

REPORT OF THE
14th MEETING OF THE
ADVISORY COMMITTEE
TO ASCOBANS

San Sebastián, Spain

19 - 21 April 2007

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

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Executive Summary - Points for Action

Work on finalising the ASCOBANS North Sea Conservation Plan for Harbour Porpoises will be included in the list of ASCOBANS projects for funding and be done as soon as this is available. The Kattegat and Belt Seas will be included in the area covered by the North Sea Plan.

The ASCOBANS Secretariat will liaise with ICES with a view to establishing a cetacean bycatch reporting system for use by all forums throughout the Agreement area. ASCOBANS will also collaborate with OSPAR, HELCOM and the EU and produce a document setting out what fishing effort data is required. Delay should be avoided to ensure that ASCOBANS' views are considered in the next cycle of ICES meetings.

Parties will contribute to the review of Council Regulation (EC) No. 2187/2005 when called to do so (before 1 January 2008).

The outcome of the SCANS II project will be considered at the next meeting of the Advisory Committee (AC15).

Parties will submit data on high-speed ferries to Peter Evans at three-yearly intervals, including reports unchanged from the previous reporting period and so-called "nil returns". The first deadline for these reports is early December 2007 to allow time for analysis before the next AC meeting.

A NATO representative will be invited to AC15 to report on new developments in the use of sonar, and Parties will contact their national naval departments on the same subject.

The Secretariat will notify Parties as soon as the extension of the Agreement area comes into force.

The question of additional species to be covered by the Agreement will be considered at AC15.

The Secretariat will send greetings from the AC to the negotiation meeting on the instrument on cetaceans and manatees in western Africa to be held in the Canary Islands in October 2007, offering assistance and suggesting consideration of an extension of current Agreements.

The subject of national legislation and marine protected areas will be included on the agenda for AC15.

The Jastarnia Group will ask the Secretariat for funds to pay for the translation of information material into languages of the Baltic Range States.

Members of the AC attending meetings of other bodies as ASCOBANS representatives will report back on the outcome. The Secretariat will compile these for consideration by the AC.

The Secretariat will produce a regular quarterly newsletter, distributed by e-mail.

A small intersessional working group will be convened by telephone conference to review a chapter on synergies with ASCOBANS for inclusion in a document being drafted by the CMS Secretariat as a follow-up of CMS COP Resolution 8.22 (Adverse Human-induced Impacts on Cetaceans).

Mark Tasker will prepare a paper on ways to engage RACs to start a dialogue with fisheries interests, for presentation to AC15.

The Secretariat will contact GRD to request withdrawal of the “ascobans.eu” web site, and will investigate whether ASCOBANS has any legal redress in this respect.

When setting dates for AC15, the Secretariat will take into account the CBD Conference of the Parties, and consider again holding the meeting back to back with the ECS Annual Conference.

The Secretariat will check the figures under budget lines 3302, 4101, 4201, 5201 and 5401 presented in Document 6, and provide an explanation of the discrepancies between these and the figures in Doc. 9 presented to AC13.

ASCOBANS, 14th Meeting of the Advisory Committee AZTI, Pasaia, San Sebastián, Spain, 19-21 April 2007

1. Introduction

Opening the meeting, which was being held at the AZTI offices in Pasaia immediately before the Annual Meeting of the European Cetacean Society in San Sebastián, Mark Tasker (Chair) welcomed delegates and introduced Alberto Gomez (Head of the Commercial Department of AZTI) who wished the Advisory Committee success. Borja Heredia (Spain), speaking on behalf of the Spanish Ministry of Environment, also welcomed the delegates and thanked AZTI for providing the facilities.

Mark Tasker thanked Raúl Castro (AZTI) and Peter Evans (ECS) for their assistance in the organisation of the meeting and introduced the members of the Secretariat, Marco Barbieri (Scientific and Technical Officer at the CMS/ASCOBANS Secretariat), Heidrun Frisch (ASCOBANS Coordinator and Marine Mammal Officer), Patricia Stadié (ASCOBANS Assistant) and Robert Vagg (Report Writer). Robert Hepworth, the Acting Executive Secretary of ASCOBANS would join the meeting on 20 April.

Opening statements had been received from ACCOBAMS, the Whale and Dolphin Conservation Society (WDCS) and Marine Connection. These are attached as Annex 4 to this report. Apologies had been received from Lithuania and from Karl-Hermann Kock (Germany).

Mark Tasker pointed out that the Advisory Committee meeting was one day shorter than usual in keeping with the decisions of the Meeting of Parties, and the delegates faced a heavy agenda.

2. Adoption of the Rules of Procedure

Marco Barbieri (CMS/ASCOBANS) presented the draft Rules of Procedure (Doc. 5), pointing out suggested amendments. The main proposed amendment concerned the definition of the timing of the election of the new Chair and Vice-Chair, which was not specified in the existing rules. The 13th Advisory Committee meeting had called for a clarification of this issue. The suggested amendment of Rule 5.2 provided for the election at the end of the first AC meeting after a MOP. In the absence of a clear rule, there was already an agreement to adopt that practice at this meeting. Mark Tasker and Vice Chair Peter Reijnders, both of whom were standing down, would preside over this meeting and their successors would assume their duties immediately afterwards.

As there were no comments or objections, the amended Rules of Procedure (see Annex 5) were adopted. Mark Tasker invited members of Party delegations to submit nominations by the end of the following day's session for both Chair and Vice-Chair.

3. Adoption of the Agenda

Mark Tasker introduced Document 2, the draft annotated agenda and the timetable. Marco Barbieri (CMS/ASCOBANS) introduced two items of any other business. The first concerned establishing a jury for the ASCOBANS Award and the second concerned the response to allegations on the web-site (address www.ascobans.eu) of the NGO *Gesellschaft zur Rettung der Delphine* (Society for Dolphin Conservation). Petra Deimer (Germany) stressed that this organisation was in no way related to hers (*Gesellschaft zum Schutz der Meeressäuger* – Society for the Conservation of Marine Mammals). Also added to the agenda were items on acoustic and other disturbances (Item 6.5.5) and the proposed CMS instrument for the

Conservation of the West African Manatee and [Small] Cetaceans of the Eastern Atlantic Basin (Item 7.3).

A number of changes were proposed to the running order to accommodate the needs of delegates and the Secretariat. In particular, Agenda Items 8.2.2 and 9.2 on PR issues and the Year of the Dolphin were combined, as well as Items 7.2 and 8.3 on accession and activities in potential new Parties. In keeping with the wishes of the MOP, Mark Tasker (Chair) explained that the scheduling of the agenda had been organised as far as possible to keep administrative and scientific parts of the meeting separate. However, to accommodate the needs of some participants it had not proved possible to adhere strictly to this division. Oliver Schall (Germany) reiterated the view that the administrative and scientific parts of the meeting should be kept apart so that delegates with an interest in only one part of the agenda could plan accordingly. Parties were prepared to discuss the administrative items in open session, with the caveat that the session could be closed at short notice, if they felt it appropriate.

4. Election of the Chair and Vice-Chair

The Netherlands proposed and Poland seconded Stefan Bräger (Germany) as Chair. Germany proposed and Finland seconded Jan Haelters (Belgium) as Vice-Chair. The candidates were unanimously elected to their respective positions by the Committee. Paulus Tak (Belgium) agreed to lead a Finance and Administration Working Group.

5. Report of the Secretariat

Marco Barbieri and Heidrun Frisch (CMS/ASCOBANS) introduced themselves to the meeting. ASCOBANS could also call upon the assistance of the rest of the joint Secretariat. Mr Barbieri gave a summary of the recruitment process for the ASCOBANS Coordinator/CMS Marine Mammal Officer. Although this post was just a consultancy during the intermediate period, the recruitment procedure used was in many respects similar to a normal UN appointment. The vacancy announcement had been issued in December. Parties had been given the opportunity to review and comment on the Terms of Reference for the post before the issuance of the vacancy announcement. Out of the applications received, the most promising candidates had been shortlisted for telephone interviews. Telephone interviews had taken place in January. The Interview Panel consulted the Chairs of the CMS Standing Committee and Scientific Council and the Chairs of the ASCOBANS MOP and Advisory Committee as regards the recommended candidate to be selected. The successful candidate had taken up her duties in April for an initial nine months' probation, with the possibility of an extension until the end of 2008, when the new Secretariat arrangements would be globally assessed.

CMS was making a considerable effort on fund-raising. For the Year of the Dolphin, TUI, the German tourism company, was the main sponsor and they were giving a percentage to dolphin conservation for items of dolphin merchandise sold. Voluntary contributions had also been received from Italy, Monaco and Germany.

As ASCOBANS was one of the partners in the Year of the Dolphin, the Advisory Committee asked how it could influence which projects were supported. Peter Evans (ESC) recognised that Year of the Dolphin was a CMS initiative and not confined to the ASCOBANS area, but felt that the Committee might have a useful role to play.

"Friends of CMS" (*Freunde der Bonner Konvention*) had been established in Germany, whose aim was to help fundraise for CMS related projects.

The Secretariat made regular requests to Parties for voluntary contributions to fund a list of priority projects, and the question now was whether ASCOBANS wanted to maintain a separate list of projects of its own.

Since January, some relevant meetings had been attended by the Joint Secretariat; these were the 3rd Meeting of the Jastarnia Group in February, the FAO COFI meeting in March and the New York Symposium on the State of the Conservation of Whales in the 21st Century.

Maj Munk (Denmark) asked how the costs of attending these meetings were dealt with, especially those where CMS and ASCOBANS both had an interest. The Secretariat pointed out that in many cases, as CMS would have attended anyway, the parent Convention bore most of the cost. Mark Tasker stressed the difference between attending as representative of the Secretariat and of the Agreement as a whole. There were policy areas where CMS and ASCOBANS had a different view. Ms Munk also advocated a consistent approach for attending meetings, as signals were given by attending one meeting but not another.

6. Implementation of the ASCOBANS Triennial Work Plan (2007-2009)

Mark Tasker ran through the items contained in the Work Plan (Doc. 7). The amended table is attached as Annex 6 to this report. On item 24, Martin Lok (Netherlands) confirmed the undertaking of his Government to provide funding of €30,000 for the evaluation of the new Secretariat arrangements. The timing of the evaluation needed to be synchronised with the CMS COP and the ASCOBANS MOP.

6.1 ASCOBANS Baltic Harbour Porpoise Recovery Plan (Jastarnia Plan)

Stefan Bräger (Germany) introduced a paper (Doc. 10). He ran through the ten recommendations elaborated in February at the Jastarnia Group meeting in Copenhagen. The final report of the meeting was near to completion, and he thanked Patricia Stadié for her assistance in typing the proceedings from the tape recordings. Mark Tasker thought that arrangements for providing Secretariat support to the next meeting of the Group should be reviewed.

The Jastarnia Group had discussed reduction of fishing effort, alternative fishing gear and the EU 'pinger' programme. Not all Parties had made equal progress on all three points (e.g. there was poor uptake of pingers in Germany); the observer programme had been extended; HELCOM was promoting the designation of marine protected areas; more monitoring was needed as the SCANS II programme had not extended into the Baltic; and an international database was desirable.

Robert Kless (IFAW) suggested that the resale of licences for part-time set net fisheries should be stopped. Stefan Bräger confirmed that this option should be pursued with the authorities of Schleswig-Holstein and Mecklenburg-Vorpommern.

Maj Munk (Denmark) said that her agency needed better evidence to justify dedicating research resources to particular projects. With regard to the transboundary site near Flensburg, it was not part of the Baltic proper so was not covered by the Jastarnia Plan and it was not yet considered a key site for the harbour porpoise. Denmark was considering its marine sites for Natura 2000 and would pursue appropriate channels with Germany if transboundary sites were thought suitable.

Mark Tasker asked whether the Group had considered the Kattegat and Belt Seas in addition to the Baltic proper. Stefan Bräger confirmed that they had not. It was stressed that these areas would therefore need to be covered by the North Sea Plan (see Item 6.2) in order to avoid a gap in plan coverage.

6.2 ASCOBANS Conservation Plan for Harbour Porpoises in the North Sea

For the North Sea Working Group, Peter Reijnders (Vice-Chair) reported few developments since the MOP. A draft document (AC13/Doc. 18) existed, but without a detailed Conservation Plan. The Meeting felt that it was important to set out a clear way ahead despite the absence of Karl-Hermann Kock from the meeting, and not to postpone a decision until the next AC meeting. There were a number of models that might be used for the conservation plan (e.g. the Spanish LIFE project). Mark Tasker estimated that a qualified person could produce a good draft of the Plan within a week, provided the money could be found. Peter Evans reminded the meeting that he, Greg Donovan and Phil Hammond, who had been involved in the development of the LIFE project, would be willing to tackle this if their expenses were met. Peter Reijnders agreed to continue his involvement in the working group until the new Chair and Vice-Chair had settled in post. The meeting agreed that funding the required work should be added to the ASCOBANS project list.

6.3 Review of new information on bycatch

In addition to Documents 9 rev 2, 14, 17, 18 and 19, the Chair drew the meeting's attention to documents 25 and 26 tabled by Ali Ross (WDCS) and Lissa Goodwin (Marine Connection) at the meeting.

Mark Tasker thanked those parties that had sent in their national reports and requested those that had not, to do so. He also thanked Sweden for being the one country to have submitted fishery effort data (Doc. 17).

Document 14 was a revised version of a document previously circulated at MOP5, now including an addendum from Germany.

Martin Lok (Netherlands) reported that a number of interesting projects were under way and he would report on the findings next year. Preliminary indications showed that 50% of strandings were bycatch related. The Dutch national report would follow.

Mark Tasker introduced Document 18, concerning evaluation of bycatch of small cetaceans in the ASCOBANS area. No harmonised bycatch reporting system existed and he advocated the development of one science-based format to cover the various forums relevant to the ASCOBANS area. ICES was considered the best “umbrella” having the widest coverage of experts, and its advisory body reported to the EU already. He suggested that the ASCOBANS Secretariat should liaise with ICES to optimise synergies. The meeting approved of all efforts to streamline reporting procedures.

Ali Ross (WDCS) speaking to Document 25 said it contained responses to Mark Tasker's paper and the MOP5 resolution on incidental capture. It was important for ASCOBANS to retain its ability to advise on the key issue of bycatch. She agreed that data collection on fishing effort be best pursued in coordination with the European Commission. The joint paper with Marine Connection contained a draft list of types and categories of data which they thought needed to be collected.

Stefan Bräger (Germany) had some reservations about ICES' involvement, as half of the bycatch in the Baltic was attributed to part-time fisheries on which no data were collected. Mark Tasker could think of no alternative to ICES and ASCOBANS' involvement would aid a conservation perspective in a fisheries oriented forum. Krzysztof Skóra (Poland) reported that monitoring undertaken under Regulation 812/2004 had shown that in Poland 75% of bycatch was attributable to a limited number of identified fisheries.

Jan Haelters (Belgium) referred to an ICES workshop concerning fisheries management in German Natura 2000 areas. During this workshop it became clear that much data on fishing effort were potentially available. ASCOBANS should collaborate with OSPAR, HELCOM and the EU and needed to develop a paper setting out the data it needed. Peter Reijnders (Vice-Chair) and Mark Simmonds (WDCS) both highlighted three phases: identifying the kind of data needed; data evaluation; and action after evaluation.

A working group was established with Lissa Goodwin (Marine Connection), Ali Ross (WDCS), Yvon Morizur (France), Sara Königson (Sweden) and Jan Haelters (Belgium), tasked with elaborating a proposal concerning the collection and provision of fishing effort data in the ASCOBANS area. Mark Tasker, who also chaired the ICES Advisory Committee on Ecosystems, urged haste to ensure that ASCOBANS' views were considered in the next cycle of ICES meetings. The working group presented a draft paper incorporating the contents of Mark Tasker's report (Doc. 18) setting out the information that was considered desirable and relevant, and assessing what data was already available and where gaps would occur. The document produced by the working group and endorsed by the Advisory Committee is attached as Annex 7.

Pingers

Ali Ross (WDCS) introduced a second paper compiled jointly with Marine Connection (Doc. 26) and containing a number of issues to be raised with the European Commission. This had been tabled at the meeting and delegates had not had time to examine its contents fully. It gave an overview of the background to and contents of EC Regulation 812/2004, focusing on the pinger provisions in Article 2. Technical difficulties in implementing the regulation were common, an example being that no pinger was compatible with fisheries activities in ICES Area VII. Compliance was poor and the key mitigation measure was therefore ineffective. The Advisory Committee had to urge the Commission to enforce the regulation and develop other mitigation techniques.

It was noted that ASCOBANS should take the opportunity of commenting when the regulation came under review in 2008. Maj Munk (Denmark) referred to a Danish research project which suggested that lower density of pingers than required by the regulation was proving as effective and cheaper. Oliver Schall (Germany) remarked that marking nets with barium sulphate was being tested, but Mark Tasker commented that research by Simon Northridge and several others indicated that while effective in reducing bycatch, barium sulphate also reduced targeted catch. Sara Königson (Sweden) reported that fishermen were using the pingers and that in order to comply with the Regulation, three full-time observers were operating and some pilot projects had been started. Stefan Bräger (Germany) reported that his information showed that pingers were not being used in parts of the Baltic and no marine mammal observers were monitoring fisheries efforts. The Jastarnia Plan accepted that pingers were only a short-term solution. Sami Hassani (France) informed the meeting about a project and the implementation of a pilot study in a proposed marine nature site. Peter Reijnders (Vice-Chair) mentioned that research was being undertaken into the effects of pingers on fish. Mark Tasker said that the Scientific, Technical and Economic Committee for Fisheries (STECF) would meet in September 2007 to assess regulation 812/2004 reports and make recommendations to amend the reporting requirements. Iwona Kuklik (Poland) said that there was a deadline of 1 January 2008 regarding the review of Regulation 2187/2005, and it was important that ASCOBANS was involved to make the conservation case in a forum primarily dedicated to fisheries.

