those concerns;
- (b) The Advisory Committee had expressed their concern about the lack of some specialist expertise amongst those involved in the work of the Advisory Committee, and had requested to the Meeting of Parties that the Parties should either guarantee that their Advisory Committee members and advisors could allocate time to work on ASCOBANS intersessionally or to enlarge the budget to enable experts to attend the meetings as well as allowing for studies to be carried out under contract. Although the Parties recognised the need, an enlarged budget was not agreed upon. Ways to overcome the problems previously experienced by the Advisory Committee will have to be examined by the Chairman, Vice-chairman and the Secretariat;
- (c) The Advisory Committee had achieved considerable progress in the last triennium, however that was not acknowledged in the report of the Meeting of Parties. It was disappointing to note the criticism of the way the Advisory Committee had worked i.e. that it was too independent. It was unfortunate that such criticism had come at the end of the triennium.
- (d) Reijnders suggested that to avoid future tension between the Advisory Committee and the coordinating authorities, contacts should be improved e.g. by the Secretariat and either the Chairman or the Vice-chairman visiting each coordinating authority at least once in each triennium to discuss the progress in the Workplan and any potential problems.

Salmon noted that the Advisory Committee had been given clearer guidance and views on how to carry out their work by the Meeting of Parties. He particularly welcomed the appointment of two full-time Secretariat staff for this triennium, which he hoped would greater facilitate the work and aspirations of the Advisory Committee.

Adams welcomed the decision taken unanimously by the Second Meeting of Parties to relocate the Secretariat to Bonn. He saw benefits deriving from closer cooperation with the CMS Secretariat and other related Secretariats, and that there might also be costs savings. He further drew the Advisory Committee attention to the voluntary additional financial support by Germany.

The Advisory Committee agreed that the Secretariat and either the Chairman or the Vice-chairman should meet with each coordinating authority to actively discuss how to further the implementation of ASCOBANS.

## **8. DESIGN OF A WORKPLAN FOR THE NEXT TRIENNIUM**

Four Subgroups were established to design a Workplan for the next triennium, based on the resolutions adopted at the Meeting of Parties:

- (1) A Subgroup on Bycatch, convened by Tasker,
- (2) A Subgroup on Pollutants, convened by Simmonds,
- (3) A Subgroup on Research, convened by Bravington,
- (4) A Subgroup on Disturbance and Secretariat Issues, convened by Salmon.

The Subgroups considered the relevant documents and produced a draft report, which were subsequently discussed in plenary. The outcome is reflected in the text under relevant agenda items.

## **9. RESEARCH OPTIONS FOR THE BALTIC.**

### **9.1 Feasibility study on research options for the Baltic.**

Document 14, 'Report of the ASCOBANS Baltic Discussion Group' was considered. Because of limited time, the ASCOBANS Baltic Discussion Group (ABDG) had been unable to agree to a consensus final report, and this document exists only as a draft. As some of Document 14's recommendations are not yet supported by a consensus in the ABDG, the document should not be cited in its present form. However, there is agreement on the highest priority recommendation: that fishing effort data be collected from all Parties and Range States for setnet and driftnet ('net') fisheries in the Baltic. These data alone may indicate that fisheries effort is so great

(compared to other areas such as the central North Sea) that a severe bycatch problem in the Baltic is very likely. Also, effort data stratified by location and season, will assist in determining the appropriate design of any necessary future research, such as bycatch observer programmes or abundance surveys.

Document 15, 'The estimation of the bycatch mortality of harbour porpoise in the Baltic Sea', contains revised versions of the reports on (i) the feasibility of bycatch monitoring, and (ii) abundance surveys, that were prepared for the Meeting of Parties by Clarke, Hiby and Buckland. These revised reports were prepared in response to comments of the ABDG. Lack of time prevented detailed consideration of Document 15 by the Advisory Committee, but the Committee **noted** that the document would be very valuable for the ABDG and for detailed planning of any further research. The Advisory Committee expressed its thanks to the authors for their efforts in preparing the revised reports so quickly.

In the covering letter for DOC. 14, Finn Larsen, Chairman of the ABDG, noted the difficulty of trying to reach consensus on difficult issues through email alone. This difficulty was echoed by ABDG members Berggren and Bravington. Larsen requested that funding be made available for a short meeting of the participants, to allow the report to be finalised. Until detailed costings were supplied the Advisory Committee felt unable at present to recommend the use of ASCOBANS funds to support such a meeting. Berggren offered to provide this information through the Secretariat.

The Advisory Committee **agreed** that the work of the ABDG so far had been useful, and asked that the ABDG continue its deliberations, with the aim of producing a consensus final report for the Secretariat in time for the next Advisory Committee. This report will be passed on to member states and to HELCOM. Kuklik and Deimer-Schuette offered to join the Group, to provide Polish and German input.

The Advisory Committee discussed recent and forthcoming research that may be relevant both to the ABDG and in deciding subsequent action, in the four areas of: fishing effort, bycatch monitoring, abundance estimation, and population structure/movements.

#### *9.1.1 Fishing effort*

Kåmark noted that a report containing information on effort in all Baltic cod fisheries, had recently been prepared by an *ad hoc* working group of the International Baltic Sea Fisheries Commission (IBSFC). There may be difficulties in comparing units of effort from different fisheries, but nevertheless these data are potentially very valuable for considering Baltic harbour porpoise bycatch issues. The Secretariat would attempt to ensure that this report was made available to the ABDG. It was also noted that member states of IBSFC are obliged to send monthly landings to the IBSFC secretariat. This information may be useful in future, for instance in assessing changes in effort levels.

Polish effort data for boats over 12m are available, from verified logbook data. For the inshore small-boat fisheries in these countries, only catch data are available. Detailed effort data are also available for the Fishery in Puck Bay which use nets anchored at one end. This fishery comprises around 30% of Polish net fisheries. Detailed data on catch and fishing effort are compiled and made available by the Polish and Lithuanian fishery institutes. The Polish data are processed and published on an annual basis.

Only very limited data are available from Russian fisheries in the Kaliningrad area.

#### *9.1.2 Bycatch monitoring schemes*

To date, there have only been minimum estimates of harbour porpoise bycatch in the Baltic. This has made it difficult to assess likely bycatch impacts.