Krzysztof Skóra (Poland) said that one difficulty he would have working with gill net fisheries was the broad definition of gillnets used by the European Commission. In summarising Mark Tasker welcomed the fact that the Regulation existed, and although it was not perfect it was at least a basis upon which to build.

Delegates suggested drafting amendments to the paper, while a number of Parties said that they needed to consult with their ministries and fisheries colleagues to secure authorisation to agree to the final wording. A small Working Group consisting of Martin Lok (Netherlands), Maj Munk (Denmark), Christina Rappe (Sweden) and Ali Ross (WDCS) was convened to devise wording making clear what points the Advisory Committee wanted the Secretariat to raise with the Commission. The document produced by the drafting group, consisting of two recommendations, was endorsed by the Advisory Committee and is attached as Annex 8.

6.4 Review of new information on population distribution, sizes and structures

Mark Tasker introduced Document 9 (Rev. 1), Document 19 (both national reports) and Document 24 (Joint Cetacean Protocol). Unfortunately the final report of the SCANS project would not be available until shortly after the meeting and this issue would have to be considered at the next Advisory Committee.

Document 24 emanated from the UK but contained data from beyond British waters and described the information sources used for the “Atlas of Cetacean Distribution in North West European Waters”; the European Seabirds at Sea, the SeaWatch and SCANS I databases. These were also the basis for the Joint Cetacean Database and annual distribution maps. An important driver for a new atlas and data collation was the EC Habitats Directive, as Member States needed to report on the conservation status of marine species and habitats.

Mark Tasker asked whether Parties supported the proposal to develop an atlas base for surveillance, and what practical contributions they would be willing to make. ASCOBANS’ endorsement might help to secure funding. Establishing commonly agreed data protocols however was entirely sensible, and ASCOBANS needed to influence the debate. Jan Haelters (Belgium) said it was consistent with the trend towards more coordinated international data collection and analysis.

6.5 Review of new information on pollution, underwater sound and disturbance

6.5.1 High speed ferries

Mark Tasker introduced Document 16, a collection of national submissions collated by the Secretariat, which appeared to reveal that high speed ferries were a problem confined mainly to the Baltic. Maj Munk (Denmark) said that she had reported on ferries in her national report but there had been no change since the previous year and questioned the value of this reporting. She also felt that many ship strikes involving small cetaceans went unreported, as the crew were unaware that a collision had occurred. Jan Haelters (Belgium) also had no changes to report but commented that the IWC was also taking an interest in the wider subject of ship strikes.

Peter Evans (ECS) reminded delegates that the MOP had requested that high speed ferry data should be passed to him for analysis. The issue did extend beyond ASCOBANS but the addition of the Bay of Biscay through the extension of the Agreement Area would bring another potential source of problems within ASCOBANS’ remit. Peter Evans requested that “nil returns” and reports containing no changes over the year should still be sent to him.

Robert Kless (IFAW) and Petra Deimer (Germany) drew attention to high-speed ferry services and mitigation measures in Spanish waters, but as these were outside the ASCOBANS Area, Mark Tasker felt it sufficient that the Spanish observer noted the fact that concerns had been raised. He also shared Maj Munk’s concerns over reporting, stressing that it should be a means to the end of effective follow-up action. He noted that many delegates were raising ship strikes in general rather than high speed ferries specifically and sought clarification from the meeting that it wished to retain the distinction. In response to

suggestions that the national report format should be amended, Mark Tasker commented that the structure of the national report had evolved. Parties had asked for less specific questions but now seemed to be moving in the other direction. Jan Haelters (Belgium) thought that ship strike/ high speed ferry information should not be included in the national report, as triennial reporting was probably sufficient, but where details of high speed ferry operations were given, the actual route taken and not just a straight line between the ports. Penina Blankett (Finland) highlighted HELCOM's MARIS system, which tracked shipping in the Baltic.

Christina Rappe (Sweden) asked what contacts the Secretariat had with IMO, and said that the Baltic was a particularly sensitive sea area (PSSA). Marco Barbieri (Secretariat) said that the CMS Secretariat had attended the IMO Marine Environment Protection Committee meeting and had agreed with the IMO Secretariat to run a workshop or side event on ship strikes and noise disturbance at the 2008 meeting of the Committee. Oliver Schall (Germany) referred to a literature study commissioned by the German Federal Agency for Nature Conservation (BfN) on ship strikes concerning Northern right whales, manatees and dugongs, which he could make available.

Peter Evans (ECS) considered that establishing a baseline and evaluating the changes in high speed ferries were important. He also agreed that triennial reporting would probably be sufficient. He asked that a deadline of early December be set for the Parties to submit their reports so that he could analyse data and report to the next meeting of the Advisory Committee.

6.5.2 Military, including munitions

No papers had been tabled on this subject before the meeting, but Mark Simmonds (WDCS) believed that military use of sonar was increasing as highlighted in an article on the WDCS webpage. Peter Evans (ECS) referred to research undertaken in the Netherlands, Germany, the UK and the USA into mitigation of the impacts.

Robert Kless (IFAW) asked about recent finds of World War II ordnance in the Baltic. Jan Haelters (Belgium) said that OSPAR's Biodiversity Committee was working on collating data on munitions dumped at sea. A report would appear later in 2007 or in early 2008. Mark Tasker pointed out that there were two aspects of this problem – known dumps and the occasional item trawled up and brought to the surface. Petra Deimer (Germany) pointed out a paper from the Society for the Conservation of Marine Mammals, which contained a case study of the Kiel Bight (Doc. 27) and another entitled Baltic Time Bomb (Doc. 28). She stated that old munitions were a problem. She had gone to the press to oppose the blowing up of munitions. This could not be done in the summer when too many pleasure craft were at sea, but the blasts damaged the dolphins' hearing and were sometimes even fatal. Options, such as freezing the explosives and bringing them to shore for disposal had to be examined.

In relation to sonar, Veronica Frank (IFAW) knew that NATO had developed mitigation measures but did not know whether they had been published. Jan Haelters (Belgium) suggested that the Secretariat should write to NATO and ask for their guidelines. Peter Evans (ECS) said that he had seen the NATO guidelines and also said that national fleets had their own procedures, some more effective than others. Peter Reijnders (Vice Chair) said that on exercise the Dutch navy did switch to "passive sonar" when whales were detected. Mark Tasker recalled the Advisory Committee meeting in Bonn when Walther Zimmer of NATO had attended and suggested that he should be invited again if there was anything new to report and national delegates should contact their own naval departments.

6.5.3 Off-shore energy production and extractive activities

Again no papers had been received before the meeting. Mark Simmonds (WDCS) opened the discussion with a general worry that while renewable energy was desirable, the siting, design, noise of construction and operation were all cause for concern. Krzysztof Skóra (Poland) reported that Russian gas companies were planning to lay a pipeline in the Baltic, and the AC should seek clarification of the implications both of construction and operation. Christina Rappe (Sweden) thought ASCOBANS should produce guidelines on constructions. Jan Haelters (Belgium) reported that OSPAR had guidelines which covered the presence of cetaceans when drilling was occurring. Sonia Mendes (UK) said that the Joint Nature Conservation Committee and Scottish Natural Heritage had guidelines for constructors operating in the Moray Firth where cetaceans were found. Mark Tasker pointed out that as all ASCOBANS parties were EU Member States, environmental impact assessments (EIA) were required for pipelines, wind farms and large-scale marine construction. These EIAs should cover all of these aspects and their mitigation.

Peter Evans (ECS) hoped that the forthcoming workshops at the ECS meeting would help shed some light. He was sceptical about some EIAs as these were funded and conducted by the industries themselves, but Mark Tasker pointed out that the system provided for them to be licensed only after approval by the appropriate authorities.

6.5.4 Report by Pollutants Working Group

Mark Simmonds (WDCS) introduced a draft report of recent literature on chemical and noise pollution including brief abstracts. He invited comments on additions and deletions. The report is attached as Annex 9.

6.5.5 Acoustic and other disturbances

Oliver Schall (Germany) had asked for this item to be added to the agenda because of German concerns about a visit to the Baltic Sea of US vessels. Underwater acoustic disturbance was a serious problem for cetaceans, as already had been mentioned with regard to the destruction of munitions. An international meeting on sound in the marine environment would take place at Nyborg, Denmark, in September. OSPAR had a process on drawing up guidelines. EU Member States were under an obligation to minimise disturbance to cetaceans so the UK was pressing ahead with devising its own guidelines. Martin Lok (Netherlands) felt that ASCOBANS did not need to reinvent the wheel and could adopt whatever guidelines emerged from other fora.

7. Westward extension of Agreement Area

The Secretariat reported on the ratification of the amendment to the Agreement. Parties had been contacted and the Secretariat's understanding was that Denmark, France and Germany had completed their procedures. Belgium might take some time. Finland hoped to complete by the summer of 2007. Sweden and the Netherlands hoped to complete shortly and the United Kingdom was in the process of consulting across government. There was no information from Poland or Lithuania. To take effect, the amendment needed five parties to ratify. The Secretariat was asked to notify Parties when the extension came into force.

7.1 Report from Spain on ASCOBANS-related activities

Borja Heredia (Spain) pointed out that most Spanish activities relating to cetaceans took place in the Mediterranean or the Canary Islands. Some research was being conducted by the Universities of Valencia and Barcelona to identify key sites for cetaceans. A LIFE project was being implemented for *Tursiops truncatus* and *Caretta caretta*. On acoustics and sonar, the

Spanish navy was aware of the problems after some strandings, and in the Canaries the military set aside zones where cetaceans would not be disturbed. A new national parks law had just been passed which would allow for marine sites to be designated on the high seas and not just in coastal waters as at present, and whale watching guidance would be incorporated into national legislation. The new sea charts drawn up after the building of a port installation in Morocco now showed the presence of sperm whales in the Strait of Gibraltar.

On accession, he said that Spain would prefer that ASCOBANS had the same species coverage as ACCOBAMS. Petra Deimer (Germany) asked whether Spain would wish the Canary Islands to be included in the Agreement Area and it was noted that the Canary Islands were keen to be part of an Agreement. Mark Tasker pointed out that the question of the Agreement's species coverage would be raised at the next AC.

7.2 Report from other potential new parties on their cetacean activities

Ivar Jüssi (Estonia) gave a verbal report highlighting a LIFE project "Marine protected areas in the Eastern Baltic", which had started at the end of 2005. Within the framework of this project a full year's passive harbour porpoise acoustic survey was planned, to start in June 2007. Altogether 18 T-PODs would be deployed in Lithuania, Latvia and Estonia at pre-selected sites of planned marine protected areas.

7.3 Agreements under development

Marco Barbieri (CMS/ASCOBANS) explained that CMS had a mandate from its Parties for an instrument for cetaceans and manatees in western Africa. A negotiation meeting was scheduled for the Canaries in October 2007 linked to the Year of the Dolphin. It would decide the scope of the instrument and agree an action plan. CMS was also involved in a Wetlands International and the Abidjan Convention initiative for manatees.

As the proposed instrument was another neighbour for ASCOBANS within the CMS family, Mark Tasker asked the Meeting to consider the possibility of another extension of ASCOBANS' geographical range to cover north-west Africa, noting that otherwise Spain and Portugal would be range states to three separate CMS cetacean agreements.

Petra Deimer (Germany) was concerned that the instrument would be a non-binding Memorandum of Understanding. Peter Evans (ECS) confirmed that there was an overlap of populations between ASCOBANS and the north of the area of the proposed new instrument, and that EU fisheries and conservation laws applied to Macaronesia. Oliver Schall (Germany) pointed out the implications for Morocco and ACCOBAMS, while Borja Heredia (Spain) mentioned a further CMS instrument for the Monk Seal (*Monachus monachus*) close to conclusion between Mauritania, Morocco, Portugal and Spain.

The AC agreed to continue following the development of the instrument, and the Secretariat was instructed to send fraternal greetings to the Canary Islands meeting and offer any help that was needed, including the suggestion of considering an extension to current Agreements.

8. Standing items

8.1.1 Annual National Reports 2005 and 2006

Referring to Doc. 9 Mark Tasker asked whether there were any additions or questions.

Oliver Schall (Germany) wondered whether the increasing occurrence of strandings indicated that more animals were dying or whether reporting methods were improving. Sami Hassani (France) said that in Brittany 30% of strandings were related to bycatch.

Iwona Kuklik (Poland) apologised that the Polish national report was late but would be submitted shortly. With regard to strandings, Poland had to rely on voluntary reporting from fishermen. Although fishermen were reporting less bycatch, strandings data remained constant suggesting little change in bycatch. Peter Reijnders (Netherlands) said that pathological reports on stranded animals had established a clear link to bycatch. Ali Ross (WDCS) noted a regrettable reduction of resources to the UK strandings scheme. Tim Andrews (UK) countered that the scheme was still producing good scientific data despite economies.

Jan Haelters (Belgium) explained that he would prefer that national reports should be submitted by the countries and not through the Secretariat. Any change to one national report necessitated reprinting a revision of the whole paper. Oliver Schall (Germany) asked whether the secretariat could emulate other conventions and allow electronic submission of reports to a dedicated webpage.

8.1.2 National Legislation and Protected Areas

Sami Hassani (France), referring to Document 23, pointed out a new law in France for designating natural marine parks. Martin Lok (Netherlands) said the Netherlands was preparing to submit four marine sites as Natura 2000 SACs as small cetacean habitats. Peter Reijnders (Netherlands) suggested that a map plotting all marine SACs designated for small cetaceans would be interesting for ASCOBANS. Maj Munk (Denmark) mentioned a research project to identify harbour porpoise areas in inner Danish waters, using bimonthly ship surveys. Krzysztof Skóra (Poland) said that two harbour porpoise sites were under examination, one in the Pomeranian Bay and with the boundaries of the second still under discussion. It was noted that the Members States' deadlines for submitting data on the conservation status of species and marine sites were both looming and that Pat Murphy's section in DG Environment or the European Topic Centre in Paris might have prepared maps.

Peter Reijnders (Vice Chair) thought that the AC might propose candidate sites and Stefan Bräger (Germany) added that the Jastarnia Group had raised this issue also. Maj Munk (Denmark) noted that this was a Member State responsibility and that there might be good reasons why national governments did not propose a particular site, so the AC's involvement might be seen as meddling. She added that Member States were adopting different approaches and in the marine environment, defining sites was difficult as the species being protected were wide-ranging and moved in search of food. Peter Evans (ECS) stressed that "hot spots" could change. Robert Kless (IFAW) thought that the designation of cross boundary sites did not seem to be well coordinated, although Mark Tasker pointed out that the network element was supposed to be an important feature of Natura 2000.

Jan Haelters (Belgium) pointed out that OSPAR too had an obligation to establish a network of marine protected areas, overlapping with Natura 2000 but extending to Norway and Iceland as well. Veronica Frank (IFAW) said HELCOM also had a site designation procedure, similar to OSPAR's.

Mark Tasker (Chair) said that this was clearly an important issue and should be raised again at the next AC, but the debate might benefit from having a paper prepared in advance.

8.2 Publicity/PR issues

8.2.1 Parties/Range States

Martin Lok (Netherlands) showed a copy of the new book "Whales and Dolphins of the North Sea", published in the Netherlands, and dealing with cetaceans in Dutch and Belgian waters.

He announced that further copies were available from his Ministry. Krzysztof Skóra (Poland) announced that a sculpture of a harbour porpoise had been erected in the centre of Gdynia.

8.2.2 Secretariat

Heidrun Frisch (Secretariat) made a presentation on the Year of the Dolphin campaign, explaining its structure, aims and components.

Lissa Goodwin (Marine Connection) welcomed the concept, but expressed disapproval at the involvement of TUI, given that this company had been selling tickets for a dolphinarium in the Dominican Republic which was purchasing animals taken from Japanese drive hunts.

Peter Evans (ECS) asked what happened to the funds raised from various sources under YoD and what say ASCOBANS had in allocating resources to projects as a partner in the campaign. Heidrun Frisch explained that some schemes, such as Adopt-a-Dolphin were operated by other partners such as WDCCS, while a percentage of the proceeds from the sale of merchandising went to the Friends of CMS, who consulted the Secretariat over projects to be financed. Mark Simmonds (WDCCS) said some very good educational material had been produced as a result of YoD. There were though some managerial concerns, but the campaign was to be welcomed. Martin Lok (Netherlands) concurred. Lessons had to be learned for the next “Year of the” campaign. He welcomed the involvement of the private sector in principle. Robert Kless (IFAW) agreed that good activities were being undertaken and that TUI was able to reach a wider audience, but the dolphinarium question could not be ignored. IFAW had contacted TUI and found them open to persuasion. Kai Mattsson (Finland) said his country would link events to the campaign, such as the International Day of the Baltic Harbour Porpoise. Awareness of dolphin conservation had been heightened in 2006 by two vagrant dolphins in Finnish waters which had unfortunately then been bycaught. Marco Barbieri (CMS/ASCOBANS) assured the meeting that the Secretariat was working with TUI constructively to find a solution to the dolphinarium issue. He also stressed that the YoD was focussing on conservation in the wild, and that the campaign was therefore not including in principle initiatives related to captivity of dolphins.

Jan Haelters (Belgium) said that YoD in Belgium had been launched on 17 January 2007 by *Natuurpunt*, the Belgian partner of BirdLife International, in cooperation with the EUCC, the RBINS (MUMM) and *Stichting De Noordzee*.

Petra Deimer (Germany) gave a presentation on GSM’s photo competition; all contributions were shown on the GSM webpage that also included an interactive map for plotting sightings of porpoises (www.habitatmare.de).