In 1997, Poland joined the International Programme for Collection of Biostatistical Data on Commercial Catches. This project includes monitoring of harbour porpoise bycatch, although not in coastal waters. Bycatch observers accompanied 30 fishing trips in 1997, but no harbour porpoise bycatch was noted. This project will continue for three years.

The Danish Institute for Fisheries Research (DIFRES) is coordinating a fisheries monitoring scheme across most Baltic states, using observers on vessels. Observers on Danish boats have been monitoring marine mammal bycatch since 1995 (see item 11.2), and this monitoring is now being extended to other Baltic states. The Advisory Committee **noted** the potentially great value of this source of information on harbour porpoise bycatch. However, there is at present no central record for all observed incidents of marine mammal bycatch in the different countries, although there is a record of the associated data on observer coverage necessary for

estimating total bycatch. Vinther and Lockyer agreed to talk to the DIFRES project leaders about the best way to make bycatch observation data generally available. Lockyer will report on progress to the Secretariat.

#### *9.1.3 Abundance estimates*

Document 14 includes several proposals related to aerial abundance surveys in the Baltic, but there is as yet no consensus as to if, how much, where, or when surveying is necessary.

Document 13 describes an approach to making absolute abundance estimates using calibrated hydrophone surveys. The technique is potentially cost-effective and may allow surveys to be carried out at times of year when weather conditions rule out conventional sighting surveys. It was noted that there are regular acoustic fisheries surveys, which may provide suitable platforms for deploying hydrophones. The Advisory Committee **recommended** that the ABDG consider this approach, to see if it would be valuable in the Baltic.

#### *9.1.4 Population structure and movements*

Berggren informed that an MSc thesis on comparisons of harbour porpoise skull morphometrics from various parts of the Baltic has been completed, and that it is intended that the geographical scope of this work be extended. The Committee **noted** that such work could be valuable in assessing population structure, and supported the continuation of the work.

Although a number of genetic and morphometric studies have been carried out in the Baltic and neighbouring waters, there is still uncertainty about population structure and seasonal movements in this area. This makes it harder (but not impossible) to assess the likely impact of bycatch. It has been suggested that a workshop be held to consider harbour porpoise population structure questions. The ABDG had considered the need for a workshop, agreeing that a workshop would in the end be useful but that some preliminary scientific work needs to be done for the workshop to succeed. The Advisory Committee **recommended** that such a workshop should take place before the end of 1999. The timescale for the workshop is uncertain, but the Advisory Committee **noted** that it would be very helpful if the workshop could be soon enough to leave sufficient time for developing a Baltic recovery plan by 2000, in accordance with Annex K from the Report of the Second Meeting of Parties.

#### *9.1.5 Other work*

Berggren informed that he has submitted a joint paper to the forthcoming IWC meeting, showing an application to the Baltic of an approach similar to the USA's PBR (Potential Biological Removal) calculations.

### **9.2 Design of a monitoring system for harbour porpoises in the Baltic Sea.**

Because there is as yet no final report from the ABDG, it was not possible to deal with this agenda item during this Advisory Committee meeting. This topic will be considered at the next Advisory Committee meeting. The Secretariat will meanwhile notify HELCOM of developments.

## **10. POLLUTANT ISSUES**

### **10.1 Work Plan for Pollution Issues: Priorities and Methods**

Noting the Resolution on Pollutants and the Resolution on Activities of the Advisory Committee, the Advisory Committee agreed four areas for further action:

#### *10.1.1. Pollutant review*

The Secretariat is requested to co-ordinate the collection of relevant papers and reports, including those which detail contaminant levels and biomarkers in small cetaceans. This information will be reviewed and an annual report (as requested by the Second Meeting of Parties) prepared by a Working Group on Pollutants to be convened by Reijnders and Simmonds. This will be prepared in good time for annual Advisory Committee meetings. In reviewing the material, particular consideration will be given to novel developments (such as the identification of exotic compounds in the bodies of cetaceans and cause and effect relationships) and data gaps (e.g. radioactivity and endocrine disrupters). The Secretariat will liaise closely with the convenors of the Working Group to help select appropriate sources (e.g. IWC and ICES reports).

The Working Group on Pollutants will produce recommendations of what (if any) actions should follow from their review, for the Advisory Committee to consider.

#### *10.1.2. Liaison with other bodies*

The Advisory Committee noted the competence of OSPAR and HELCOM in the field of marine contaminants, the need not to duplicate their work and that an exchange of correspondence between Secretariats had already

occurred (Document 8). ASCOBANS is expected to be awarded observer status to the IMPACT and ASMO Working Groups of OSPAR, and observer status will be considered for the INPUT Working Group. A number of actions were agreed with respect to OSPAR:

- An ASCOBANS observer with competence in the field of marine pollution should be nominated to attend the relevant OSPAR Working Groups;
- Relevant reports generated by ASCOBANS (including annual reviews) should be circulated to OSPAR and HELCOM; and
- As ASCOBANS is expecting an invitation from OSPAR to contribute to the development of a strategy on hazardous substances, the Secretariat will forward resulting correspondence to Reijnders and Simmonds for comment.

ASCOBANS already has observer status at HELCOM and the Secretariat will consider if pollution matters can also be usefully developed within this forum.

Under agenda item 12, the Advisory Committee decided that it was uncertain of the best way of interfacing with OSPAR and HELCOM. It was therefore agreed that the Chairman, Vice-chairman, Haelters and the Secretariat will produce a paper describing the structure of OSPAR and HELCOM and provide recommendations for future work with these organisations.

The IWC will be informed of ASCOBANS activities both via the formal ASCOBANS progress report to the forthcoming meeting in Oman and verbal contributions to the IWC Standing Working Group on Environmental Concerns.

#### *10.1.3. Research*

The Advisory Committee noted the strong support from the Meeting of Parties for the recommendations of the IWC Workshop on Chemical Pollution and Cetaceans and the research programme on the establishment of cause-effect relationships between cetacean health and chemical pollution. The Advisory Committee discussed how ASCOBANS could support this programme, noting also the involvement of the Chairman of the Advisory Committee in this work.

An IWC programme planning group for this project will meet in the autumn to bring together advisers and potential participants to the project to allow further elaboration of the work programme. Amongst other things, this group will consider which techniques will be used for toxicological analyses, sampling, and histopathology; the identification of the analytical laboratories to be involved; and what corresponding biological data should be collected. They will also further discuss whether samples should be limited to incidentally caught animals. Reijnders will participate on the behalf of ASCOBANS and report back to the Working Group on Pollutants.

Pending the outcome of the IWC programme planning meeting, Parties to ASCOBANS are likely to be encouraged to contribute suitable material to this programme and the Secretariat may be requested to also seek material from non-Party Range states in the ASCOBANS area (i.e. samples from harbour porpoises and bottlenose dolphins).

Bjorge reported that ICES Working Group on Marine Mammal Habitats recently reviewed the population level effects of contaminants on marine mammals, with particular reference to effects of non and mono-ortho chlorinated biphenyls. The ICES Working Group found evidence for effects of CBs on mammal health. However, they found no well documented linkages between specific contaminants and population level effects in marine mammals. The Working Group report submitted to ICES proposes a research programme to establish cause-effect relationships between contaminants and population level effects in three species of seals. The Baltic and Wadden Seas are included in the proposal for study areas. The ICES Working Group recommended close cooperation with the parallel effort by the IWC on three species of odontocetes.

#### *10.1.4. Flags of concern*

The Advisory Committee, noting that the second Meeting of Parties had agreed to 'Strive ... for a significant reduction of pollution emissions.... particularly for those pollutants where levels in small cetaceans exceed those associated with adverse effects', discussed whether or not 'flags of concern' could be raised for pollutants. In particular the Advisory Committee considered whether or not could this be done in an analogous way to their use in incidental take (i.e. if pollutant burdens passed a certain level in a population, then suitable action could

be called for). It was **concluded** that this was a complex topic and would be kept under review by the Working Group on Pollutants and particularly with respect to keeping OSPAR (especially the INPUT working group) and HELCOM informed.

## **11. BYCATCH ISSUES**

### **11.1 Conservation objectives, measures, levels of unacceptability and monitoring requirements.**

This topic derived from the requirement to revisit the precise conservation objectives of ASCOBANS. An interim level of unacceptability of anthropogenic removal had been set at 2% of the best available estimate.

The IWC has established an email working group that is developing a framework for modelling harbour porpoise stocks in the North Sea and adjacent waters. Once the framework has been developed and implemented as a simulation model, it will allow various management options to be assessed, for example with respect to the ASCOBANS conservation objective of maintaining or restoring populations to at least 80% of carrying capacity. The report will also enable research and monitoring needs to be more precisely defined. This working group includes the following who were also present at this Advisory Committee meeting: Berggren, Bravington and Lockyer.

This IWC working group will meet part of the needs of the Advisory Committee, but in order to provide a more precise interpretation of conservation objectives, Tasker and Gordon agreed to join the group, under the co-ordination of Bravington. The report of this group will be sent to the IWC and the ASCOBANS Secretariat in August 1998 for further distribution. The report will be considered at the 1999 Advisory Committee meeting.

The Advisory Committee **noted** the value of this work to ASCOBANS, and expressed its support both for setting up the modelling framework, and for a subsequent project to implement the model.

### **11.2 Progress with BY-CARE and review of new information on bycatch**

The Advisory Committee was informed that the BY-CARE project was proceeding well, and that an interim report had been submitted to the European Commission. The final report was expected by the end of 1998. The final report may be available, depending on the EC procedures, for consideration at the 1999 Advisory Committee meeting.

In 1996-1997, the Danish Institute for Fisheries Research (DIFRES) monitored the commercial set-net fisheries in the southern Baltic (ICES sub-divisions 22, 24, 25) and the Kattegat. Observers joined a total of 59 trips in the Baltic fisheries for cod, flatfish and lump sucker. No by-catch of harbour porpoise was observed during these trips. The total effort in the monitoring scheme represented about 0.1% of the total Danish annual effort for the areas covered. One harbour porpoise was caught in a total of 38 trips (representing approximately 0.2% of annual effort) in the cod and flatfish fishery in the Kattegat. Four harbour porpoise were caught in 18 km net in the Kattegat lump sucker fisheries. This information, although not technically part of the BY-CARE project, will be fully written up in the final report of that project. Monitoring of these fisheries has continued in 1998.

The Advisory Committee **welcomed** Denmark's contribution, and looked forward to the BY-CARE report.

WWF have contracted a study to assess the relationship between specific fishing gears and the bycatch of selected marine organisms (including cetaceans) on a regional basis in the north-east Atlantic. Some aspects of the report will be relevant to the ASCOBANS Agreement; for instance it will quantify gear type and fishing effort and related bycatch on an area specific basis. A draft of this report will be produced by 1 May 1998 and will be available shortly afterwards to Parties and to next year's Advisory Committee meeting.

### **11.3 Estimation of total harbour porpoise bycatch in the Skagerrak, Kattegat and Belt Sea**

Berggren reminded the Advisory Committee of the study undertaken by Sweden on by-catch covering a quarter of the Skagerrak. The Advisory Committee discussed how this work might best be scaled up to estimate bycatch across the whole area. It was established that compatible effort data existed between Denmark and Sweden. Berggren convened a small group comprising himself, Danish and Norwegian representation in order to take forward this issue. The group concluded that the only compatible data available was effort on landings and furthermore that the bottom-topography of the area made extrapolations between countries difficult. However, Bjørge agreed to investigate the available statistics and consult with Berggren after the Advisory Committee meeting. Sweden and Denmark agreed that it would be possible to contribute data on the bycatches in the Kattegat Sea and would do this within the BY-CARE project.

#### **11.4 Estimations of annual bycatch in pelagic trawls and set-net fisheries, particularly in the northern North Sea**

The BY-CARE project is looking at a number of these fisheries. Data may be available on the Danish pelagic trawl fishery in the northern North Sea. The Advisory Committee **encouraged** the Danish delegation to report this work formally. The Advisory Committee were not aware of other projects or plans to assess by-catch in the northern North Sea fisheries, and considered that estimation based on bycatches elsewhere would not be technically feasible or valid.