8.2.3 Day of the Baltic Harbour Porpoise, 20 May 2007

Heidrun Frisch (Secretariat) gave a presentation including the design of a dedicated poster and postcard for possible use for the celebration of the International Day of the Baltic Harbour Porpoise. Considering that many countries had already prepared their own promotional material, it was however felt that the Secretariat’s design should better be kept for next year. Piotr Gruszka (Coalition Clean Baltic) distributed a brochure his organisation had produced.

Stefan Bräger (Germany) said the Jastarnia Group had much material needing translation and that the Secretariat might be able to assist with this. Christina Rappe (Sweden) mentioned that some countries had produced their own posters.

8.2.4 ASCOBANS Award

Mark Simmonds (WDCS), who chaired the jury set up to evaluate the nominees, commented that the candidates for the award were all of a high standard. Before announcing the winner, he highly commended the work of the European Cetacean Society and Peter Evans in particular. ECS was not actually a contender for the award but their efforts on behalf of cetacean conservation and education should be recognised. Turning to the ASCOBANS Award for 2007 he was delighted to announce that the jury had decided that the prize should go to Petra Deimer and GSM.

8.3 Accession of Range States

Marco Barbieri (CMS/ASCOBANS) reported that there had been no recent indication from any non-party range state that accession was imminent. Ivar Jüssi (Estonia) said that his government had agreed in principle to accede and the Foreign and Environment Ministry lawyers were working on the details. Mark Tasker had spoken to officials in Ireland's National Parks Department who were consulting with colleagues in the Marine Department.

Oliver Schall (Germany) reported that the German Government was making the most of its presidency of the EU and G8 to engage the Russian Federation in CMS and its Agreements. The response had been noncommittal so far but a further meeting was planned at the UN Campus in Bonn.

8.4 Meetings to be attended in 2007/8

The meeting worked through a draft of the list of meetings (Doc. 11) and considered the desirability of ASCOBANS being represented. Delegates who would be attending in another capacity were asked to represent ASCOBANS and report on the outcomes. A revised list of events to be attended by ASCOBANS (Secretariat or AC representatives) is attached as Annex 10.

Christina Rappe (Sweden) complained about the postponement of the genetics workshops for which no new date had been arranged. She was concerned that part of the Swedish voluntary contribution of €7,000 had been used to pay for cancelled air tickets. Robert Hepworth (Acting Executive Secretary) regretted that the workshops had had to be postponed, but the new joint Secretariat had faced excessive demands while the new coordinator was being appointed. The cost of cancelled tickets was less than €1000 and the Secretariat would be able to service the meetings better in the autumn. To improve communication, the Secretariat proposed to send a regular, quarterly email with updates.

9. ASCOBANS and CMS

9.1 CMS COP8 Resolution 8.22 (Adverse Human-induced Impacts on Cetaceans)

Marco Barbieri (CMS/ASCOBANS) referred to the CMS Resolution 8.22, requiring the CMS Secretariat to work with the CMS Scientific Council and equivalent bodies of the Agreements to examine human induced impacts on cetaceans. Paragraph 3b called for a report on gaps and overlaps between CMS, Agreements and other MEAs. A paper was envisaged which would include a chapter on synergies with ASCOBANS, and the AC was asked to consider how best to contribute. The CMS Secretariat expected to have the draft chapter ready for comment within a month. Mark Tasker (Chair), noting that over a year had passed since the Resolution had been passed, was keen to set the procedure in motion and Peter Reijnders (vice Chair) suggested setting up a small intersessional working group which could convene through a telephone conference. Both Mr Tasker and Mr Reijnders expressed their willingness to serve on the Working Group.

9.2 Year of the Dolphin 2007

This item had been dealt with under the Secretariat report (agenda item 5).

10. Relations with other bodies

The Chairman reiterated that it was always helpful to have reports from other fora if members of the AC were attending meetings.

10.1 IWC and ICES

Robert Hepworth had visited the IWC in February. IWC was troubled and deeply split between the pro- and anti-whaling camps. IWC had declined to join YoD as the pro-whaling countries questioned IWC's mandate regarding small cetaceans. Similarly, IWC did not seem to concede CMS's leading role on small cetacean conservation, despite the existence of two Agreements and the Pacific Islands MoU with more instruments in other regions likely. Mr Hepworth had attended a symposium on Whales in the 21st Century in New York and had stressed CMS's global activities for cetacean conservation. Maj Munk (Denmark) was concerned that ASCOBANS should not become active in IWC because of the Danish position on whaling and the Faeroes pilot whale hunt. Denmark did not think IWC should deal with small cetaceans except in the Scientific Committee. Peter Reijnders had represented ASCOBANS at the IWC Scientific Committee where good work on bycatch and pollution was undertaken. Mark Tasker stressed the strong distinction between IWC's scientific and political forums.

In relation to ICES, Mark Tasker noted that he was the current chair of the Advisory Committee on Ecosystems (ACE) and hoped to strengthen cooperation with ICES. He had arranged a meeting between Robert Hepworth and Gerd Hubbard, the Executive Secretary of ICES. CMS would ask Barry Baker, the Scientific Councillor for bycatch, to liaise with ICES also.

Sonia Mendes (UK) referred to an ICES recommendation and a forthcoming workshop in Brussels in 2008. Marine mammals were often selected as potential indicators of ecosystem health, however, for most indicators relating marine mammals to environmental quality, this required better understanding of the mechanisms and processes involved. The workshop on marine mammal health aimed to: identify threats to population health status for marine mammals; discuss measures to improve knowledge about threats and identify future monitoring, research and management priorities. The workshop was being planned for three days in January 2008 in Brussels, and the Steering Committee included Thierry Jauniaux, Paul Jepson and Jeff Stott.

10.2 Regional Seas Agreements

10.3 ACCOBAMS

Ricardo Sagarminaga (ACCOBAMS) said that there was obvious scope for collaboration between ASCOBANS and ACCOBAMS, as mentioned in the ACCOBAMS Executive Secretary's opening address. Mr Sagarminaga looked forward to welcoming Heidrun Frisch to the ACCOBAMS MOP in Croatia in October. Peter Evans (ECS) asked whether ACCOBAMS could comment on the possible financial implications for ASCOBANS extending its species range to large cetaceans. Mark Simmonds obtained the advice of ACCOBAMS Scientific Committee Chairman, Giuseppe Notarbartolo di Sciara, who said: "I do not believe that there is a direct relationship between the number of species in the agreement area and funds needed to run the Agreement. One may argue that the more species the more projects needed (a weak argument in my opinion). However, by the same token the

more species the greater is the fundraising potential”. Robert Hepworth commented that as ACCOBAMS had always dealt with all cetaceans, it was difficult to make direct comparisons. He thought that extra costs would occur.

10.4 Others

10.4.1 IUCN

Borja Heredia (Spain) pointed out that IUCN was meeting in Barcelona next year and the main theme was the marine environment. Mark Tasker said that as the IUCN meeting was in October 2008, the next AC could discuss it in greater detail.

10.4.2 European Commission

Robert Hepworth (Acting Executive Secretary) said that the Secretariat dealt principally with two DGs in the European Commission – Environment and Fisheries, – although others were relevant to CMS and ASCOBANS work, e.g. DG Transport, DG Development, DG Research (a potential source of funding) and DG External Affairs. Mr Hepworth was shortly to make his annual visit to the Commission.

Maj Munk (Denmark) commented that a Commission representative had previously attended the AC and wanted to know if the Commission was still invited. It was thought that changes of personnel were the reasons for the Commission’s non-attendance, as Jean Weissenberger had moved on from the bycatch desk and was being temporarily replaced by Olle Hagstrom, who had taken up the post only days previously.

Veronica Frank (IFAW) thought that ASCOBANS should contribute to the Commission’s planned Green Paper on maritime policy, as there was little input from a conservation policy standpoint. Mark Tasker said that JNCC had already replied on behalf of the UK nature conservation agencies, and that deadlines were too tight for proper international consensus building.

10.4.3 Regional Advisory Councils (RACs)

Mark Tasker explained the nature of the EU’s Fisheries RACs. These were part of a move to regionalise fisheries policies within the EU. Little interest had been shown by the RACs in bycatch so far. He thought ASCOBANS should try to engage RACs as a means of starting a dialogue with fisheries interests. He offered to prepare a paper for the next AC.

11. Any Other Business

The Secretariat circulated an English translation of the text of a webpage in German apparently emanating from the German NGO, *Gesellschaft zur Rettung der Delphine* (GRD), which was expressing heavy criticism of the new arrangements agreed by MOP5 and the first months of operation since the MOP. As the website included a number of inaccuracies and was presenting facts in a way that could be misleading, the Secretariat considered that a reply from the AC was necessary. It was also noted that the website was using the name of ASCOBANS in its address (www.ascobans.eu and www.ascobans.de).

Martin Lok (Netherlands) circulated a draft response. He did not think that a point-by-point rebuttal was necessary and might even prove counterproductive. Several delegates expressed concern that the use of the web address www.ascobans.eu might lead readers to think that it was an official ASCOBANS site and the Secretariat agreed to enquire whether GRD or the hosts of the “.eu” suffix might be persuaded to withdraw the site and whether ASCOBANS

had any legal redress. Petra Deimer (Germany) said that she knew the people running GRD and did not think that this was typical of their behaviour and would contact them privately.

The AC agreed the ASCOBANS response which is attached as Annex 11.

12. Date and venue of next meeting

Mark Tasker said that the default option was for the next meeting to be held at the UN Campus in Bonn. The Committee was open to other offers but the Secretariat's costs would have to be met. Robert Hepworth thought the Committee might like to see and use the new UN facilities in Bonn and take the opportunity of meeting more Secretariat staff. The Secretariat was asked to consider dates taking into account the CBD CoP, and to explore options to hold the 2008 meeting again back to back with the ECS Annual Conference.

13. Closure of the Scientific-Conservation part of the Meeting

At the conclusion of discussion of all agenda items of a scientific and conservation nature, the Chairman declared that part of the meeting closed and moved on to administrative and finance matters.

14. Administrative Matters

It was agreed that all items of the agenda would be discussed in open session with the exception of item 14.2 regarding the appointment procedure for the new ASCOBANS Coordinator/CMS Marine Mammal Officer.

14.1 Finance

Robert Hepworth (Acting Executive Secretary) introduced Document 6. Table 1 showed the subscriptions paid by Parties, one anomaly being the \$11,000 pre-payment by the Netherlands. Table 2 showed the effects on the subscriptions of the accession of France and Lithuania. Mr Hepworth stated that while the reduction in subscriptions for six of the previous eight parties was correct and in accordance with the Terms of Reference, they might have been asked to waive the reductions to provide additional funding. Table 4 showed the voluntary contributions paid by some Parties to help fund project work. Most of the balance on the account was earmarked for projects about to start, and Mr Hepworth hoped that the donor countries would allow the Secretariat to retain the US\$21,000 unspent balance. Table 6 showed how the budget of the 2004-2006 triennium had been carried out. The overspend in staff costs was the result of exposure to unfavourable exchange rate fluctuations. Deficits in the budget over the triennium had seen the reserve reduce from \$120,000 to \$20,000.

Delegates made a certain number of comments on the document. Some totals appeared to be incorrect; some tables showed exact sums while others showed figures rounded to the nearest thousand. Some delegates were not clear how the tables related to each other. One of the footnotes had to be redrafted. One table showed the reserve balance as \$20k while another suggested it was \$17k. The figures for expenditure shown in Table 5 for the year 2005 differed considerably from the equivalent table presented at the AC in Tampere in April 2006 and Parties asked that the figures be checked and an explanation be given for the changes (lines 3302, 4101, 4201, 5201 and 5401). Parties did not want a formal re-audit. Maj Munk (Denmark) agreed to write to the Secretariat listing items which needed further explanation.

Mr Hepworth expressed concern that no subscriptions had been received from Parties for 2007. Several Parties replied that they had not received invoices, although the Secretariat had enquired of Nairobi before the meeting and had been assured that invoices had been issued.

Paulus Tak (Belgium) noted the footnote to Table 10 which set out the need to build up the reserve but noted the discrepancies in the figures. Christina Rappe (Sweden) asked why in footnote on line 1102 the CMS senior adviser's time had increased to 20%. Mr Hepworth explained that this increase would be offset by a reduction in the time of the Coordinator spent on ASCOBANS and would be cost neutral. Mr Tak also noted that the Acting Executive Secretary had spent more than the foreseen 3% of his time on ASCOBANS. Mr Hepworth attributed this to initial teething troubles in the transitional period of the new Joint Secretariat.

Oliver Schall (Germany) indicated that his government would allow part of its voluntary contribution be spent on meetings costs. Delegates asked whether the promised resources from UNEP had been received.

Priority projects for which voluntary contributions had to be sought were discussed and the likely level of funding for certain key activities was assessed. Agreed projects are summarized in Annex 12.

There was some discussion about whether part of the German voluntary contribution should be made available for a workshop on acoustic monitoring to be organised in Sweden. Some delegates felt the money would be better spent buying equipment rather than holding a meeting. Mark Tasker thought the Committee's time would be more focused on priorities if project proposals could be submitted on paper before the meeting.

14.2 Other Administrative Matters - Appointment of ASCOBANS Coordinator

The meeting then discussed the appointment of the CMS/ASCOBANS and Marine Mammals Coordinator **in closed session** (restricted to Parties and senior Secretariat staff). This portion of the report can be found at Annex 13 and is subject to restricted distribution to those who attended the closed session.

15. Close of Meeting

It being the last Advisory Committee meeting chaired by Mark Tasker and Peter Reijnders, presentations were made to thank them for their work. Mark Tasker thanked Patricia Stadié for her support to the AC work over the years. He also thanked Rüdiger Stempel *in absentia* for his good work over many years as Executive Secretary. Incoming Chairman Stefan Bräger asked for the Committee to be patient with him as he settled in to his new post.

Thanks were expressed to the staff of AZTI for their assistance before and during the meeting and for the excellent facilities and food.

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List of Documents

No.	Agenda Item	Document Title
Doc. 1	3	Agenda
Doc. 2	3	Draft Annotated Agenda
Doc. 3	-	List of Documents
Doc. 4	-	List of Documents by Agenda Item
Doc. 5	2	Rules of Procedure for the ASCOBANS Advisory Committee
Doc. 6	14.1	ASCOBANS Resources. Report by the Acting Executive Secretary
Doc. 7	6	ASCOBANS Triennium Work Plan for 2007-2009
Doc. 8	8.2.2	Report on Educational and Promotional Activities (1/2007)
Doc. 9	8.1	Annual National Reports for 2005 submitted to the Secretariat as of 13 April 2007
Doc. 10	5.1.2	Recommendations of the Third Meeting of the Jastarnia Group (Copenhagen, 19-21 February 2007) to AC14
Doc. 11	8.4	Dates of Interest to ASCOBANS in 2007/2008
Doc. 12	6.5	IWC Ship Strikes Working Group. First Progress Report to the Conservation Committee, May 2006
Doc. 13	5	Proceedings of the 5 th Meeting of the Parties to ASCOBANS, Netherlands, September and December 2006
Doc. 14	6.3	Reports from Parties and Range States on implementation of Council Regulation (EC) No 812/2004
Doc. 15	8.1.1	Information submitted by Parties in response to post-mortem research questionnaire
Doc. 16	6.5.1	High-speed Ferries: Update of Information
Doc. 17	6.3	Fisheries Statistics: Data Submitted to the Secretariat
Doc. 18	6.3.1	Evaluating the bycatch of small cetaceans in the ASCOBANS area
Doc. 19	8.1	Annual National Report for 2006 submitted by Belgium
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Doc. 21	9.1	CMS COP8 Resolution 8.22: Adverse human induced impacts on cetaceans
Doc. 22	8.1.1	Cetacean stranding along the French coasts in 2005
Doc. 23	8.1.2	Stakes representation of the French marine space
Doc. 24	6.4	Joint Cetacean Protocol. An information paper for ASCOBANS
Doc. 25	6.3.1	Collection and provision of fishing effort data
Doc. 26	6.3	Fulfilling the pinger provisions of Regulation (EC)812/2004. Problems encountered and progress required to reduce harbour porpoise bycatch
Doc. 27	6.5.2	Mitigating the impact of detonating unexploded ordnance in the Baltic Sea – an example from the “marine area of the eastern Kiel Bight” protected under the EC Habitats Directive
Doc. 28	6.5.2	Baltic Time Bomb – Ticking Away

Agenda

1. Introduction
2. Adoption of Rules of Procedure
3. Adoption of the Agenda
4. Election of Chair and Vice Chair
5. Report of the Secretariat
6. Implementation of the ASCOBANS Triennial Workplan (2007-2009)
 - 6.1. ASCOBANS Baltic Harbour Porpoise Recovery Plan (Jastarnia Plan)
 - 6.1.1. Implementation
 - 6.1.2. Outcome of 3rd Meeting of the Jastarnia Group
 - 6.2. ASCOBANS Conservation Plan for Harbour Porpoises in the North Sea
 - 6.2.1. Progress report
 - 6.3. Review of new information on bycatch
 - 6.3.1. Format for reporting effort in relevant fisheries
 - 6.4. Review of new information on population distribution, sizes and structures
 - 6.5. Review of new information on pollution, underwater sound and disturbance
 - 6.5.1. High speed ferries
 - 6.5.2. Military, including munitions
 - 6.5.3. Offshore energy production and extractive activities
 - 6.5.4. Report by Pollutants Working Group
 - 6.5.5. Acoustic and other disturbances
7. Westward extension of Agreement Area
 - 7.1. Report from Spain on ASCOBANS-related activities
 - 7.2. Report from other potential new Parties on their cetacean activities
 - 7.3. Agreements under development
8. Standing items
 - 8.1. Annual National Reports 2005 and 2006
 - 8.1.1. Post-mortem and stranding schemes
 - 8.1.2. National legislation/protected areas
 - 8.2. Publicity/PR Issues
 - 8.2.1. Parties/Range States
 - 8.2.2. Secretariat
 - 8.2.3. Day of the Baltic Harbour Porpoise, 20 May 2007
 - 8.2.4. ASCOBANS Award
 - 8.3. Accession of Range States
 - 8.4. Meetings to be attended in 2007/2008

9. ASCOBANS and CMS

9.1. CMS COP8 Resolution 8.22 (“Adverse Human-induced Impacts on Cetaceans”)

9.2. Year of the Dolphin 2007

10. Relations with other bodies

10.1. IWC and ICES

10.2. Regional seas agreements

10.3. ACCOBAMS

10.4. Others

11. Any other business

12. Date and venue of next meeting

13. Close of scientific/conservation section of meeting

14. Administrative Session

14.1. Finance

14.2 Other administrative matters

15. Close of Meeting



San Sebastián, 19th April 2007

STATEMENT

First, I would like to apologize for not being able to attend this Meeting because of some other binding engagements. Although I regret this absence, I feel honoured that Ricardo Sagarminaga, a very committed expert, highly involved in the cetaceans' research and conservation, represents ACCOBAMS.