#### **11.5 Provision of fisheries data to the Advisory Committee to enable estimates of annual by-catch rates**

The Advisory Committee considered how it might best facilitate the actions of Parties in fulfilling this part of the resolution of the Meeting of Parties. It was felt that guidance could be provided on the best form to report effort data. The French and Dutch studies on pelagic trawls on the Celtic shelf would provide useful guidance as to the best statistics for extrapolation. Number and duration of hauls, horse power (wattage) of vessels and target species all appeared potentially relevant to the Advisory Committee. The most useful information for set nets is that on length of net and soak time (expressed as km and net-hours) and target species. As noted at previous Advisory Committee meetings, information on catch is less useful but may sometimes be used in the absence of direct measures of effort. The scale of ICES rectangle appeared suitable. Berggren agreed to produce a table, incorporating information from the above studies and any that may come from the WWF study. This would be considered by a small sub-group before being passed to the Secretariat prior to onwards distribution to the Advisory Committee members. The accompanying letter would indicate that this was the ideal data needed, but also request an indication of the data that are available to the Advisory Committee.

#### **11.6 Integrating ASCOBANS objectives into fisheries**

The possible roles that the Advisory Committee might take in considering and influencing measures to reduce bycatch were considered. WWF are examining the use of the ecosystem approach and risk assessment techniques. A workshop on the ecosystem approach will be held in June in Oslo at which WWF are presenting a paper. The UK NGOs presented Document 11, a bycatch response strategy for the Advisory Committee to consider as a model with which to respond to bycatch issues where they have been identified. It was pointed out that US models of bycatch response teams existed in a relatively strict legislative framework. This type of framework was not typical of the Parties to ASCOBANS.

Denmark described work in progress designed to reach agreement between fisheries authorities, fishermen and nature conservationists to reduce bycatch of harbour porpoises in Denmark's fisheries. This approach was **commended** by the Advisory Committee, who looked forward to receiving information on progress in the future. A similar internal review was being conducted in Sweden that did not at present involve fishermen or fishermen's organisations.

The meeting discussed how this issue might best be taken forward with the European Commission in the context of the Common Fisheries Policy. The current Commission consultation (and questionnaire) on the breadth of the forthcoming review of the CFP was noted. It was **agreed** that a formal approach should not be adopted at this stage, but that informal bilateral discussions should continue between ASCOBANS (represented by the Secretariat/Chairman/Vice-chairman) and the Commission. Parties were of course free to advocate various approaches on an individual basis.

#### **11.7 Recent research on mitigation measures**

The Advisory Committee considered Document 10 and welcomed the news that Danish experiments within the BY-CARE project indicated that experiments using acoustic alarms on bottom set gill nets had been successful in reducing harbour porpoise by-catch. Lockyer described EPIC, a new EC-funded research project to continue and expand this work (Document 16). After some discussion on the further research needs in relation to acoustic deterrents, it was **agreed** to make mitigation measures a specific topic for discussion at the next Advisory Committee meeting.

#### **11.8 Databases and standard format for bycatch recording**

No developments had occurred in these areas since they were last considered by the Advisory Committee, however see agenda item 9.1.2.

## 12. FINANCIAL/BUDGETARY ISSUES

### 12.1. Attendance at international meetings in 1998

A list of meetings drawn up by the Secretariat was considered and it was recommended that:

- (a) Reijnders represent ASCOBANS at the IWC Scientific Committee meeting in April;
- (b) Bearing in mind the Secretariat's recent appointment, and acknowledging that a monitoring system for harbour porpoises in the Baltic Sea is unlikely to be produced at this Advisory Committee, the [new] Secretariat should not attend the HELCOM EC NATURE meeting in May;
- (c) Given that it is unlikely that harbour porpoises will be on the agenda of the September NAMMCO Council meeting, the Secretariat should not attend this meeting (however, as and when the item appears on the Council's agenda, the Secretariat should attend);
- (d) Tasker be asked to represent ASCOBANS at the ICES Annual Science meeting in September;
- (e) With regards to the OSPARs IMPACT meeting in September, as this was a scientific meeting the Secretariat should not attend (it was noted that Haelters would be attending and that he may be able to represent ASCOBANS interests);
- (f) Tasker or Haelters be asked to represent ASCOBANS at the OSPAR Workshop on protected areas (Vilm, August, 1998);
- (g) Whilst the Secretariat should seek to obtain observer status for INPUT meetings, it should not attend the 1998 meeting (it was noted that it was likely that attendance at the 1999 meeting would be appropriate);
- (h) The Secretariat should seek to attend the North Sea Conference meeting in Norway (June 1998) where the Ecosystem Approach to fisheries management will be discussed;
- (i) The Secretariat should attend the ECS Conference in Valencia, Spring 1999, in order to further build up its network of contacts;
- (j) The Secretariats should attend the 'Seismic and Marine Mammals Workshop' (see agenda item 13.2.1)

In the light of the present available information the Parties could not unanimously agree to recommend the Secretariat's attendance at the IWC Commission meeting in May 1998. Three Parties (Belgium, Germany, United Kingdom) expressed reservations about the appropriateness of the Secretariat attending this years meeting, three Parties (Denmark, the Netherlands, Sweden) were in favour of attendance and one (Poland) had no views on the question.

The Advisory Committee was uncertain of the best way of interfacing with OSPAR and HELCOM. It was therefore **agreed** that the Chairman, Vice-chairman, Haelters and the Secretariat will produce a paper describing the structure of OSPAR and HELCOM and provide recommendations for future work with these organisations.

Furthermore, the Advisory Committee **recommended** that the Secretariat seek to identify other meetings at which an ASCOBANS presence would be beneficial. It particular it was **noted** that attendance at meetings of fisheries related organisations should be considered as particularly fruitful in building a greater understanding of the work and goals existing on both sides.

If, and when, any further meetings thought likely to be relevant became known to the Secretariat intersessionally the Secretariat should liaise with the Chairman or Vice-chairman to seek the views of Advisory Committee members.

## 13. DISTURBANCE

### 13.1 Protected Areas.

The Advisory Committee noted the timescale set for the review of criteria for identifying, establishing and managing protected areas is by 2000. This objective should therefore not be a priority in the preparation of the 1999 Advisory Committee. It was also noted that several meetings will occur during late 1998 which will

consider this issue on a regional basis (e.g. the EC Atlantic area of member states selection criteria for species and habitat sites to be designated under the Habitats Directive. The adoption of OSPAR Annex V, IMPACT meetings, and the North Sea Conference Ecosystem Approach Meeting). It was felt that these fora might give consideration to sites where small cetaceans breed and feed. The Advisory Committee would welcome further consultations on these matters. It was accepted that the outcome of those meetings should form part of the Advisory Committee's eventual review (in 2000).

It was noted that WWF had recently carried out a global review of marine protected areas. Further, Jones stated that she would welcome any information from Advisory Committee members as a contribution to the development of a criteria paper that she would be preparing for the OSPAR MPA workshop at Vilm in September 1998.

In conclusion it was **agreed** that Gordon and Evans should aim to prepare, in conjunction with relevant experts and participants in the aforementioned meetings, their review (requested at the 4<sup>th</sup> Advisory Committee meeting) in time for the 2000 Advisory Committee meeting.

Germany and Denmark reported on progress on designating protected areas.

### **13.2 Disturbance-reduction.**

#### *13.2.1. Seismic activities in the oil and gas exploration industry*

Relevant resolutions of the 2<sup>nd</sup> Meeting of Parties were noted. Firstly they required Parties to present information, and the secondly they asked the Advisory Committee to review that information (and where appropriate make recommendations to Parties). The priority for the Advisory Committee should be to help the Secretariat to obtain the appropriate data.

A 'Seismic and Marine Mammals Workshop' will occur in London during June. The workshop, which the Vice-Chairman is involved in the preparation of, will include a range of experts in the field. It will consider and produce papers in an number of relevant areas which will provide guidelines when seeking relevant information for consideration by the Advisory Committee during 1999.

It was **agreed** that a small ad-hoc working group, led by Tasker and including the Secretariat, should review the papers resulting from the 'Seismic and Marine Mammals Workshop', and other relevant fora, and prepare a framework to help in obtaining relevant information from Parties, Range States and other appropriate sources. The ad-hoc group should produce this framework during the second half of 1998, in order for the information to be obtained and presented to the 1999 Advisory Committee meeting.

It was also noted that the UK' seismic testing guidelines (Document 9) appear to be the only seismic mitigation measures in effect in the ASCOBANS area. The two industries using seismic surveys were fully involved in developing these guidelines, which will ensure greater adherence to them in the future. Indications suggest that these guidelines are being used in ASCOBANS areas away from the North Sea. Other Parties, and Range States are requested to consider utilising them where appropriate.

It was noted that the ICES Working Group on Marine Mammal Habitats discussed the effects of acoustic disturbance at a recent meeting. The topic may also be revisited at future meetings of this ICES Working Group.

#### *13.2.2. Other forms of disturbance.*

Jepsen agreed to review available information on high speed ferries in Danish waters, and in particular possible mitigation measures. Working with Jepsen, the Secretariat will prepare a paper on the issue for evaluation at the next Advisory Committee meeting.

It was **agreed** that UK experiences in considering the need for, approach of, and benefits of, mitigation measures in the fields of: whale-watching; the leisure industry; and seal deterrents (scrammers) could also usefully be evaluated at the next Advisory Committee meeting.

Furthermore the Secretariat was instructed to write to all Parties and Range States to request information on mitigation measures that are used in operations using explosives at sea (e.g. removing redundant oil well heads, clearing wrecks, in clearing unexploded mines, and the use of high-energy low-frequency sonar). Enclosed with the letter should be a copy of the UK seismic testing guidelines (Document 9) and recommend on their use in these areas where appropriate. Information obtained by the Secretariat should be presented at the next Advisory Committee meeting.

## 14. NATIONAL REPORTS

The Secretary introduced the draft Second Annual Compilation of the National Reports (Document 6). This compilation is a succinct update on the previous national reports, as decided at the last Advisory Committee meeting. This volume is the Second Compilation of National Reports and should therefore cover the calendar year 1996. However, not all Parties followed the guidelines for year coverage or the deadline for submission, and the reports covered the period until submission to the Secretariat. This compilation therefore covers a variety of periods. Due to the uneven periods covered and incomplete reporting it was considered difficult to evaluate it, and it was agreed that time should not be spent on this issue.

The Secretary informed that only one of the HELCOM countries, Lithuania, had submitted a national report, and that she considered it being a matter for HELCOM to deal with the absence of reports from other countries. The Secretary requested the countries being members of both ASCOBANS and HELCOM try and get their HELCOM members to facilitate a report from the Baltic states. Since the Secretariat would not attend the upcoming EC NATURE meeting to present the compilation of national reports nor the recovery plan for the Baltic (see agenda item 12.1), the Secretary would send a letter to HELCOM on this matter and report back to the Advisory Committee of the decision taken at the EC NATURE meeting.

In noting that a practical format for annual reports should be prepared during 1998, it was recognised that the information required would concur with the action points agreed to carry forward the Triennium Workplan. It was **agreed** that the Secretariat, Chairman and Vice-Chairman, would consult Advisory Committee members on a draft Work Plan and a reporting format within two months of this meeting.

The Advisory Committee asked that it should be borne in mind that the Annual Reports should be brief (e.g. no more than one page), and that once a format is known, Parties should ensure that the reports should be submitted at least 4 weeks before each year's Advisory Committee meeting (beginning in 1999).

## 15. EXTERNAL RELATIONS

### 15.1 Progress on accession of Range States and the EC.

#### 15.1.1 Norway

The Secretary informed that she had met with the Ministry of Fisheries, the Ministry of Environment and Arne Bjørge to try and establish more formal connections and to explore the possibilities of encouraging Norway to accede (Document 7).

Norway had informed that it will continue to maintain a consistent policy on marine mammals based on the concepts of both conservation and sustainable harvest in all waters under Norwegian jurisdiction. Given this position, for Norway to accede to ASCOBANS, the Agreement text would need to be changed, for example so that it did not exclude the concepts of sustainable harvest and lethal scientific research as a matter of principle. A number of sections in the present text hinder more formal collaboration between Norway and ASCOBANS. They believed that Norway had shown the value to management certain kinds of lethal research can offer, for example by its minke whale programme.

They believed that ASCOBANS could be strengthened if it became more of a management organisation like NAMMCO (e.g. covering both conservation and, if relevant, sustainable use).