I would like to congratulate ASCOBANS, which predates ACCOBAMS by five years, for its work, always considered by the Agreement of the Black and Mediterranean Seas as a useful example of **regional strategy for cetaceans' conservation**. Although the two Agreements cover different areas, **they both share the same goals** and are part of the same family: the **CMS** one.

This provides us with a powerful feeling of **union** and encourages us to collaborate in a **spirit of continuous exchange** of models and expertises.

I am convinced that conservation activities cannot be effective without a **global approach**: although the areas we cover require specific actions, we cannot disregard, especially at political and administrative levels, that spirit of cooperation.

And this idea of synergy also animates this crucial awareness campaign that CMS launched together with its two specialized Agreements: the **Year of the Dolphin** is the natural and logical result of a commitment whose aim is to contribute to the achievement of a **favourable conservation status** all over the world and which would never have existed without a strong will to cooperate.

On this occasion, the issue of **marine protected areas** that represents one of the several **common objectives** of the two Agreements further illustrates this point of view and the contiguity of our two Agreements. The ASCOBANS related workshop entitled *Marine Protected Areas and Cetaceans* deals with the extensive goal of the identification of important sites for small cetaceans. An ACCOBAMS workshop, held on the occasion of the 4th Meeting of the **ACCOBAMS Scientific Committee**, in November 2006, focused on that same issue. The results of that work, among which the making out of **new proposals for the establishment of marine protected areas**, will be presented for adoption during the next Meeting of the Parties in October 2007.

Lastly, I would like to express ACCOBAMS' support to the **geographic extension of the ASCOBANS Area** that I hope will become effective as soon as possible. Indeed, I am sure that it will strengthen the collaboration between ASCOBANS and ACCOBAMS and offer a **wider platform of cooperation**.

In this spirit, I warmly wish to the ASCOBANS Advisory Committee a great meeting. A meeting that could contribute to the achievement of our common goals and to the definition of **effective strategies for biodiversity conservation**.

Marie-Christine Grillo Van Klaveren
ACCOBAMS Executive Secretary



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The Marine Connection is once again pleased to be an observer at the meeting of the ASCOBANS Advisory Committee. Thanks are given to the Chairman, Secretariat, the Government of Spain, the European Cetacean Society and city of San Sebastian for the organisation and hosting of this important meeting and its associated workshops.

Committed to working internationally for the welfare and protection of all dolphins, whales and porpoises the Marine Connection effectively contributes towards a world that understands and respects all cetaceans and their natural habitat. Threats to marine mammals have never been greater and therefore by raising public awareness to these threats and pressing for more effective legislation, the Marine Connection is actively securing a safer future for these mammals.

The charity already works on a number of issues which are of interest to ASCOBANS:

Cetacean Bycatch

- Marine Connection is one of many organisations working to highlight and prevent the continuing high levels of cetacean bycatch in European waters. We are due to publish a joint report, with The Wildlife Trusts: **The South West Dolphin Report** in the coming weeks which examines fourteen years of cetacean records from the South West of England and summarises what needs to be done to ensure a safe and healthy future for these animals off this coast.
- A summary report of this study will be available by request to either Marine Connection (lissa.goodwin@btopenworld.com) or The Wildlife Trusts. Copies of the full report will also be available for download from both websites: www.marineconnection.org and www.wildlifetrusts.org from 14th May 2007.
- Three years on from the adoption of the European Regulation No 812/2004, the requirement for pingers to be fitted on specified static nets is yet to be implemented. A number of Member States have identified problems with pingers, ranging from practical operation, battery life and health and safety issues. Furthermore full implementation is both costly and unpopular with the fishing industry. We now urgently need to move forward with this piece of legislation and reach a workable solution in a timely manner. We will be looking toward ASCOBANS to discuss this issue further in conjunction with approaching the European Commission. Should a solution not be possible, we will be urging the Commission to begin infraction proceedings against those member states not enforcing the regulation.
- For pingers to be implemented successfully and for us to be able to mitigate bycatch in an appropriate manner there is now a need and a requirement on member states to provide information on fishing effort and distribution. We look forward to discussing this matter with ASCOBANS to establish what fishing information should be collected and by whom.

Underwater Noise

Growing levels of anthropogenic noise in the oceans from military sonar, ships, oil exploration and drilling, offshore construction, motor boats, and jet-skis is said to contribute to endangering or killing whales, dolphins and other marine life. The amount of noise is doubling every decade. High intensity, low frequency sounds can disrupt breeding and feeding, and may cause long term harm to the recovery of endangered and threatened species. In 2003, the Marine Connection was involved in investigating three beaked whale deaths, confirmed to be associated with sonar, in the Azores.

- Given the lack of information available about the UK's new military sonar system, (2087) its potential impact on marine life, and the absence of transparency surrounding this issue, in its early development stages the Marine Connection pushed for a public hearing with regards to this sonar. These meetings to date have been denied. The charity received tremendous support from other NGOs and MPs with regards to its Statement of Concern which focused on this particular sonar.
- In late 2004 the charity was invited to be part of a UK working group, relating to Underwater Noise Pollution. A report was published in early 2006, copies are available from the Marine Connection. A UK Underwater Sound forum has now been formed of which the charity contributes to once again
- The Marine Connection would like to see Member States monitoring and investigating mass strandings and deaths of marine mammals in EU waters which are associated with the use of intense anthropogenic noise. Article 194 of UNCLOS stipulates that "States shall take all measures that are necessary to prevent, reduce and control pollution of the marine environment from any source"

Extension of the ASCOBANS agreement to include ALL cetaceans

Of the conservation threats already listed by ASCOBANS and applying to small cetaceans, all eight can apply to large cetaceans in the original and extended area. Vessel strikes leading to serious injury or death tend to involve large cetaceans (like fin, minke and sperm whales), and they are likely to be more vulnerable to loud low frequency sounds such as produced during oil and gas exploration.

The proposal to include all cetaceans within the agreement would complement ASCOBANS sister Agreement, ACCOBAMS. Marine Connection understand Member Parties and Range States concerns over increased time and resource requirements, but believes that as no new threats would be introduced this would be minimal. It would not detract from those threats and issues currently at the fore relating to the harbour porpoise, but would potentially involve a change in priority for ship strikes and underwater sound. We welcome inclusion of this item in the triennium work plan, to be considered at AC15. In the meantime we urge Member Parties and Range States to continue to consider this item and the implications of extension thereof.

ACCOBAMS

This year Marine Connection has applied and been accepted to attend ACCOBAMS. We look forward to working with the sister agreement of ASCOBANS and hope that with the extension of the agreement area and continual review of the proposal to extend to include all cetaceans, the two agreements will further complement one another.

The Marine Connection aims to utilise the best scientific approaches to address its cetacean conservation work throughout the world. Co-operation between organisations is an effective means to ensuring adequate protection. The Marine Connection welcomes co-operation with ASCOBANS and ACCOBAMS on both current and future conservation issues of a mutual interest.

Further information on the Marine Connection and its current research work can be found on the website.

"Protecting dolphins and whales worldwide"

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www.marineconnection.org

Reg. UK charity no. 1062222

[PLEASE sign our online petition to stop DOLPHIN KILLS IN JAPAN](#)

http://www.marineconnection.org/campaigns/drive_hunts_main.htm

Opening Statement by WDCS, the Whale and Dolphin Conservation Society

WDCS is grateful for the hospitality of the Spanish Government in hosting this, the 14th Meeting of the Advisory Committee of ASCOBANS. We regard this as a fitting location at a time when the Parties to ASCOBANS are in the process of ratifying the extension of the Agreement area to include the waters of Spain's Atlantic sea board. We look forward to Spain's active participation in this meeting and trust that, as an observer and soon-to-be Range State, our host Government will be inspired to accede to this Agreement that addresses the many and growing conservation needs of cetaceans in the waters of this region.

We would like to take this opportunity also to remind Parties of Spain's stated intention to accede to ASCOBANS once the enlargement of the Agreement area has entered into force, and of its support for extension of the scope of the Agreement to cover all cetaceans rather than just small cetaceans as currently laid down in the Agreement text¹.

There is, as always, a considerable amount of weighty and pressing business on the agenda of this meeting. But, given the upheavals and changes that have arisen from the recent decisions over the funding and the management of the Agreement, we fear that attention has been distracted from the real and urgent conservation issues over which the Agreement presides. Therefore, we urge Parties and Range States now to look forward, to focus on the needs of the cetaceans, to redouble their commitment to take the action that is necessary to meet the objectives of the Agreement, and indeed to take that action.

Amongst the many important issues under discussion, we particularly highlight the following areas where we hope to see real progress at AC14:

- Swift movement towards the completion of the Conservation Plan for Harbour Porpoises in the North Sea;
- Acknowledgement of the obstacles, both technical and informational, currently preventing effective bycatch reduction, particularly with respect to pinger use in certain static gear fisheries; and
- Agreement of a course of action that will ensure the appropriate and timely collection of data on the fisheries in question both to characterise and quantify the problem but also to allow the design and introduction of effective bycatch reduction measures.

After a period of reduced confidence and focus within the Agreement we urge Parties to further develop a collective determination to maintain and enhance ASCOBANS' role as the regional expert body on cetacean conservation matters, and to recognise that ASCOBANS is part of a body of important cetacean Agreements world-wide within the Convention on Migratory Species. We urge Parties to also consider that CMS can also provide expert support to these daughter Agreements.

We also welcome the joint ASCOBANS/ECS workshops on Wind Farms and Marine Protected Areas in relation to small cetaceans that will be held immediately after AC14, and look forward to informative and productive debates.

¹ Letter from the Spanish Ministry of Environment to ASCOBANS 31 March 2005. Document AC12/Doc.23(S)

RULES OF PROCEDURE FOR THE ASCOBANS ADVISORY COMMITTEE

*As amended at the 14th Meeting of the ASCOBANS Advisory Committee, 19 - 21 April 2007,
San Sebastián, Spain*

PART I

DELEGATES, OBSERVERS, SECRETARIAT

Rule 1: Delegates

- (1) A Party to the Agreement (hereafter referred to as a 'Party')¹ shall be entitled to appoint one member of the Advisory Committee (thereafter referred to as a Committee Member) and such advisers as the Party may deem necessary.
- (2) The voting rights of the Parties shall be exercised by the Committee Member. In the absence of the Committee Member, an adviser may be appointed by the Committee Member to act as a substitute over the full range of the Committee Member's functions.

Rule 2: Observers

- (3) All non-Party Range States and Regional Economic Integration Organisations bordering on the waters concerned may send observers to the meeting, who shall have the right to participate but not to vote.²
- (4) Any body or individual qualified in cetacean conservation and management may request admittance to plenary sessions of the Advisory Committee. Appropriate written applications for attendance should be received by the Secretariat at least 60 days before any Committee meeting, and circulated to Parties by the Secretariat forthwith. Parties shall inform the Secretariat of their acceptance or rejection of all applications no less than 30 days before that meeting. An applicant shall be permitted to attend as non-voting observer, if two-thirds of the Parties accept their application. Decisions on whether such bodies or individuals may attend Committee meetings should take into account possible seating limitations. Information on limitations of the venue shall be provided to the Secretariat by the host in time for circulation with any applications received.
- (5) The Advisory Committee may, as appropriate, invite any other body or individual qualified in cetacean conservation and management to participate in a meeting. Such persons shall not have the right to vote.
- (6) Seating limitations may require that no more than two observers from any non-Party State or body be present at sessions of the Advisory Committee.

Rule 3: Credentials

- (7) Each Contracting Party shall appoint a Committee Member and alternate, when appropriate, to the Advisory Committee, who shall represent the Party. Contracting Parties shall submit the names of these delegates to the Secretariat through their coordinating authorities by the start of the Meeting.
- (8) The appointed Committee Member or alternate shall be available for consultation inter-sessionally.

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

² See Agreement, paragraph 6.2.1.

Rule 4: Secretariat

Unless otherwise instructed by the Parties, the Secretariat shall service and act as secretariat for the Advisory Committee at its meetings.

PART II

OFFICERS

Rule 5: Chairpersons

- (1) The Advisory Committee shall, at its first session, elect a Chairperson from among the Committee Members, and a Vice-chairperson from the Committee Members or their advisers.
- (2) The Chairperson and Vice-chairperson of the Advisory Committee shall hold office until the end of the first meeting of the Advisory Committee following each Meeting of Parties. The Chairperson and Vice-chairperson may be nominated for re-election at the end of a term of office. In the event of the election of a new Chairperson or Vice-chairperson, the Advisory Committee shall elect these persons from among the Committee Members or their advisers.

Rule 6: Presiding Officer

- (1) The Chairperson shall preside at all meetings of the Advisory Committee.
- (2) If the Chairperson is absent or is unable to discharge the duties of Presiding Officer, the Vice-Chairperson shall deputize.
- (3) In the event that both the Chairperson and the Vice-Chairperson are absent or unable to discharge the duties of Presiding Officer, the appointed Committee Member of the Party hosting the Meeting shall assume these duties.
- (4) The Presiding Officer may vote.

PART III

RULES OF ORDER AND DEBATE

Rule 7: Powers of Presiding Officer

- (1) In addition to exercising powers conferred elsewhere in these Rules, the Presiding Officer shall at Advisory Committee meetings:
 - (a) open and close the sessions;
 - (b) direct the discussions;
 - (c) ensure the observance of these Rules;
 - (d) accord the right to speak;
 - (e) put questions to the vote and announce decisions;
 - (f) rule on points of order; and
 - (g) subject to these Rules, have complete control of the proceedings of the Meeting and the maintenance of order.

- (2) The Presiding Officer may, in the course of discussion at a meeting, propose:
- (a) time limits for speakers;
 - (b) limitation of the number of times the members of a delegation or observers from a State which is not a Party or a Regional Economic Integration Organisation, or from any other body, may speak on any question;
 - (c) the closure of the list of speakers;
 - (d) the adjournment or the closure of the debate on the particular subject or question under discussion;
 - (e) the suspension or adjournment of any session; and
 - (f) the establishment of drafting groups on specific issues.

Rule 8: Right to Speak

- (1) The Presiding Officer shall call upon speakers in the order in which they signify their desire to speak, with precedence given to the Committee Members.
- (2) A Committee Member, adviser or observer may speak only if called upon by the Presiding Officer, who may call a speaker to order if the remarks are not relevant to the subject under discussion.
- (3) A speaker shall not be interrupted, except on a point of order. The speaker may, however, with the permission of the Presiding Officer, give way during his speech to allow any participant or observer to request elucidation on a particular point in that speech.

Rule 9: Procedural Motions

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

Rule 10: Arrangements for Debate

- (1) The Meeting may, on a proposal by the Presiding Officer or by a Committee Member, limit the time to be allowed to each speaker and the number of times anyone may speak on any question. When the debate is subject to such limits, and a speaker has spoken for the allotted time, the Presiding Officer shall call the speaker to order without delay.
- (2) During the course of a debate the Presiding Officer may announce the list of speakers, and, with the consent of the Committee, declare the list closed. The Presiding Officer may, however, accord the right of reply to any individual if a speech delivered after the list has been declared closed makes this desirable.
- (3) During the discussion of any matter, a Committee Member may move the adjournment of the debate on the particular subject or question under discussion. In addition to the proposer of the

motion, a Committee Member may speak in favour of, and a Committee Member of each of two Parties may speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.

- (4) A Committee Member may at any time move the closure of the debate on the particular subject or question under discussion, whether or not any other individual has signified the wish to speak. Permission to speak on the motion for closure of the debate shall be accorded only to a Committee Member from each of two Parties wishing to speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.
- (5) During the discussion of any matter a Committee Member may move the suspension or the adjournment of the session. Such motions shall not be debated but shall immediately be put to the vote. The Presiding Officer may limit the time allowed to the speaker moving the suspension or adjournment of the session.

PART IV

VOTING

Rule 11: Methods of Voting

- (1) Without prejudice to the provisions of Rule 1, Paragraph 2, each Committee Member duly accredited according to Rule 3 shall have one vote.
- (2) The Committee shall normally vote by show of hands at a meeting, but any Committee Member may request a roll-call vote. In the event of a vote during an inter-sessional period, there will be a postal ballot.
- (3) At the election of officers, any Committee Member may request a secret ballot. If seconded, the question of whether a secret ballot should be held shall immediately be voted upon. The motion for a secret ballot may not be conducted by secret ballot.
- (4) Voting by roll-call or by secret ballot shall be expressed by "Yes", "No" or "Abstain". Only affirmative and negative votes shall be counted in calculating, the number of votes cast by Committee Members present and voting.
- (5) If votes are equal, the motion or amendment shall not be carried.
- (6) The Presiding Officer shall be responsible for the counting of the votes and shall announce the result. The Presiding Officer may be assisted by the Secretariat. Inter-sessional voting by postal ballot will be co-ordinated by the Secretariat.
- (7) After the Presiding Officer has announced the beginning of the vote, it shall not be interrupted except by a Committee Member on point of order in connection with the actual conduct of the voting. The Presiding Officer may permit Committee Members to explain their votes either before or after the voting, and may limit the time to be allowed for such explanations.