Norway fully intended to continue to co-operate by funding the participation of a Norwegian observer at ASCOBANS meetings and Norway will continue to provide information and research data to ASCOBANS.

#### 15.1.2 The European Commission

The Secretary informed the meeting that in order to establish cooperation with the European Commission as well as exploring the possibility of their accession to ASCOBANS, she had met with DGXI and DGXIV of the European Commission. The report of that meeting contained inaccurate information on a number of issues related to Community legislation and policy. The Secretary acknowledged the inaccuracy of the report, and DOC.5 was withdrawn. The Advisory Committee asked the Secretary to liaise with the EC to obtain an agreed version of the report of the meeting with the EC.

The Advisory Committee considered it very important to have a good working relationship with the Commission. It was recognised that the DGXI of the EC was busy with the Habitats Directive, and therefore not wanted to commit themselves to further obligations at the moment. It was recognised that the EC by having the competency on the Fishery Policy, has an expertise and interest in the ASCOBANS issues, The Advisory

Committee would welcome the input of the EC, in order to try to establish a cooperation that could help both the EC and ASCOBANS to achieve their goals.

It was noted that ASCOBANS could be helpful to the EC in advising on matters relating to cetacean provisions provided for by the Habitats Directive. The Directive requires, under certain conditions, the development of Special Areas of Conservation for two species of small cetaceans, harbour porpoise and bottlenose dolphin. ASCOBANS could contribute to the development of these sites by commenting on the criteria used to identify them and also by helping define management measures that might be successfully implemented within them. Similarly, the Habitats Directive provides for the wider conservation of all cetaceans and again ASCOBANS could advise on the practical elaboration of this. It is hoped that in this way ASCOBANS and the relevant work of the Commission could be mutually supported.

## **15.2 Possible extension of the ASCOBANS area.**

### *15.2.1 Irish Waters*

The Secretary reported that she had met with the Department of Art, Heritage, Gaeltacht and the Islands and the Department of the Marine to explore the possibilities of an extension of the geographical scope of ASCOBANS to include Irish Waters. Both departments expressed an interest in cooperating with ASCOBANS on matters such as direct and indirect interactions with fisheries, and they would consider sending an observer to the next Advisory Committee meeting to get more familiar with the work of ASCOBANS.

The Secretary informed that a report from the meeting with Ireland, had yet to be agreed with the Irish Authorities, and Document 12 was accordingly withdrawn. The Advisory Committee requested the Secretary to obtain an agreed report of the meeting.

Salmon acknowledged the positive outcome of the meeting, but regretted that he had not been consulted before the meeting took place since he was also having negotiations with Ireland on this matter. It was agreed that if there were issues already worked on by the Parties, the Secretary and the Chairman must consult the Parties that deal with the issues before taking actions themselves on issues requested at previous Advisory Committee meetings.

### *15.2.2 Southward extension of the ASCOBANS boundary*

The Secretary informed that she had written to Portugal to inquire if it would consider acting as lead country on an extension of the geographical scope of ASCOBANS to include the Atlantic waters of France, Spain and Portugal to make the waters of ASCOBANS and ACCOBAMS continues. The contact person in the Portuguese Agency had replied that whilst he personally was in favour of the proposal and that he considered the issue as sound management of cetaceans, the matter was outside his responsibilities. Nevertheless he agreed to put the proposal forward to the persons in charge of these matters, and he would come back as soon as the issue had been considered by the relevant authorities.

## **15.3 Promotional campaign.**

The Secretary informed that she had investigated establishing an ASCOBANS Advisory Committee web page at the World Conservation Monitoring Center. The WCMC had been very positive but it had however proved to be too expensive. The Secretary had therefore decided to postpone the establishment of an Advisory Committee webpage until the Secretariat was located in Bonn. She noted that much new information would be available at that time and that the EUROBAT Agreement had a free webpage established in Bonn.

The Advisory Committee **agreed** that the new Secretary should establish a webpage along the same lines as was established by EUROBATs.

## **16. NATIONAL LEGISLATION AND ASCOBANS RESOLUTIONS**

Some national legislation may conflict with the resolutions adopted at the Second Meeting of Parties. Bjørge offered to draft a paper and questionnaire with items to be considered in identifying possible conflicts, and send that to the Secretariat. The Secretariat will subsequently distribute that to Parties and Range States to see if their legislation was consistent with the ASCOBANS resolutions. The Chairman welcomed the offer from Bjørge and the Advisory Committee considered it of immediate urgency, and it was **agreed** that the paper should be provided to Parties and Range States by the end of 1998.

## 17. REPORTS OF OBSERVERS AT INTERNATIONAL MEETINGS SINCE JUNE 1997

The meeting noted the 3 reports submitted by the Secretary of meetings she had attended on behalf of ASCOBANS: The second annual coordinating meeting of the Working Party on Action Theme 5: 'Coastal and Marine Ecosystems' of the PAN-European Landscape and Diversity Strategy Plan (Document 2), the 49<sup>th</sup> Annual Meeting of the International Whaling Commission's Scientific Committee (Document 3) and the 49<sup>th</sup> Annual Meeting of the International Whaling Commission (Document 4).

## 18. AGREEMENT ON THE DRAFT REPORT

The Advisory Committee meeting adopted the final report at 12:00.

## 19. DATE AND VENUE OF NEXT MEETING

Tasker informed the meeting that he hoped to be able to invite the Advisory Committee to meet in Aberdeen, United Kingdom for its next meeting in March or April 1999. He expected to provide the precise date for the meeting soon.

## 20. OTHER BUSINESS

### 20.1. Research.

#### 20.1.1 *Post-mortem data*

In the context of planning future research, the Advisory Committee noted that data from stranded animals could be valuable in assessing disease, even though there can be problems with using toxicological information from strandings. Salmon informed that, under the UK strandings scheme, the Institute of Zoology would be publishing a number of papers, which may enhance understanding of population structure and anthropogenic impacts.

Lockyer reported that Denmark was on the point of extending its stranding scheme, to collect more types of data. Salmon reported that the UK is considering refining its investigations of pathology in stranded animals, in particular to assess the linkage between low levels of PCBs and heavy metals, and disease.