Rule 12: Majority and voting procedures on motions and amendments

- (1) All votes on procedural matters relating to the forwarding of the business of the meeting shall be decided by a simple majority of Parties.
- (2) Financial decisions within the limit of the power available to the Advisory Committee shall be decided by three-quarter majority among those Parties present and voting.
- (3) Amendments to the Rules of Procedure require a three-quarter majority among those present and voting.
- (4) All other decisions shall be taken by simple majority among Parties present and voting.

- (5) When an amendment is moved to a proposal, the amendment shall be voted on first. If the amendment is adopted, the amended proposal shall then be voted upon.

PART V

LANGUAGES AND RECORDS

Rule 13: Working Language

English shall normally be the working language of any Advisory Committee meeting and working groups.

Rule 14: Other Languages

- (1) An individual may speak in a language other than English at meetings, provided he/she furnishes interpretation into English.
- (2) Any document submitted to a meeting shall be in English.

Rule 15: Summary Records

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

PART VI

OPENNESS OF DEBATES

Rule 16: Committee meetings

All sessions of meetings shall be closed to the public.

Rule 17: Sessions of the Working Groups

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

PART VII

WORKING GROUPS

Rule 18: Establishment of Working Groups

The Advisory Committee may establish working groups as may be necessary to enable it to carry out its functions. It shall define the terms of reference and composition of each working group, the size of which may be limited according to the number of places available in assembly rooms.

Rule 19: Procedure

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

ASCOBANS Triennium Work Plan for 2007 - 2009

Progress made, further action required, linkages to the ASCOBANS Conservation and Management Plan, and suggestions for effective implementation of the Agreement

1. This document, prepared by the CMS/ASCOBANS Secretariat, contains an overview of action points for the next triennium of activity of ASCOBANS, covering the work of the Secretariat, Parties and the Advisory Committee. It also indicates progress already achieved in its implementation and further action required for all the actors involved. In an effort to link it with the ASCOBANS “Conservation and Management Plan” annexed to the Agreement text, the Secretariat has identified the areas covered by each action point (see right-hand column “Linkages ...”). The ASCOBANS Conservation and Management Plan covers the areas below. The Plan is also annexed to this document.
 - a) Habitat conservation and management
 - b) Surveys and research
 - c) Use of by-catches and stranding
 - d) Legislation
 - e) Information and education.
2. It should be noted that the 30 items in the current work Plan for 2007 include eight action points (26.6%) related to Information and Education, seven related to Surveys and Research (23.3%), and just three (10%) addressing Habitat Conservation and Management, namely items 14, 16 and 17. **An asterisk (*) indicates the need for additional funds to undertake the activity.**
3. This document was reviewed and amended by AC14.

Parties are encouraged to make available, through additional Government contributions, resources to undertake existing or new un(der)funded activities, giving particular attention to conservation and management.

The Secretariat will regularly update the document and share it with Parties and interested organisations.

ACTIVITY TRIENNIAL WORK PLAN	ACTION REQUIRED OF	INTER-VAL/ TIME LINE	PROGRESS MADE	FURTHER ACTION REQUIRED	LINKAGES TO CON-SERVATION AND MAN-AGEMENT PLAN
Entire ASCOBANS Area					
1. Review, on an annual basis, and as far as possible in conjunction with EU, ICES and IWC, new information on by-catch and make recommendations to Parties and other relevant authorities for further action. This should include information provided by Parties and Range States on the implementation, efficacy and impacts of measures introduced to reduce bycatch, and on effort in relevant fisheries	Advisory Committee	Annually	Secretariat compiled information and submitted to AC14. Drafting Groups at AC14 (Doc. 25 + 26).	Secretariat to send timely reminders for yearly submissions, compile report to AC15. Review of bycatch of migratory species in fisheries to be prepared by the CMS Scientific Council. Mark Tasker to lead discussion on coordinating bycatch data and effort assessments through ICES.	2c. Surveys and re-search. 3. Use of bycatches and stranding.
2. Provide a clear format for the information to be provided by Parties and Range States on static gillnet and tangle net effort	Advisory Committee	AC15	Document prepared by AC14 (Annex 7) as basis for further discussion.	AC15 to agree on final format.	2c. Surveys and re-search. 3. Use of bycatches and stranding
3. Continue to review, on an annual basis, new information on pollution (including the IWC programme POLLUTION 2000+) and its effects on small cetaceans which occur in the ASCOBANS area and, on the basis of this review, provide recommendations to Parties and other relevant authorities	Advisory Committee	Annually	Working Group presented to AC14 (Annex 8 to AC14 Report).	AC to review at each meeting.	2c. Surveys and research
4. Continue to review the extent of negative effects of sound, vessels and other forms of disturbance on small cetaceans and to review relevant technological developments with a view to providing recommendations to Parties, by the 6 th Meeting of the Parties, on possible ways to mitigate those negative effects	Advisory Committee, Secretariat	By MOP6 (recom-menda-tions)	Joint ASCOBANS/ECS wind farm workshop held in April 2007.	Parties to submit progress report. AC15 to develop format for re-ports, including all forms of dis-turbance and mitigation measures. Report on developments in high-speed ferry traffic at AC15*. Secretariat to invite NATO to AC15.	2c. Surveys and research

5. Organise a one day workshop to establish criteria and guidelines for the identification of sites of importance for small cetaceans	Secretariat	Spring 2007	Joint ASCOBANS/ECS/ACCOBAMS Workshop held in April 2007	Outcome to be sent to AC15 for further consideration and official submission to MOP6	2b. Surveys and research
6. Organise a three-day workshop on population structure of [small cetaceans and] the harbour porpoise in the ASCOBANS area, including one-day dedicated to the Baltic Sea harbour porpoises	Secretariat	September/October 2007	Date for workshop to be agreed (tentatively Sept./Oct. 2007)	Results to be forwarded to AC15 and MOP6	2a. Surveys and research
7. Review new information on cetacean population size, distribution, structure, and causes of mortality in the ASCOBANS area and based on implications for conservation to make appropriate recommendations to Parties and other relevant authorities	Advisory Committee	Annually		AC15 to agree on procedure and format for reporting of information. Invite a paper on the subject.	2a. Surveys and research
8. Continue to step up activities to raise awareness of issues related to cetacean conservation in the Agreement Area	Secretariat	Throughout the triennium	ASCOBANS as main partner in Year of the Dolphin (YoD). ASCOBANS Award presented to GSM.	Develop [Secretariat] Communication, Education and Public Awareness (CEPA) plan for ASCOBANS area.	5. Information and education
9. Continue to translate ASCOBANS information material and to undertake promotional activities in both Party and non-party Range States*	Secretariat	Throughout the triennium	None	Parties to provide funds. Also to assist in kind and with translation	5. Information and education
10. Continue to develop the ASCOBANS web site, aiming to meet the needs of a wide range of target audiences and including educational material*	Secretariat	Throughout the triennium	ASCOBANS website linked to new features of YoD	Regular additions to News section	5. Information and education
11. Clearly define the role of the Secretariat in working together with the EU, CMS, OSPAR, HELCOM and ACCOBAMS in order to synchronize joint actions in educational and promotional activities, and create synergy to provide added value while avoiding duplication of effort	Secretariat	Throughout the triennium	None	Propose role in Communication, Education and Public Awareness (CEPA) plan to AC15	5. Information and education
12. Take appropriate advice, produce targeted information material on conservation issues facing small cetaceans in the region, and in particular in consultation with appropriate [international] fishermen's organisations, RACs and others, develop material to distribute to fishermen, especially with respect to bycatch issues	Secretariat Parties to contact national organisations	Throughout the triennium	None	Collect information on available material, identify further needs and develop leaflet as appropriate.	5. Information and education

Baltic Sea Sub-Region					
13. Continue to produce information material in the languages of the Baltic Sea region *	Secretariat	Throughout the triennium	None	AC15 and JG4 to advise on priorities	5. Information and education
14. Review the implementation of the ASCOBANS Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan) (Document MoP4/Doc.23) and continue efforts to further its implementation	Advisory Committee, Jastarnia Group	Annually	3 rd Meeting of Jastarnia Group in Denmark on 19-21 February 2007	4 th Meeting of Jastarnia Group 25-27 February 2008 in Sweden. Review of Jastarnia Plan by JG4.	1. Habitat Conservation and Management
15. Liaise with Parties and others to find funding for the continuation, beyond the year 2007, of the web-based, international database on opportunistic sightings, strandings and bycatch*	Secretariat	2007	General fundraising efforts ongoing.	Secretariat to send reminder on fundraising for point 15. BfN offered assistance for map production.	N/A Fundraising
North Sea Sub-Region					
16. Develop a conservation plan for the North Sea Harbour Porpoise*	AC Chair, Vice-chair, Secretariat	By AC14 (deferred to AC15)	Document "Towards a Conservation Plan for Harbour Porpoises in the North Sea" adopted by MOP5	AC Chair and Vice-chair to lead on development of conservation plan	1. Habitat Conservation and Management
17. Review, once it is in place, the implementation of the Conservation Plan for Harbour Porpoises in the North Sea and continue efforts to further its implementation	Advisory Committee	Annually	None	Agree on regular mechanism for review of implementation	1. Habitat Conservation and Management
North Atlantic Sub-Region (Extension Area)					
18. Continue to consider how the work of ASCOBANS should be extended to take account of the new Agreement Area, which includes areas beyond national jurisdiction	Advisory Committee, Secretariat	Throughout the triennium		AC15 to consider background paper to be submitted by P. Evans and M. Simmonds	N/A

Institutional Issues					
19. Make Resolution 2b of MOP5 (Operating Procedures of the Agreement 2007-2009) operational for ASCOBANS	Advisory Committee		AC divided in technical and scientific part. AC14 established Administration and Finance Working Group chaired by Paulus Tak.	AC to further consider organisation of work in order to meet MOP5 resolution	N/A
20. Continue to invite the intergovernmental bodies such as IWC, ICES, CMS, HELCOM, NAMMCO, OSPAR, ACCOBAMS and the European Commission and relevant international organizations such as ECS, to send representatives to Advisory Committee meetings	Advisory Committee, Secretariat	Throughout the triennium	Ongoing		N/A
21. Explore the possibilities of further developing positive relationships with other stakeholders, especially the fishing industry and Regional Advisory Councils	Advisory Committee, Secretariat	Throughout the triennium	AC14 considered stakeholders with which to further develop relations.	Consider inviting them to AC15, attend relevant meetings. Mark Tasker to prepare paper on ASCOBANS/RAC interaction for AC15.	N/A
22. Improve co-operation, exchange of information as well as expertise between the Advisory Committee of ASCOBANS and the Standing Committee and the Scientific Council of CMS	Advisory Committee	Throughout the triennium	Ongoing. AC Chair attended 14 th Meeting of Scientific Council.	Invite CMS ScC and StC Chairs to next meeting with a view to extending collaboration.	N/A
23. Continue to review at each meeting a list of international meetings, compiled by the Secretariat, at which the aims of ASCOBANS might most usefully be promoted, and recommend which meetings should be attended, by whom and with what objective and to review the outcomes of meetings attended	Advisory Committee, Secretariat	Annually	Ongoing at each AC meeting (Secretariat tables draft list, AC amends and agrees	AC to keep list under review.	N/A
24. Review, before MOP6, the formal structures and processes of the Agreement to determine whether other mechanisms would be more effective in achieving the conservation objectives of ASCOBANS*	Advisory Committee, Secretariat	By CMS COP9/ MOP6	None	AC15 to discuss terms of reference and process. ASCOBANS to go through an independent evaluation after 2 years, Netherlands prepared to support with €30,000 donation.	N/A

25. Explore ways in which ASCOBANS can better liaise and work with the EC on issues of mutual interest*	Advisory Committee, Secretariat	Throughout the triennium	AC 14 advised	Secretariat to undertake mission to Brussels [with Chair of AC?]	N/A
26. Promote the Agreement and its aims in Parties, Range States and with other relevant players	Secretariat	Throughout the triennium	<ul style="list-style-type: none"> - bilaterals with governments - presentations in relevant meetings - initiatives 	Continuation of ongoing activities and CEPA	5. Information and education
27. Promote accession of non-Party Range States to the Agreement	Secretariat, Parties	Throughout the triennium	Ongoing	<ul style="list-style-type: none"> - bilaterals - letters 	5. Information and education
28. Consider, in 2009, the possible amendment of the ASCOBANS Agreement to include all cetacean species	Advisory Committee	By AC15	None	ECS and WDCCS to prepare paper for AC15 consideration	N/A
29. Support Parties, Range States and Agreement bodies in implementing the above Work Plan, in so far as primary responsibility does not lie with the Secretariat	Secretariat	Throughout the triennium	Ongoing	Secretariat to produce regular updates of plan	N/A
Other actions from AC13					
30. Two workshops to assist in the development of the bottlenose dolphin project [and follow-up] *	UK lead	End of 2006 and end of 2007	First workshop completed	Second workshop to take place. Consider project proposal in meeting with EC.	

Conservation and Management Plan

The following conservation, research, and management measures shall be applied, in conjunction with other competent international bodies, to the populations defined in Article 1.1:

1. Habitat conservation and management

Work towards (a) the prevention of the release of substances which are a potential threat to the health of the animals, (b) the development, in the light of available data indicating unacceptable interaction, of modifications of fishing gear and fishing practices in order to reduce by-catches and to prevent fishing gear from getting adrift or being discarded at sea, (c) the effective regulation, to reduce the impact on the animals, of activities which seriously affect their food resources, and (d) the prevention of other significant disturbance, especially of an acoustic nature.

2. Surveys and research

Investigations, to be coordinated and shared in an efficient manner between the Parties and competent international organizations, shall be conducted in order to (a) assess the status and seasonal movements of the populations and stocks concerned, (b) locate areas of special importance to their survival, and (c) identify present and potential threats to the different species.

Studies under (a) should particularly include improvement of existing and development of new methods to establish stock identity and to estimate abundance, trends, population structure and dynamics, and migrations. Studies under (b) should focus on locating areas of special importance to breeding and feeding. Studies under (c) should include research on habitat requirements, feeding ecology, trophic relationships, dispersal, and sensory biology with special regard to effects of pollution, disturbance and interactions with fisheries, including work on methods to reduce such interactions. The studies should exclude the killing of animals and include the release in good health of animals captured for research.

3. Use of by-catches and strandings

Each Party shall endeavour to establish an efficient system for reporting and retrieving by-catches and stranded specimens and to carry out, in the framework of the studies mentioned above, full autopsies in order to collect tissues for further studies and to reveal possible causes of death and to document food composition. The information collected shall be made available in an international database.

4. Legislation

Without prejudice to the provisions of paragraph 2 above, the Parties shall endeavour to establish (a) the prohibition under national law, of the intentional taking and killing of small cetaceans where such regulations are not already in force, and (b) the obligation to release immediately any animals caught alive and in good health. Measures to enforce these regulations shall be worked out at the national level.

5. Information and education

Information shall be provided to the general public in order to ensure support for the aims of the agreement in general and to facilitate the reporting of sightings and strandings in particular; and to fishermen in order to facilitate and promote the reporting of by-catches and the delivery of dead specimens to the extent required for research under the agreement.

Collection and provision of fishing effort data

This document refers to Resolution No. 5 of MoP 5 on incidental take of small cetaceans and to AC14/Doc.18 (C) presented to the Advisory Committee, Evaluating the bycatch of small cetaceans in the ASCOBANS area.

Under **Resolution No. 5: Incidental take of Small Cetaceans**, agreed at the last Meeting of Parties, Parties and Range States are urged to “*Collect and provide to the Advisory Committee information on the extent, type and distribution of static gillnet and tangle net effort in a format to be determined by the Advisory Committee*”.

The Advisory Committee proposes to the European Commission, in the interests of consistency and efficiency, that a joint request be put to ICES to evaluate fisheries effort and distribution in the static net sectors in the ASCOBANS area, with possible cooperation also with OSPAR and Helcom. This would help to meet ASCOBANS’ objectives. However, in order to maintain its expertise and facilitate its independent evaluations on this important conservation matter, the Advisory Committee should seek transparent access to the data gathered and request regular reports of ICES’ findings.

Detailed information on professional and recreational fishing effort is required in order to meet ASCOBANS’ aims to identify, together with cetacean distribution data, potential bycatch problem areas and periods [and for competent authorities to be able to identify suitable bycatch mitigation measures].

It is suggested that the required data should be gathered and updated on an annual basis and in a standardised format.

- a. Data should be divided into appropriate categories with as much detailed information as possible of fishing vessels (number), by nation and year (e.g. professional (>15m), professional (<15m), recreational) and presented according to the ICES fishing divisions, sub-division and rectangle in which the fishing effort occurs.
- b. Data should include the maximum and minimum length of net fished at any one time by vessels (presented in consolidated format e.g. by number of vessels fishing with a maximum length of net within the range of 10km bands e.g. 0-10km, 10-20km, 20-30km total length etc) and also number of days hauling and soak times (km*hr).
- c. For each specific fishery or metier, as much descriptive details as possible should be given of the fish target, types of nets used (e.g. mesh size, material, height of nets, hanging ratios, rigging details such as float and lead lines, use of pingers and/or other technical mitigation measures) and the configuration in which they are set (e.g. parallel tiers set at a certain distance and length).
- d. Data should be presented to show the monthly variation in set net effort by maximum net length deployed (km) and soak time (km*hr) in each ICES fishing division, sub-division and rectangle.
- e. Where possible, the distribution of netting effort, as a monthly average, should be mapped within each ICES division, sub-division and rectangle, using GIS data (and recorded by gear type).
- f. Where the above data are not available, this should be stated explicitly in the annual report. However, all data which are available (e.g. number of relevant fishing vessels, by type and by port) should be provided together with details of measures being taken to obtain the outstanding data.

Recommendations on the use of pingers

The requirement to use pingers in specified gillnet and entangling net fisheries, under Article 2 of Regulation (EC) 812/2004 remains the key mechanism for reducing bycatch in most of the fisheries in which bycatch of harbour porpoises has been identified as problematic in the ASCOBANS area. There is at this moment no compilation of information available on the implementation of this provision. However, in June 2007 Member States will report their current status of their implementation to the European Commission. These national reports will provide for an excellent opportunity to review the implementation of the provisions and to strengthen it if necessary.

Therefore the Advisory Committee of ASCOBANS requests the Executive Secretary to encourage the European Commission:

1. To strengthen the co-ordination between the Member States' research efforts on pingers, in order to facilitate the implementation of the regulation;
2. From the compilation of the reports and research efforts to identify key issues to explore, and to indicate whether or not they feel that alternative measures to reduce harbour porpoise bycatch, in the short and longer term, are necessary.

Recent Literature with regard to Chemical Pollution

(Abstracts or overviews, some slightly edited, are provided where they were available.)

Borrell, A; Aguilar, A; Tornero, V; Sequeira, M; Fernandez, G. & Alýs, S. 2006. Organochlorine compounds and stable isotopes indicate bottlenose dolphin subpopulation structure around the Iberian Peninsula. *Environment International* **32**: 516-523

Bull, J.C; Jepson, P.D; Ssuna, R.K; Deaville, R; Allchin, C.R; Law, R.J. & A. Fenton. 2006. The relationship between polychlorinated biphenyls in blubber and levels of nematode infestations in harbour porpoises, *Phocoena phocoena*. *Parasitology* **132**: 565–573.

This paper explores the relationship between parasitic load (nematodes) and contaminant burdens in harbour porpoises stranded on UK coasts using a 15 year data set. The sum of 25 PCBs ($\Sigma 25\text{CBs}$), age, sex and cause of death were tested as explanatory variables and parasitic load was categorised as 'absent', 'light', 'moderate' and 'heavy' scores of bronchiole, pulmonary and cardiac stomach nematodes. By-caught animals, presumed to represent healthy individuals within the population, provided the necessary controls. Classification trees and linear models were used to analyse relationships in the data. The highest levels of $\Sigma 25\text{CBs}$ were associated with intermediate parasitic load, suggesting that other environmental factors (in this study sex, age, cause of death) may also explain some of the variation in parasitic load. However, positive association between $\Sigma 25\text{CBs}$ and cardiac stomach nematodes was observed and PCB-related immunosuppression is discussed as one of the possible explanations. There was evidence to suggest a threshold level of $\Sigma 25\text{CBs}$ beyond which cardiac stomach nematodes become significantly more abundant.

Bustamante, P., Morales, F., Mikkelsen, B., Dam, M., Caurant, F. (2004) Trace element bioaccumulation in grey seal *Halichoreus grypus* from the Faroe Islands. *Marine Ecology Progress Series*, 267 : 291-301

Caurant, F; Aubail, A; Lahaye, V; Van Canneyt, O; Rogan, E; López, A; Addink, M; Churlaud, C; Robert, M. & P. Bustamante. 2006. Lead contamination of small cetaceans in European waters - The use of stable isotopes for identifying the sources of lead exposure. *Marine Environmental Research* **62**: 131-148.

This paper presents values for the concentration of lead in the bone and teeth of common dolphins (33), harbour porpoises (22) and striped dolphins (6) stranded on the coasts of France (17, 7 & 2 respectively), Ireland (1,3 & 1), Spain (15, 1 & 3) and the Netherlands (0, 11 & 0). Nine common dolphin fetuses from France were also included in the analysis. Pb concentrations were markedly lower than levels considered toxic to humans. Exploration of isotopic ratios, across species, location and ages, found 1) A change (increased $^{206}\text{Pb}/^{207}\text{Pb}$) in ratios that mirrors the observed trend in atmospheric lead in Europe that has followed the increased use of unleaded fuels. 2) A relatively high level of variation in ratios of the ^{204}Pb , ^{206}Pb , ^{207}Pb & ^{208}Pb isotopes indicate that the cetaceans were exposed to lead from different sources across their range.

Ciesielski, T; Szefer, P; Bertyni, Zs; Kuklik, I; Skóra, K; Namieśnik, J. & P. Fodor. 2006. Interspecific distribution and co-associations of chemical elements in the liver tissue of marine mammals from the Polish Economical Exclusive Zone, Baltic Sea. *Environment International* **32**: 524-532.

Concentrations of a range of trace metals (Al, B, Ba, Cd, Co, Cr, Cu, Fe, Ga, Hg, Li, Mn, Mo, Ni, Pb, Se, Si, Sr, Ti, V, Zn, Ca, K, Mg, Na and P) were determined in marine mammals by-caught of the Polish coast, including 14 harbour porpoises and two vagrant striped dolphins. Mercury content was found to increase with age and aluminium was higher in males than in females. No correlations were found between nutritional status (inferred from the ratios of blubber thickness and liver weight to total body weight) and the concentrations of any of the metals analysed.

Dabin W., Ridoux V. (2004). BIOCET Workpackage 2 - Full Report, Report on Sampling and Necropsy. Rapport contrat européen BIOCET, *Workpackage 2 Deliverable*. Contrat n°EVK3-2000-00027, 13p.

Hall, A.J; Hugunin, K; Deaville, R; Law, R.J; Allchin, C.R. & P.D. Jepson. 2006. The risk of infection from polychlorinated biphenyl exposure in the harbor porpoise (*Phocoena phocoena*): A case-control approach. *Environmental Health Perspectives* **114**(5): 704-711.

A long term data set of polychlorinated biphenyl (PCB) levels in stranded animals is used to estimate the risk of infectious disease mortality in the harbour porpoise. By-caught animals, presumed to represent healthy individuals within the population, provided the necessary controls. After adjusting for energetic status the exposure odds ratio from a logistic regression was 1.02 which equates to a 2% increase in risk every 1 mg/kg lipid or a doubling of risk normal at 45 mg/kg lipid.

Hall, A.H., McConnell, Rowles, T.K., Aguilar, A., Borrell, A., Schwacke, L., Reijnders, P.J.H., & Wells, R.S. 2006. An individual based model frame work to assess the population consequences of polychlorinated biphenyl exposure in bottlenose dolphins. *Environ. Health Perspect.* 114 (suppl.1): 60-64.

In order to assess consequences at the population level of exposure of marine mammals to contaminants, a study has been carried out using bottlenose dolphins as a sentinel species. It has been shown that the annual accumulation rate of polychlorinated biphenyls (PCBs) in Sarasota bottlenose dolphins might be depressing the population growth rate.

Houde, M; Bujas T.A.D; Small, J; Wells, R.S; Fair, P.A; Bossart, G.D; Solomon, K.R. & D.C.G. Muir. 2006. Biomagnification of perfluoroalkyl compounds in the bottlenose dolphin (*Tursiops truncatus*) food web. *Environmental Science & Technology* 40(13): 4138-4144.

Levels of selected perfluoroalkyl compounds (PFCs) were determined in seawater, sediment, zooplankton, fish and bottlenose dolphins from Sarasota Bay and Charleston Harbour in the US to model the biomagnification of PFCs in a bottlenose dolphin food web. Wastewater from two treatment works was also tested and its elevated values indicate these facilities as a source of PFC contamination. Biomagnification was evident in all compounds tested. Bottlenose dolphin plasma PFC loads were the highest in this study and were also among the highest reported in the literature to date. The distribution of PCFs in different dolphin tissues was examined and served as a means of estimating the relative proportions that these tissues contribute to total body burden.

Jenssen, B.M. 2006. Endocrine-Disrupting Chemicals and Climate Change: A Worst-Case Combination for Arctic Marine Mammals and Seabirds? *Environmental Health Perspectives* 114(supp. 1): 76-80.

This article reviews literature on persistent pollutants in the Arctic, the evidence for and the impacts of climate change in the Arctic and the range of studies that have documented endocrine disrupting effects in marine mammals and seabirds in the Arctic. The combined effects of climate change and endocrine disrupting chemicals (EDCs) in this biome are then discussed.

Kajiwarra, N; Kamikawa, S; Ramu, K; Ueno, D; Yamada, T.K; Subramanian, A; Lam, P.K.S; Jefferson, T.A; Prudente, M; Chung, K-H. & S. Tanabe. 2006. Geographical distribution of polybrominated diphenyl ethers (PBDEs) and organochlorines in small cetaceans from Asian waters. *Chemosphere* 64: 287-295.

A study that investigates polybrominated diphenyl ethers (PBDEs) using archived samples from the Environmental Specimen Bank for Global Monitoring (es-BANK) at Ehime University. It constitutes further evidence that highlights the potential toxicological risk that this relatively recent global contaminant poses to marine mammals.

Lahaye V., Bustamante P., Dabin W., Van Canneyt O., Dhermain F., Cesarini C., Pierce G.J., Caurant F. (2006) New insights from age determination on toxic element accumulation in bottlenose and striped dolphins from the Atlantic and Mediterranean waters. *Marine Pollution Bulletin* 52: 1219-1230

Lahaye, V., Bustamante, P., Law, R.J., Learmonth, J.A., Santos, M.B., Boon, J.P., Rogan, E., Dabin, W., Addink, M.J., López, A., Zuur, A.F., Pierce, G.J., Caurant, F. (2007) Biological and ecological factors related to trace element levels in harbour porpoises (*Phocoena phocoena*) from European waters (*in press*).

Lahaye V., Bustamante P., Spitz J., Dabin W., Das K., Pierce G.J., Caurant F. (2005) Long-term dietary segregation of common dolphins (*Delphinus delphis*) in the Bay of Biscay determined using cadmium as an ecological tracer. *Marine Ecology Progress Series* 305: 275-285.

Law, R.J; Bersuder, P; Allchin, C.R. & J. Barry. 2006. Levels of the Flame Retardants Hexabromocyclododecane and Tetrabromobisphenol A in the Blubber of Harbor Porpoises (*Phocoena phocoena*) Stranded or Bycaught in the U.K., with Evidence for an Increase in HBCD Concentrations in Recent Years. *Environmental Science & Technology* 40: 2177-2183

Concentrations of hexabromocyclododecane (HBCD) and tetrabromobisphenol A (TBBP-A), two alternative flame retardant that have been used instead of polybrominated diphenyl ethers (PBDEs), were determined in harbour porpoises stranded on UK coasts between 1994 and 2003. α -HBCD was found in the highest concentrations of the compounds analysed in this study at levels double that found in previous studies of harbour porpoises in the UK. Taking age, sex, nutritional status and location into account, a significant increase in HBCD concentrations occurred after 2000 coinciding with the restrictions imposed on PDBE flame retardant formulations. It is stressed that these results warrant more research on the occurrence, toxicology and environmental risks of this known bioaccumulant.

Learmonth J.A., Murphy S., Dabin W., Addink M., López A., Rogan E., Ridoux V., Guerra A., & Pierce G.J. (2004). BIOCET Workpackage 5 - Full Report, Measurement of Reproductive Output in Small Cetaceans from the NE Atlantic. Rapport contrat européen BIOCET, *Workpackage 5 Deliverable*. Contrat n°EVK3-2000-00027, 53p.

Ridoux V., Dabin W. Van Canneyt O. & Caurant F. (2001). Impact de la marée noire de l'Erika sur les cétacés du Golfe de Gascogne : état de l'échantillonnage au 1^{er} novembre 2001. Rapport Intermédiaire Projet n° 32, CRMM/DIREN Pays de la Loire, 14 PP.

Ridoux V., Lafontaine L., Bustamante P., Caurant F., Dabin W., Delcroix C., Hassani S., Meynier L., Pereira da Silva V., Simonin S., Robert M., Spitz J., Van Canneyt O. (2004) The impact of the *Erika* oil spill on pelagic and coastal marine mammals: combining demographic, ecological, trace metals and biomarker evidences. *Aquatic Living Resources*, 17: 379-387.

Thompson, P.M. 2007. Viewpoint: Developing water quality standards for coastal dolphins. *Marine Pollution Bulletin* 54: 123-127.

This article discusses problems facing the appropriate implementation of the EU Habitats Directive requirement to consider the impact of sewage discharges on protected wildlife. The author argues, using bottlenose dolphins in the UK as an example, that water quality standards should be based on a scientific framework similar to that used for standards set for humans. And, considering the limited data that human standards have been based on, that a lack of information should not be reason not to do so. Indeed, doing so would constitute appropriate implementation of the precautionary principle.

Van De Vijver, K.I.; Holsbeek, L.; Das, K.; Blust, R.; Joiris, C. & W. De Coen. 2007. Occurrence of Perfluorooctane Sulfonate and Other Perfluorinated Alkylated Substances in Harbor Porpoises from the Black Sea. *Environmental Science Technology* 41: 315-320.

Perfluorooctane sulfonate (PFOS) and other perfluorinated alkylated substances (PFAS) were determined in different tissues (liver, kidney, muscle, brain, and blubber) of 31 harbor porpoises (*Phocoena phocoena relicta*) of different age and sex stranded along the Ukrainian coast of the Black Sea. PFOS was found in the levels comparable to porpoises in the Baltic Sea.

Recent Literature with regard to Noise Pollution

Clark, C.W. & G.C. Gagnon. 2006. Considering the temporal and spatial scales of noise exposures from seismic surveys on baleen whales. Paper presented to the Scientific Committee of the International Whaling Commission. SC-058-E9.

Mysticete whales produce a wide variety of communication sounds in the very low frequency range (<100Hz), and existing evidence indicates that their auditory systems are well adapted for hearing low frequency sounds (< 1000Hz). Seismic surveys produce considerable amounts of low-frequency energy, and these sounds can ensonify large portions of the ocean for considerable periods of time. This paper presents some evidence showing that the scales of seismic survey activities (e.g., spatial areas of ecological importance, time periods of biological significance, multiple sources, and multiple years) can expose large portions of populations for considerable periods of time at received levels that could be considered chronic. Presently, the potential impacts from such chronic exposure, either alone or in synergistic combination with other stressors, are not well considered let alone understood. Adequate scientific evidence, both correlational and experimental, is needed to more fully document proximate and cumulative exposure levels and more fully document the types and scales of responses (e.g., behavioral, endocrinological, physiological, neurophysiological) within the proper ecological context. In addition, such empirical and experimental results should be merged with models (e.g., behavioral-population, exposure, risk) to evaluate the potential impacts on individuals and populations, and to build realistic and effective mechanisms for regulating, mitigating and monitoring impacts beyond the relatively short-term, small-scale perspectives usually considered. It is appreciated that considerations of such potential impacts over ecologically realistic scales represent a significant challenge, and solutions will require creative changes in attitude, technology and scientific activism. That said, these are the scales over which impacts must be addressed to achieve effective, long-term solutions of benefit to marine environments and whale populations.

Dolman, S J. & M.P. Simmonds. 2005. Noise pollution - some thoughts on mitigation and wider protection. Paper presented to the Scientific Committee of the International Whaling Commission. SC-057-E9.

Noise pollution continues to receive increasing attention in international fora. A number of significant developments since last year's meeting of the IWC Scientific Committee are documented. The limitations of mitigation measures are discussed and the role of Marine Protected Areas and alternative technologies, as potential methods to ensure protection of cetaceans from the wider impacts of noise pollution, are considered.

Finfer, D; Leighton, T. & P. White. 2006. Marine Mammals, Noise, and Sonar in Shallow Coastal Bubbly Waters. *Proceedings of the Institute of Acoustics* 26: 69-74.

Gillespie, A. 2006. Establishing Reliable Foundations for the International Scientific Investigation of Noise Pollution in the Oceans. *Reviel* 15(2): 211-226.

Noise in the oceans is an issue that has become the subject of concern in a number of national, regional and international organizations. However, the current scientific investigations surrounding the topic of noise pollution are currently inadequate because they are often limited in their application, contradictory in places, and some of the current research is tarnished by assertions which suggest that it has less than full integrity. Against such a backdrop, multiple sections of the international community are calling for a comprehensive, global and robust analysis of the issue. This current impasse over the utility of the existing scientific material on noise pollution in the oceans, and the need for an internationally focused scientific endeavour to resolve the uncertainties, is not unique to this area. Rather, such impasses have a long history in a large number of areas in international environmental law. Accordingly, international environmental law and policy has developed a clear set of methods and rules to create reliable scientific reports, from which the political will to form agreements can be built. The necessary foundations from which reliable, internationally based, scientific reports are produced are strong membership of scientific bodies; the facilitation of independent scientific opinion; a deliberative process which is open and transparent; information that is publicly available; and, finally, as much financial independence as possible. If these five requirements are applied to the scientific investigation of noise in the ocean, the first step will be taken in building the foundations from which national, regional and international agreements may be formed to address this issue meaningfully.

Houser, D.S. & J.J. Finneran. 2006. Variation in the hearing sensitivity of a dolphin population determined through the use of evoked potential audiometry. *Journal of the Acoustical Society of America* **120**(6): 4090-4099.

A portable electrophysiological data collection system was used to assess hearing in a captive population of bottlenose dolphins by recording auditory evoked potentials _AEPs_. The AEP system used a transducer embedded in a suction cup to deliver amplitude modulated tones to the dolphin through the lower jaw. Evoked potentials were recorded noninvasively using surface electrodes. Adaptive procedures allowed hearing thresholds to be estimated from 10 to 150 kHz in a single ear in about 45 min. Hearing thresholds were measured in 42 bottlenose dolphins 28 male, 14 female, ranging in age from 4 to 47 years. Variations in hearing sensitivity with age and sex followed patterns seen in humans and terrestrial mammals: generally, within the population there was a progressive loss of high frequency hearing with age and an earlier onset of hearing loss in males than in females. Hearing loss generally occurred between the ages of 20 and 30, and all animals over the age of 27 had some degree of hearing loss. Two dolphins with profound hearing loss were found within the population. Aberrant hearing patterns were observed in related dolphins suggesting genetic links to hearing ability may exist. © 2006 Acoustical Society of America.