#### 20.1.2 *Meta-database*

It was noted that a number of sources of addresses for organisations carrying out post-mortems were in existence (Haelters and IWC). Given that this task had no deadline but was an ongoing task, it was suggested that the Secretariat should write to all possible organisations already identified to seek information on the type of data they retain, for inclusion in a meta-database. A list of possible organisations could usefully be placed on the ASCOBANS webpage to seek comments and additions.

### 20.2 Deadline for papers

It was noted that the late receipt of papers for discussion or consideration at Advisory Committee meeting makes it very difficult for Parties, and other participants, to fully evaluate their implications. Therefore, it was **recommended** that papers should be submitted at least 4 weeks prior to Advisory Committee meetings.

### 20.3 Meetings

Lockyer informed that the World Marine Mammal Science Conference held in January had been very successful and she provided information on the compilation of abstracts. She also reported on a successful international workshop on bycatch, held prior to the main Conference.

She also noted that the next Annual Conference of the ECS was to be held in spring 1999 in Valencia, Spain.

Lockyer further presented information on a marine mammal seminar to be held in Valencia, 14-18 September 1998. The previous meeting had brought together experts from various fields.

## 21. CLOSE OF MEETING

The Chairman closed the meeting at 12.00 and thanked on behalf of the Advisory Committee the Secretary, Jensen, for her excellent work conducted as Secretary to ASCOBANS, and Skora and Kuklik for the excellent and efficient hosting of the meeting as well as for the hosted dinner.

## **LIST OF ANNEXES**

- A: AGENDA
- B: LIST OF PARTICIPANTS
- C: LIST OF DOCUMENTS



**AGENDA**

1. Introduction.
2. Adoption of Rules of Procedure.
3. Election of Chairman and Vice-chairman for the next triennium.
4. Adoption of Agenda.
5. Documentation submitted to the meeting.
6. Admission of observers.
7. Review of the Meeting of Parties.
8. Design of a Workplan for the next triennium.
9. Research Options for the Baltic.
10. Pollutant issues.
11. Bycatch issues.
12. Financial/budgetary issues.
13. Disturbance.
14. National reports.
15. External relations
16. National legislation and ASCOBANS resolutions.
17. Reports of observers at meetings since June 1997.
18. Agreement on the draft report.
19. Date and venue of next meeting.
20. Other business.
21. Close of meeting



## LIST OF PARTICIPANTS

Jan Haelters (Advisory Committee)  
 Management Unit of the North Sea Mathematical  
 Models (MUMM)  
 3e en 23e Linieregimentsplein  
 8400 Oostende  
 BELGIUM  
 Tel: +32-59 70 01 31  
 Fax: +32-59 70 49 35  
 E-mail: mummjh@camme.ac.be

Mr. Palle Uhd Jepsen (Advisory Committee)  
 The National Forest and Nature Agency  
 Nature and Wildlife Section  
 Ålholtvej 1  
 DK-6840 Oksbøl  
 DENMARK  
 Tel: +45 75272088  
 Fax: +45 75272514  
 E-mail: puj@sns.dk

Victor Hjort (Advisor)  
 Ministry of Food, Agriculture and Fisheries  
 Holbergsgade 2  
 1057 Copenhagen K  
 DENMARK  
 Tel: +45 33 923519  
 Fax: +45 33 118271  
 E-mail: vjh@fvm.dk

Morten Vinter (Advisor)  
 Danish Institute for Fisheries Research  
 Charlottenlund Slot  
 Jægersborg Allé  
 2920 Charlottenlund  
 DENMARK  
 Tel: +45 33 963353  
 Fax: +45 33 963333  
 E-mail: mv@dfu.min.dk

Christina Lockyer (Advisor)  
 Danish Institute for Fisheries Research  
 Charlottenlund Slot  
 Jægersborg Allé  
 2920 Charlottenlund  
 DENMARK  
 Tel: +45 33 963373  
 Fax: +45 33 963333  
 E-mail: chl@dfu.min.dk

Holger Auel (new Secretary from 1 June)  
 Institute for Polar Ecology  
 University of Kiel  
 Wischofstr. 1-3, Geb. 12  
 24148 Kiel  
 GERMANY  
 Tel: +49 431 600 1235  
 Fax: +49 431 600 1210  
 E-mail: hael@ipoe.de

Gerhard Adams (Advisory Committee)  
 Bundesministerium für Umwelt,  
 Naturschutz und Reaktorsicherheit  
 Division N I 3  
 Godesberger Allee 90  
 53175 Bonn  
 GERMANY  
 Tel: +49-228-305-2631  
 Fax: +49-228-305-2697  
 E-mail: n13-3003@wp-gate.bmu.de

Ms. Petra Deimer-Schuette (Advisor)  
 Society for the Conservation of Marine Mammals  
 Garstedter Weg 4  
 25474 Hasloh  
 GERMANY  
 Tel: +49-4106 4712  
 Fax: +49-4106 4775  
 E-mail: pdeimer@mcimail.com

Peter J.H.Reijnders (Chairman, Advisory Committee)  
 Institute for Forestry and Nature Research  
 Dept. Aquatic Ecology  
 P.O.Box 167  
 1790 AD Den Burg  
 THE NETHERLANDS  
 Tel: +31-222-369700  
 Fax: +31-222-319235  
 E-mail: P.J.H.Reijnders@ibn.dlo.nl

Arne Bjørge (Range State Participant)  
 Norwegian Institute for Nature Research  
 P.O. Box 736  
 Sentrum  
 0105 Oslo  
 NORWAY  
 Tel: +47-22-940371 (direct line)  
 +47-22-940300 (office line)  
 Fax: +47-22-940302  
 E-mail: arne.bjorge@ninaosl.ninaniku.no

Krzysztof Skóra (Advisory Committee)  
Hel Marine Station  
84-150 Hel  
P.O.Box 37  
Morska 2  
POLAND  
Tel: +48-58-6750836  
Fax: +48-58-6750420  
E-mail: skora@univ.gda.pl

Iwona Kuklik (Advisor)  
Hel Marine Station  
84-150 Hel  
P.O.Box 37  
Morska 2  
POLAND  
Tel: +48-58-6750836  
Fax: +48-58-6750420  
E-mail: oceik@univ.gda.pl