Jasny, M; Reynolds, J; Horowitz, C; Wetzler, A & Reynolds, J 2005. Sounding the Depths II: The Rising Toll of Sonar, Shipping and Industrial Ocean Noise on Marine Life. Natural Resources Defence Council NRDC.

Krysl, P; Cranford, T.W; Wiggins, S.M. & J.A. Hildebrand. 2006. Simulating the effect of high-intensity sound on cetaceans: Modeling approach and a case study for Cuvier's beaked whale (*Ziphius cavirostris*). *Journal of the Acoustical Society of America* **120**(4): 2328-2339.

A finite element model is formulated to study the steady-state vibration response of the anatomy of a whale submerged in seawater. The anatomy was reconstructed from a combination of two-dimensional _2D_ computed tomography _CT_ scan images, identification of Hounsfield units with tissue types, and mapping of mechanical properties. A partial differential equation model describes the motion of the tissues within a Lagrangean framework. The computational model was applied to the study of the response of the tissues within the head of a neonate Cuvier's beaked whale *Ziphius cavirostris*. The characteristics of the sound stimulus was a continuous wave excitation at 3500 Hz and 180 dB re: 1 _Pa received level, incident as a plane wave. We model the beaked whale tissues embedded within a volume of seawater. To account for the finite dimensions of the computational volume, we increased the damping for viscous shear stresses within the water volume, in an attempt to reduce the contribution of waves reflected from the boundaries of the computational box. The mechanical response of the tissues was simulated including: strain amplitude; dissipated power; and pressure. The tissues are not likely to suffer direct mechanical or thermal damage, within the range of parameters tested. © 2006 Acoustical Society of America.

Leeney, R.H; Berrow, S; McGrath, D; O'Brien, J; Cosgrove, R; & B.J. Godley. 2007. Effects of pingers on the behaviour of bottlenose dolphins. *Journal of the Marine Biological Association of the United Kingdom* **87**: 129-133.

Trials were carried out in the Shannon estuary, Ireland, to test the effects of continuous (CPs) and responsive pingers (RPs) on bottlenose dolphin behaviour. In controlled trials, active and control pingers were deployed on fixed moorings, with T-PODs—acoustic monitoring devices to detect cetacean activity. In a separate trial, pingers were deployed from a moving boat which actively located dolphin groups in the estuary, and dolphin behaviour was recorded. In the static trials, overall detection rates of dolphin vocalizations on the T-POD were significantly lower in the presence of active CPs, but this was not the case for RPs. Mean inter-click interval values were longer for click trains produced in the presence of inactive RPs than for active RPs, active or

inactive CPs. In boat-based trials, both active CPs and RPs appeared to affect bottlenose dolphin behaviour, whereby dolphins immediately left the area at speed and in a highly directional manner, involving frequent leaps.

Marine Mammal Commission. 2006.

Following a series of workshops within the context of a stake-holder review as mandated by Congress, the US Marine Mammal Commission has published a series of statements/reviews about the threats posed by noise pollution to marine mammals. These statements include those from industry, federal bodies, and non-governmental bodies. In addition, most recently, the Marine Mammal Commission has published its own conclusions. All these documents have been compiled as one and this can be found at <http://www.mmc.gov/sound/fullsoundreport.pdf> The file is 5MB.

McDonald, M; Hildebrand, J. & S. Wiggins. 2006. Increases in deep ocean ambient noise in the Northeast Pacific west of San Nicolas Island, California. *Journal of Acoustical Society of America* 120(2): 711-718.

Recent measurement at a previously studied location illustrates the magnitude of increases in ocean ambient noise in the Northeast Pacific over the past four decades. Continuous measurements west of San Nicolas Island, California, over 138 days, spanning 2003–2004 are compared to measurements made during the 1960s at the same site. Ambient noise levels at 30–50 Hz were 10–12 dB higher $\pm 95\%$ CI=2.6 dB in 2003–2004 than in 1964–1966, suggesting an average noise increase rate of 2.5–3 dB per decade. Above 50 Hz the noise level differences between recording periods gradually diminished to only 1–3 dB at 100–300 Hz. Above 300 Hz the 1964–1966 ambient noise levels were higher than in 2003–2004, owing to a diel component which was absent in the more recent data. Low frequency $\pm 10\text{--}50\text{ Hz}$ ocean ambient noise levels are closely related to shipping vessel traffic. The number of commercial vessels plying the world's oceans approximately doubled between 1965 and 2003 and the gross tonnage quadrupled, with a corresponding increase in horsepower. Increases in commercial shipping are believed to account for the observed low-frequency ambient noise increase. © 2006 *Acoustical Society of America*.

McIwem, D.J.A. 2006. Likely sensitivity of bottlenose dolphins to pile-driving noise. *Water and Environment Journal* 20: 48-54.

Pile driver-generated noise has the potential to affect dolphin populations adversely as it is detectable up to 40km from the source. At 9 kHz, this noise is capable of masking strong vocalisations within 10–15km and weak vocalizations up to approximately 40 km. The masking radius reduces as the frequency increases: 6 km at 50 kHz and 1.2km at 115 kHz. The impacts of masking are expected to be limited by the intermittent nature of pile driver noise, the dolphin's directional hearing, their ability to adjust vocalisation amplitude and frequency, and the structured content of their signals. Behavioural modifications have been observed in response to underwater sounds, including those produced by pile drivers, although in the latter case this may have been due to redistribution of prey species. A range of mitigation measures are proposed that are aimed at reducing the impact of pile driver noise on dolphin populations.

Macleod, C. & A. D'amico. 2006. A review of beaked whale behaviour and ecology in relation to assessing and mitigating impacts of anthropogenic noise. *Journal of Cetacean Research Management* 7(3): 211-221.

Little is known about the ecology and behaviour of species within the family Ziphiidae. In this paper, five aspects of beaked whale ecology and behaviour are reviewed in relation to possible anthropogenic impacts upon them: social structure; life history; foraging/diving ecology; form and function of beaked whale sounds; and habitat characteristics. Differences in social structure within and between species may affect how anthropogenic activities affect local populations. Life history parameters may likewise vary within and between species and may influence the extent of and ability to recovery from population level impacts. Foraging and diving ecology determine where beaked whales spend most of their time and therefore, where in the water column they are most likely to encounter anthropogenic activities. The form and function of beaked whale sounds may be important in determining whether and how beaked whales are affected by anthropogenic noise. Finally, habitat characteristics determine whether beaked whales are likely to occur in a specific area where anthropogenic activities are to be undertaken and may also determine exactly how beaked whales are affected by it within a local area. To help fill the gaps in our knowledge of beaked whale behaviour and ecology, available opportunities for data collection must be maximised. This includes greater levels of co-operation between research groups to build up large datasets, the use of platforms of opportunity to study beaked whales in areas where little research has previously been undertaken and maximising the amount of information that can be learned from each possible source of data, such as stranded animals, through co-ordinated national and international research programmes.

K. Macleod, M.P. Simmonds AND E. Murray 2006. Abundance of fin (*Balaenoptera physalus*) and sei whales (*B. borealis*) amid oil exploration and development off northwest Scotland. *J. Cetacean Res. Manage.* 8(3):247–254.

A ship-based line transect survey was conducted during July-August 1998 to assess the distribution and abundance of cetaceans off northwest Scotland. Limited information from dedicated surveys exists for this area and the lack of baseline data is cause for concern given the expanding oil industry in these waters. Historical

whaling records show that large numbers of baleen whales, particularly fin and sei whales, were captured in these waters during summer. The waters surveyed included former whaling grounds and currently licensed oil blocks to the west of the Outer Hebrides and the Faroe-Shetland Channel and both fin and sei whales were encountered. Neither species

was recorded to the west of the Outer Hebrides whereas relatively high densities of both were recorded further north in the Faroe-Shetland Channel. The density of fin and sei whales was 0.021km⁻² and 0.022km⁻², respectively. Abundance was estimated as 933 (CV=0.38) fin whales, 1,011 (CV=0.35) sei whales and 1,923 (CV=0.33) 'large whales'. The high density of whales recorded in the Faroe-Shetland Channel supports the idea that it is an important summer feeding ground for both species and the potential for acoustic disturbance associated with increasing industrialisation of this area is a concern. Factors affecting the distribution and abundance of these whales are discussed.

Madsen, P.T.; Wahlberg, M.; Tougaard, J.; Lucke, K. & P. Tyack. 2006. Wind turbine underwater noise and marine mammals: implications of current knowledge and data needs. *Marine Ecology Progress Series* **309**: 279-295.

The demand for renewable energy has led to construction of offshore wind farms with high-power turbines, and many more wind farms are being planned for the shallow waters of the world's marine habitats. The growth of offshore wind farms has raised concerns about their impact on the marine environment. Marine mammals use sound for foraging, orientation and communication and are therefore possibly susceptible to negative effects of man-made noise generated from constructing and operating large offshore wind turbines. This paper reviews the existing literature and assesses zones of impact from different noise-generating activities in conjunction with wind farms on 4 representative shallow-water species of marine mammals. Construction involves many types of activities that can generate high sound pressure levels, and pile-driving seems to be the noisiest of all. Both the literature and modeling show that pile-driving and other activities that generate intense impulses during construction are likely to disrupt the behavior of marine mammals at ranges of many kilometers, and that these activities have the potential to induce hearing impairment at close range. The reported noise levels from operating wind turbines are low, and are unlikely to impair hearing in marine mammals. The impact zones for marine mammals from operating wind turbines depend on the low-frequency hearing-abilities of the species in question, on sound-propagation conditions, and on the presence of other noise sources such as shipping. The noise impact on marine mammals is more severe during the construction of wind farms than during their operation.

Morisaka, T.; Shinohara, M.; Nakahara, F. & Akamatsu, T. 2005. Effects of ambient noise on the whistles of Indo-Pacific bottlenose dolphin populations. *Mammalogy* **86**(3): 541-546

Communication among animals should use signals that are most efficient in their particular habitat. Here, we report data from 3 populations of Indo-Pacific bottlenose dolphins (*Tursiops aduncus*) in Japan that produce whistles transmitted efficiently through environmental ambient noise. We compared the characteristics of the ambient noise in the dolphins' habitats and the whistles produced. In habitats with less ambient noise, dolphins produced whistles at varying frequencies with greater modulations; when ambient noise was greater, dolphins produced whistles of lower frequencies with fewer frequency modulations. Examination of our results suggests that communication signals are adaptive and are selected to avoid the masking of signals and the attenuation of higher-frequency signals. Thus, ambient noise may drive the variation in whistles of Indo-Pacific bottlenose dolphin populations.

Nedwell, J.R.; Turnpenny, A.W.H.; Lovell, J.M. & B. Edwards. 2006. An investigation into the effects of underwater piling noise on salmonids. *Journal of the Acoustical Society America* **120**(5): 2550-2554.

Underwater piling was undertaken in 2003 in Southampton Water on the South Coast of England. Monitoring was simultaneously undertaken of the waterborne sound from impact and vibropiling and its effects on brown trout in cages at increasing distances from the piling. Brown trout, *Salmo trutta*, were used as a model for salmon, *Salmo salar*, which were the species of interest but were not readily available. No obvious signs of trauma that could be attributed to sound exposure were found in any fish examined, from any of the cages. No increase in activity or startle response was seen to vibropiling. Analysis using the dB_{ht} metric indicated that the noise at the nearest cages during impact piling reached levels at which salmon were expected to react strongly. However, the brown trout showed little reaction. An audiogram of the brown trout was measured by the Auditory Brainstem Response method, which indicated that the hearing of the brown trout was less sensitive than that of the salmon. Further analysis indicated that this accounted for the relative lack of reaction, and demonstrated the importance of using the correct species of fish as a model when assessing the effect of noise.

Parente, C.L.; De Araujo, J.P. & M.E. De Araujo. 2007. Diversity of cetaceans as tool in monitoring environmental impacts of seismic surveys. *Biota Neotropica* **7**(1): 1-7.

New information about the effects of seismic surveys on cetaceans is causing increasing concern about the impact of this type of activity on marine life. The effects described include behavioral responses and changes in

vocalization patterns, diversion of migratory routes, damage to the auditory system, and an increase in strandings. Although such effects could affect the diversity of species in areas where seismic research has been carried out, there is no scientific information on this subject. This study aims to evaluate the relationship between seismic surveys, oceanographic data and diversity of cetaceans recorded in Brazil following the stepping up of seismic survey activities between 1999 and 2004. The study is based on oceanographic data from the Pilot Research Moored Array in the Tropical Atlantic (PIRATA Project), sightings made during seismic surveys, progress reports from Brazilian research projects to the International Whaling Commission, Brazilian seismic survey reports available at the Escritório de Licenciamento de Petróleo e Nuclear of the Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis (ELPN-Ibama) and complementary data from the webpage of the Agência Nacional de Petróleo e Gás Natural (ANP). The results suggest a decrease in the diversity of species in the face of an increase in the number of seismic surveys during the years 2000 and 2001, even though there was no significant change in oceanographic patterns in this period, and that a relationship exists between diversity of cetaceans and intensity of seismic surveys between 1999 and 2004. It is recommended that data collection be improved in order to evaluate this hypothesis properly. The results suggest that species diversity might be used as a long-term indicator of the impact of seismic surveys on cetaceans.

Pavan, G; Cosentino, G; Musumeci, M. & F. Speziale. 2006. Continuous real-time monitoring with a deep underwater acoustic station. Noise spectra and biological sounds from the NEMO Test Site. Paper presented to the Scientific Committee of the International Whaling Commission. SC-057-E19.

A platform for the study of underwater acoustic noise has been deployed 21 km off the port of Catania, on the coast of Sicily, at 2050 meters of depth. Connected to the labs in the port by electro-optical cables, it allows continuous monitoring of the underwater acoustic environment with 45 kHz bandwidth. Conceived for astrophysical studies, also used to detect the sounds emitted by marine mammals transiting in the area and to track their movements.

Rommel, S; Costidis, A; Fernández, A; Jepson, P; Pabst, D; McLellan, W; Houser, D; Cranford, T; Van Helden, A; Allen, D. & N. Barros. 2006. Elements of beaked whale anatomy and diving physiology and some hypothetical causes of sonar-related stranding. *The Journal of Cetacean Research Management* 7(3): 189–209.

A number of mass strandings of beaked whales have in recent decades been temporally and spatially coincident with military activities involving the use of midrange sonar. The social behaviour of beaked whales is poorly known, it can be inferred from strandings and some evidence of at-sea sightings. It is believed that some beaked whale species have social organisation at some scale; however most strandings are of individuals, suggesting that they spend at least some part of their life alone. Thus, the occurrence of unusual mass strandings of beaked whales is of particular importance. In contrast to some earlier reports, the most deleterious effect that sonar may have on beaked whales may not be trauma to the auditory system as a direct result of ensonification. Evidence now suggests that the most serious effect is the evolution of gas bubbles in tissues, driven by behaviourally altered dive profiles (e.g. extended surface intervals) or directly from ensonification. It has been predicted that the tissues of beaked whales are supersaturated with nitrogen gas on ascent due to the characteristics of their deep-diving behaviour. The lesions observed in beaked whales that mass stranded in the Canary Islands in 2002 are consistent with, but not diagnostic of, decompression sickness. These lesions included gas and fat emboli and diffuse multiorgan haemorrhage. This review describes what is known about beaked whale anatomy and physiology and discusses mechanisms that may have led to beaked whale mass strandings that were induced by anthropogenic sonar. Beaked whale morphology is illustrated using Cuvier's beaked whale as the subject of the review. As so little is known about the anatomy and physiology of beaked whales, the morphologies of a relatively well-studied delphinid, the bottlenose dolphin and a well-studied terrestrial mammal, the domestic dog are heavily drawn on.

Ross, W.S; Lee, P.J; Heiney, S.E. & J.V. Young. 2005. Mitigating seismic noise with an acoustic blanket - the promise and the challenge. *The Leading Edge* 303-313

Waterborne seismic noise is a broad category encompassing well known noises like marine multiples, seismic interference noise, noise emanating from offshore structures and propagating into the marine environment, and even borehole-trapped noise. For several years, we have been studying the potential of bubble curtains for suppressing these types of noises. The work began in the area of multiple suppression. Processing approaches to multiple suppression have a long history in the seismic industry, dating back at least to Backus' classic 1959 GEOPHYSICS paper on removal of "singing" from seismic records by deconvolution. Each successive generation of processing methods has improved multiple suppression by relying on more accurate models of the noise-generation mechanisms. However, over the course of more than 30 years of improving processing-only methods, suppressing such noises is still a key issue in seismic data processing, and still a key risk factor in seismic interpretation and attribute analysis. One reason is that geophysical data are applied in contexts that are more demanding from the noise-suppression perspective: The current geologic areas where we are operating are more structurally complex and involve stronger multiple generators (e.g., salt and volcanics) than in earlier years. Another reason for the continued difficulty with multiple suppression is that more is required of data today

than in the past. A structural interpretation is only the beginning—now we also require good amplitudes for AVO, attribute analysis, and inversions.

Thomsen, F; Lüdemann, K; Kafemann, R. & W. Piper. 2006. Effects of offshore wind noise on marine mammals and fish, biola, Hamburg, Germany on behalf of COWRIE Ltd.

Since the beginning of the planning and installation of offshore wind farms, the possible impacts on marine mammals and fish have been discussed intensively within the public and the scientific community. Especially the noise created during pile-driving operations involves sound pressure levels that are high enough to impair the hearing system of marine mammals near the source and disrupt their behaviour at considerable distance from the construction site. Previous investigations also indicated that the construction phase will have considerable effects on fish species common in northern European waters. The goal of this study was to provide a further assessment on the effects of offshore wind farm related noise on selected marine mammal and fish species.

Wang, J.Y. & S-C. Yang. 2006. Unusual cetacean stranding events of Taiwan in 2004 and 2005. *Journal of Cetacean Research Management* **8**(3): 283–292.

In early 2004 and in 2005, several unusual stranding events occurred in Taiwan during a period when large-scale naval exercises were conducted in and on nearby waters. Gross examination of the partial remains of two carcasses (a ginkgo-toothed beaked whale (*Mesoplodon ginkgodens*) and a pygmy killer whale (*Feresa attenuata*)) and an intact Risso's dolphin (*Grampus griseus*) revealed that the former two had internal injuries to structures associated with or related to acoustics or diving. The several unusual stranding events and the findings of the gross *post mortem* examination of the only specimens that were available for study were suggestive that nearby naval exercises may have contributed to or caused the death of at least one cetacean in this region and that species other than beaked whales may also be susceptible to such activities. With an increasing number of military exercises in this region, more attention to the impacts of such activities on cetaceans is needed.

Wright, A.J. 2006. A Review of the NRC's "Marine Mammal Populations and Ocean Noise: Determining when noise causes biologically significant effects" report. *Journal of International Wildlife Law and Policy* **9**: 91-99.

In early 2005 the Committee on Characterizing Biologically Significant Marine Mammal Behavior (hereinafter the Committee) published its report, titled “Marine Mammal Populations and Ocean Noise: Determining When Noise Causes Biologically Significant Effects.”² The Committee placed the origins of its work in the 2000 U.S. National Research Council (NRC) report,³ where the term “meaningful disruption of biologically significant activities” was used as part of a description of harassment (see below). Since then, the term ‘biologically significant’ has been used with increasing frequency, without having a clear definition or description. Accordingly, the Committee was tasked as follows:

In its 2000 report, Marine Mammals and Low-frequency Sound, the National

Research Council recommended that the Marine Mammal Protection Act definition of “Level B harassment should be limited to *meaningful disruption of biologically significant activities* that could affect *demographically important variables such as reproduction and longevity*.” Recognizing that the term “biologically significant” is increasingly used in resource management and conservation plans, this study will further describe the *scientific basis* of the term in the context of *marine mammal conservation and management* related to ocean noise.

Based on input from a scientific workshop, consideration of the relevant literature, and other sources, the committee will produce a brief report that *reviews and characterizes the current scientific understanding* of when animal behavior modifications induced by transient and non-transient ocean acoustic sources, individually or cumulatively affect individuals in ways that have *negative consequences for populations*.

Other Relevant Literature

Bolam, S.G; Rees, H.L; Somerfield, P; Smith, R; Clarke, K.R; Warwick, R.M; Atkins, M. & E. Garnacho. 2006. Ecological consequences of dredged material disposal in the marine environment: A holistic assessment of activities around the England and Wales coastline. *Marine Pollution Bulletin* **52**: 415–426.

Duquesne, S; Newton, L; Giusti, L; Marriott, S; Stark, H.J. & D. Bird. 2006. Evidence for declining levels of heavy-metals in the Severn Estuary and Bristol Channel, U.K. and their spatial distribution in sediments. *Environmental Pollution* **143**: 187-196.

Fossi, M.C; Casini, S. & L. Marsili. 2006. Endocrine disruptors in Mediterranean top marine predators. *Environmental Science and Pollution Research* **13**(3): 204-207.

Ozkoc, H.B; Bakan, G. & S. Ariman. 2007. Distribution and bioaccumulation of organochlorine pesticides along the Black Sea coast. *Environmental Geochemistry and Health* **29**(1) 59-68.

Ruus, A; Green, N.W; Maage, A. & J Skei. 2006. PCB-containing paint and plaster caused extreme PCB-concentrations in biota from the Sør fjord (Western Norway) - A case study. *Marine Pollution Bulletin* **52**: 100-103.

Simmonds, M.P. and Isaac, S.J. 2007. The impacts of climate change on marine mammals: early signs of significant problems. *Oryx* **41** (1): 19-26.

Climate change is now known to be affecting the oceans. It is widely anticipated that impacts on marine mammals will be mediated primarily via changes in prey distribution and abundance and that the more mobile (or otherwise adaptable) species may be able to respond to this to some extent. However, the extent of this adaptability is largely unknown. Meanwhile, within the last few years direct observations have been made of several marine mammal populations that illustrate reactions to climate change. These observations indicate that certain species and populations may be especially vulnerable, including those with a limited habitat range, such as the vaquita *Phocoena sinus*, or those for which sea ice provides an important part of their habitat, such as narwhals *Monodon monoceros*, bowhead *Balaena mysticetus* and beluga *Delphinapterus leucas* whales and polar bears *Ursus maritimus*. Similarly, there are concerns about those species that migrate to feeding grounds in polar regions because of rapidly changing conditions there, and this includes many baleen whale populations. This review highlights the need to take projected impacts into account in future conservation and management plans, including species assessments. How this should be done in an adequately precautionary manner offers a significant challenge to those involved in such processes, although it is possible to identify at this time at least some species and populations that may be regarded as especially vulnerable. Marine ecosystems modelers and marine mammal experts will need to work together to make such assessments and conservation plans as robust as possible.

Van Canneyt O., Delcroix C., Spitz J., Dabin W., Caurant F. & Ridoux V.. (2002). Impact de la marée noire de l'Erika sur les cétacés du Golfe de Gascogne : état d'avancement au 1^{er} juillet 2002. Rapport Intermédiaire Projet n° 32, CRMM/DIREN Pays de la Loire, 13 PP.

Wang, X. & Wang, W-X. 2006. Bioaccumulation and transfer of benzo(a)pyrene in a simplified marine food chain. *Marine Ecology Progress Series* **312**: 101–111.

Wolkers, H; Lydersen, C; Kovacs, K.M; Burkow, I. & B. van Bavel. 2006. Accumulation, Metabolism, and Food-chain Transfer of Chlorinated and Brominated Contaminants in Subadult White Whales (*Delphinapterus leucas*) and Narwhales (*Monodon monoceros*) From Svalbard, Norway. *Archives of Environmental Contaminant Toxicology* **50**: 69-78.

Some recent higher degree theses

Aubail, A. 2003. Etude de la contamination en plomb des petits cétacés des côtes européennes : apport des isotopes stables en tant que traceurs ». Master Recherche EDEL, Université de La Rochelle, La Rochelle.

Lahaye, V. 2006. Utilisation d'éléments métalliques et métalloïdes comme traceurs de populations chez des petits cétacés des eaux européennes. Thèse de doctorat d'université, Université de La Rochelle, La Rochelle.

Tabouret, H. 2005. Microanalyse multiélémentaire de la dentine par ablation laser et ICPMS : développement d'un outil d'observation des historiques individuels et des populations de petits cétacés. Master Recherche EDEL, Université de La Rochelle, La Rochelle.

Dates of Interest to ASCOBANS in 2007/2008

Date	Organizer	Title	Venue	Participation/Report
10-12 April 2007	Loughborough University	4 th International Conference on Bio-Acoustics	Loughborough, UK	
12-13 April 2007	PEW / VARDA	Symposium on the State of the Conservation of Whales in the 21 st Century	UN HQ, New York, USA	Executive Secretary
18-20 April 2007	IUCN	Marine Expert Workshop: Countdown 2010 for Marine Ecosystems	Berlin, Germany	
22-25 April 2007	ECS	21 st Annual Conference of the European Cetacean Society	San Sebastián, Spain	CMS/ASCOBANS Coordinator
23-27 April 2007	OSPAR	Environmental Assessment and Monitoring Committee (ASMO 2007)	London, UK	
27 April 2007	CMS	Year of the Dolphin “Summit” Meeting	Bonn, Germany	Executive Secretary, Inter-agency Liaison Officer
1-2 May 2007	NOAA	International Symposium: Potential Application of Vessel-Quieting Technology on Large Commercial Vessels	Silver Spring, USA	Zoë Crutchfield/JNCC Marine Connection
4 May - 1 June 2007	IWC	59 th Annual Conference and Associated Meetings	Anchorage, USA	? Executive Secretary (28-30 May)
7-11 May 2007	HELCOM	9 th Meeting of the Nature Conservation and Biodiversity Group (HABITAT 9/2007)	Vilnius, Lithuania	Penina Blankett
20 May 2007	ASCOBANS	International Day of the Baltic Harbour Porpoise		
To be announced	CMS	CMS Family Brainstorm (2 days)	Bonn, Germany	CMS
22 May 2007	CBD	International Day for Biological Diversity	Montreal, Canada	Executive Secretary
3-15 June 2007	CITES	14 th Meeting of the Conference of Parties; 2 nd Week: CMS/CITES Synergies Workshop	The Hague, Netherlands	Executive Secretary, Interagency Liaison Officer
4-6 June 2007	HELCOM	6 th Meeting of the <i>ad hoc</i> Task Force for the Development of the HELCOM Baltic Sea Action Plan (HELCOM BSAP TASK FORCE 6/2007)	Helsinki, Finland	Penina Blankett
4-6 June 2007	Various NGOs	MPAs/Cetaceans Workshop	Lanzarote, Spain	
5 June 2007	UNEP	World Environment Day / Launch of International Polar Year	(Tromsø, Norway), Bonn, Germany	
14-15 June 2007	Bern Convention	Group of Experts Meeting on Biodiversity and Climate Change	Strasbourg, France	
25-29 June 2007	OSPAR	OSPAR Commission (OSPAR 2007)	Ostend, Belgium	
9-13 July 2007	IMO	56 th Session, Marine Environment Protection Committee	London, UK	

24-26 July 2007	NEAQ	3 rd International Workshop on Detection and Classification of Marine Mammals using Passive Acoustics	Boston, USA	Zoë Crutchfield?
13-17 August 2007		International Conference on the Effects of Noise on Aquatic Life	Nyborg, Denmark	Mark Tasker
17-21 September 2007	ICES	2007 Annual Science Conference	Helsinki, Finland	
25-28 September 2007	EMPAFISH / PROTECT	Symposium "Marine Protected Areas as a Tool for Fisheries Management and Ecosystem Conservation- emerging science and interdisciplinary approaches"	Murcia, Spain	?
8-12 October 2007	HELCOM	10 th Meeting of the Monitoring and Assessment Group (HELCOM MONAS 10/2007)	Helsinki, Finland	Penina Blankett?
9-11 October 2007	HELCOM	6 th Meeting of the Maritime Group (HELCOM MARITIME 6/2007)	Szczecin, Poland	Penina Blankett?
15-19 October?	CMS	WATCH	Canary Islands	?
22-25 October 2007	ACCOBAMS	3 rd Meeting of the Parties	Dubrovnik, Croatia	CMS/ASCOBANS Coordinator
October/November 2007	ASCOBANS/ HELCOM	Genetics Workshops	Bonn, Germany	??
November 2007?	OSPAR	MASH?	France	
November 2007	CMS	32 nd Meeting of the Standing Committee	Bonn, Germany	Mark Tasker
29 November - 3 December 2007	SMM	17th Biennial Conference on the Biology of Marine Mammals	Cape Town, South Africa	Mark Simmonds (report)
January 2008		(3-day meeting?)	Brussels	?
25-27 February 2008	ASCOBANS	4 th Meeting of the Jastarnia Group	Sweden	CMS/ASCOBANS Coordinator
March 2008	IMO	MEPC	London, UK	CMS/ASCOBANS + ?? (UK)
Spring 2008	OSPAR	Meeting of Biodiversity Committee	?	Jan Haelters
22-26 September 2008	ICES	2008 Annual Science Conference	Halifax, Canada	
5-14 October 2008	IUCN	IUCN Congress	Barcelona, Spain	
November 2008	OSPAR	MASH Meeting	France	Jan Haelters
November	Germany	MPA Workshops	Germany	?
9-21 November 2008	CMS	9 th Meeting of the Conference of Parties	Italy	
?	ICES	Workshop on Cetacean Health	?	?

Remarks of the ASCOBANS Advisory Committee on the website www.ascobans.eu

A German NGO has apparently established the website ascobans.eu.

The AC has discussed the contents of this website and wants to bring forward the following remarks:

- The AC stresses that the website ascobans.eu is not an official website of either ASCOBANS or the European Commission. The Parties, Secretariat and observers do not support the website.
- The Parties to ASCOBANS reiterate the background of the conclusions of the MOP regarding the merger of the Secretariats. Parties agreed that the ES of CMS shall serve also as the Executive Secretary for ASCOBANS in order to strengthen the Secretariat's functioning for the ASCOBANS Agreement, in the light of - among other things - the enlargement of the ASCOBANS area.
- The Parties to ASCOBANS stress that they instructed the ES of CMS, in his capacity as the acting Executive Secretary of ASCOBANS, to ensure that the functioning of the new arrangements will provide the same (and even preferably better) results than the previous arrangements. In Resolution 2d of MOP5 Parties have detailed their instructions in this respect.
- The Parties of ASCOBANS are furthermore aware of the fact that the transition to the new secretariat arrangements within the first 100 days usually given for a new start unfortunately has led to some loss of time and energy, as new staff had to be recruited. However, Parties are confident that in 2007 all agreed activities will take place, and support the Secretariat in making all necessary arrangements to ensure this.
- The AC requests the Secretariat to approach the organisation responsible for the website with a view to getting it withdrawn and, if necessary, to ask the owners of the ".eu" website domain to remove it on the grounds that the site has used the ASCOBANS name without permission.

List of ASCOBANS Projects for Voluntary Contributions 2007 (as of June 2007)

Activity	Objectives	Cost €	Priority	Mandate	Comments	Pledges
Scientific work						
1. North Sea Conservation Plan for the Harbour Porpoise	Bring population numbers and conditions to a state where natural events and human activities will not threaten the survival of the populations	3,000	*	WP 16, 17 Res. 5.1	Draft document exists, no detailed conservation plan	Netherlands indicated willingness to lead
2. Analysis of risk of ship strikes	Identify high-risk areas, depending on cetacean density, species, habitat use, exact shipping lanes, vessel types, number and speed	15,000	*	WP 4	Requires some modelling, approx. 3 months work	
3. Baltic database on opportunistic sightings, strandings and bycatch	Incorporates data from various organisations, as well as from Denmark, Finland, Estonia and Poland	30,000	*	WP 15	Part- or full-time post, database maintained by Germany until end of 2007	
4. Genetics/Population Structure Workshops	- improve understanding of biologically meaningful definitions of small cetacean populations in the ASCOBANS area - establish a research network and produce research proposal		*	WP 6 Res. 8.9	Dates to be determined (September/October 2007)	Funded by Swedish Voluntary Contribution
5. Publication of Proceedings of MPA, Wind Farms and Population Structure Workshops	Facilitate dissemination and use of the outcomes of these workshops					Consider possibility to use funds raised through the YoD campaign
Conservation projects (recommended by the Advisory Committee)						
6. Survey of Harbour Porpoise abundance in Baltic	Coordinated effort on acoustic monitoring, review of pros and cons of different methods, comparability		*	Res. 5.6, 5.7	Scoping workshop envisaged in Sweden	Sweden to host and organise Germany earmarked part of Voluntary Contribution

Activity	Objectives	Cost €	Priority	Mandate	Comments	Pledges
7. Bottlenose dolphin project	<ul style="list-style-type: none"> – identify fine-scale population structure and pattern of distribution and abundance throughout the European range – determine key bottlenose dolphin habitat, including the relationship between distribution, key environmental variables, and regional variation in prey choice – quantify and explore reasons for decreases in range and possibility of recovery 	1,500,000	*	WP 30	Two workshops to help complete research proposal for EU LIFE+ funding: - first one took place in 2006 - second one planned for late 2007	
Meetings of ASCOBANS Bodies						
8. Advisory Committee 15 (2008)			*		Possibly to be held back to back with ECS 22	Additional travel costs for Secretariat to be covered by German Voluntary Contribution
9. Meeting of Parties 6 (2009)						
10. Jastarnia Group 4 (2008)					25-27 February 2008	Sweden offered to host
Outreach and Communications Initiatives/Activities						
11. Translation of information material	Produce information and outreach material in the languages of all ASCOBANS Range States (both Parties and non-Parties)	10,000	*	WP 9, 12, 13 Res. 5.8	Immediate priority: ASCOBANS leaflet	CCB offered to help, Germany will explore possibility of in-kind translation work, Voluntary Contribution can be used for printing
12. Year of the Dolphin education and public awareness campaign	Increase education and public awareness on CMS and its species. Build a partnership including UN agencies, CMS and Agreements, partner NGOs, Governments and the private sector.			Res. 5.2d, 5.8		
13. Update of exhibits/new	Update the current stands and			WP 8, 12	Consider producing versions in	

Activity	Objectives	Cost €	Priority	Mandate	Comments	Pledges
panels	panels, develop new ones			Res. 5.8	different languages	
14. Development of Website	Add new web pages to the ASCOBANS website; restructure to make more appealing and interesting, keep updated, aiming to meet the needs of a wide range of target audiences and including educational material	10,000	*	WP 10 Res. 5.8	Consider providing links to relevant nationals or international databases	Consider applying for Junior Professional Officer (JPO) for 2009 (Germany, see below)
Information Management						
15. CMS Family on-line reporting and harmonization	Provide the ability to easily access migratory species related information across CMS family and streamline reporting obligations of the Parties in order to assess the implementation of CMS Strategic Plan and achievement of the 2010 target.				Adaptation of IOSEA's on-line reporting model to the whole CMS family. This should also include a project database. Project proposal submitted to UNEP/DEC.	CMS and AEWA parts will be implemented in phase 1, ASCOBANS can follow in phase 2
Other Projects and Proposals						
16. JPO-Request for 2009						Germany has indicated willingness to fund