Barbara Zbiegieni (Advisor)  
Ministry of Environmental Protection,  
Natural Resources and Forestry  
Department for Nature Conservation  
Ul Wawelska 52/54  
00-922 Warsaw,  
POLAND  
Tel: +48-22-256204  
Fax: +48-22-254705

Bohdan Draganik (Advisor)  
Sea Fishery Institute  
Kolltaja 1  
81- 332 Gdynia  
POLAND  
Tel: +48 58 6201720  
Fax: +48 58 6202831

Jerzy Rokicki (Advisor)  
University of Gdańsk  
Laboratory of Marine Zoology  
81-378 Gdynia  
Al.Pilsudskiego 46  
POLAND  
Tel: +48 58 6202101 ext.18  
Fax: +48 58 6615535

Maciej Wolowicz (Advisor)  
National Council for the Protection of Nature  
University of Gdańsk  
Institute of Oceanography  
81-378 Gdynia  
Al.Pilsudskiego 46  
POLAND  
Tel: +4858 6202101  
Fax: +4858 6615535  
E-mail: ocemw@univ.gda.pl

Piotr Szefer (Advisor)  
Medical Academy  
Department of analytical chemistry  
al. Gen.J.Hallera 107  
80-416 Gdansk  
POLAND  
Tel: +48 58 349 31 24  
Fax: +48 58 341 25 39

Henryk Milaszewski (Advisor)  
Zbigniew Pikus (Advisor)  
Maritime Office Gdynia  
81-338 Gdynia  
Chrzanowskiego 10  
POLAND  
Tel: + 48 58 621 79 25  
Fax: + 48 58 6206743

Per Berggren (Advisory Committee)  
Department of Zoology  
Stockholm University  
10691 Stockholm  
SWEDEN  
Tel: +46-8-164029  
Fax: +46-8-167715  
E-mail: per.berggren@zoologi.su.se

Bengt Kåmark (Advisor)  
National Board of Fisheries  
Box 423  
40126 Göteborg  
SWEDEN  
Tel: +46 31 7430311  
Fax: +46 31 74304444  
E-mail: bengt.kamark@fiskeriverket.se

Mark Bravington (Advisor)  
Fish Stock Management Group  
DFR Fisheries Laboratory  
Pakefield Road  
Lowestoft  
Suffolk NR33 0HT  
UNITED KINGDOM  
Tel: +44 1 502 524540  
Fax: +44 1 502 513865  
E-mail: m.v.bravington@cefasc.co.uk

Trevor Salmon (Advisory Committee)  
European Wildlife Division, Room 9/02  
Department of the Environment, Transport and the  
Regions  
Tollgate House  
Houlton Street  
Bristol BS2 9DJ  
UNITED KINGDOM  
Tel: +44 117 987 8854  
Fax: +44 117 987 8182  
E-mail: european.wildlife.doe@gtmet.gov.uk

Mark Tasker (Vice-Chairman, advisor)  
Joint Nature Conservation Committee  
Dunnet House, 7 Thistle Place  
Aberdeen AB10 1UZ  
UNITED KINGDOM  
Tel: +44 1 224 655701  
Fax: +44 1 224 621488  
E-mail: MLTasker@aol.com  
Tasker\_m@jncc.gov.uk

Jette Jensen (ASCOBANS Secretariat)  
ASCOBANS Secretariat  
c/o Sea Mammal Research Unit  
High Cross, Madingley Road  
Cambridge CB3 0ET  
UNITED KINGDOM  
Tel: +44 1 223 301282  
Fax: +44 1 223 301282  
E-mail: ascobans@pcmail.nerc-bas.ac.uk

### OBSERVERS

#### INTERGOVERNMENTAL ORGANISATIONS

The International Whaling Commission (IWC)  
Mark Bravington  
Fish Stock Management Group  
DFR Fisheries Laboratory  
Pakefield Road  
Lowestoft  
Suffolk NR33 0HT  
UNITED KINGDOM  
Tel: +44 1 502 524540  
Fax: +44 1 502 513865  
E-mail: m.v.bravington@cefasc.co.uk

The International Council for Exploration of the Sea (ICES)  
Mark Tasker  
Joint Nature Conservation Committee  
Dunnet House, 7 Thistle Place  
Aberdeen AB10 1UZ  
UNITED KINGDOM  
Tel: +44 1 224 655701  
Fax: +44 1 224-621488  
E-mail: MLTasker@aol.com  
Tasker\_m@jncc.gov.uk

#### NON-GOVERNMENTAL ORGANISATIONS

The European Cetacean Society (ECS)  
Christina Lockyer  
Danish Institute for Fisheries Research  
Charlottenlund Slot  
Jægersborg Allé  
2920 Charlottenlund

DENMARK  
Tel: +45 33 963373  
Fax: +45 33 963333  
E-mail: chl@dfu.min.dk

The International Fund for Animal Welfare (IFAW)  
Jonathan Gordon  
1a Howard Street  
Oxford OX4 3AY  
UNITED KINGDOM  
Tel: +44 1865 245156  
Fax: +44 1865 798227  
E-mail: jgordon@ifaw.org

Nordic Fishermen's Environmental Secretariat  
Carsten Krog  
c/o Danmarks Fiskeriforening  
Kongensgade 33  
6700 Esbjerg  
DENMARK  
Tel: +45 75454580  
Fax: +45 75451928

The Royal Society for the Prevention of Cruelty to Animals (RSPCA)  
Helen McLachlan  
Wildlife departments  
Causeway  
Horsham  
West Sussex RH12 1HG  
UNITED KINGDOM  
Tel: +44 1 403 264181  
Fax: +44 1 403 241048  
E-mail: hmclach@rspca.org.uk

Whale and Dolphin Conservation Society (WDACS)  
Mark P. Simmonds  
Alexander House  
James Street West  
Bath  
Avon BA1 2BT  
UNITED KINGDOM  
Tel: +44 1225 334511  
Fax: +44 1225 480097  
E-mail: msimmond@wdacs.org

World Wide Fund for Nature (WWF)  
Sarah Jones  
Panda House  
Weyside Park, Fodalming  
Surrey GU7 1XR  
UNITED KINGDOM  
Tel: +44 1483 426444  
Fax: +44 1483 426409  
E-mail: sjones@wwfnet.org



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