

REPORT OF THE 16TH MEETING OF THE ASCOBANS ADVISORY COMMITTEE

Brugge, Belgium

20-24 April 2009



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

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EXECUTIVE SUMMARY – POINTS FOR ACTION

- 1) The Jastarnia Group would consider how best to address the urgent conservation needs of the harbour porpoise populations in the south-western Baltic sub-region, which currently seemed to be a geographic gap between the Baltic and North Sea Action Plans.
- 2) The North Sea Working Group (*lead: Mark Tasker / UK*) would seek funding options for option 1 outlined in Annex 17 of this Report. If it proved impossible to proceed with the first option before the end of May, the Secretariat should issue a tender for the second option.
- 3) The ASCOBANS Intersessional Working Group on the Assessment of Acoustic Disturbance (*Chair: Mark Simmonds / WDCCS*) would finish preparing its advice to AC members within a few weeks after the AC16 Meeting.
- 4) The Public Awareness Working Group (*Chair: Mark Simmonds / WDCCS*) would revise and further enhance the Draft Communication, Education and Public Awareness Plan for the Agreement prepared by the Secretariat and suggest additional educational and promotional activities.
- 5) An intersessional Working Group for a Revised Format for ASCOBANS Annual National Reports (*Chair: James Gray / UK*) was established to consider proposed amendments to the draft.
- 6) The Working Group on the Possible Inclusion of All Cetacean Species under ASCOBANS (*Chair: Peter Evans / ECS*) would continue its work intersessionally and further develop the document “Perceived Advantages and Disadvantages of including Large Cetaceans in ASCOBANS” for submission to the MOP.
- 7) An intersessional Working Group (*Chair: Mark Tasker / UK*) would further elaborate the draft Triennial Work Plan 2010-1012.
- 8) An intersessional working group, consisting of Belgium, Denmark, Poland, the Secretariat and WDCCS, would propose an ASCOBANS Style Guide for endorsement by the next AC meeting.
- 9) An intersessional Working Group on Future Arrangements of ASCOBANS (*Chair: Martin Lok / Netherlands*) would prepare a short strategy paper, outlining possibilities to increase the focus of ASCOBANS and identifying a possible approach towards the European Union.
- 10) An intersessional Correspondence Group (*Chair: Gaia Angelini / Oceana*) would identify whether there are gaps in high-risk Fisheries Data that could be addressed as well as needs for further guidance, e.g. through ICES Advice.
- 11) Parties would agree to the recommendations made by the Jastarnia Group intersessionally by email after they had time to look at them more in detail.
- 12) Parties would submit a draft Resolution on the adoption of the revised Jastarnia Recovery Plan for Baltic Harbour Porpoises and the Conservation Plan for Harbour Porpoises in the North Sea to the 6th Meeting of Parties.

- 13) All Parties were encouraged to promote actively the accession to the Agreement of the remaining range states, notably at the occasion of official missions.
- 14) The Secretariat would issue a revised version of the Report of the 5th Meeting of the ASCOBANS Jastarnia Group after the AC meeting, taking into account additional comments received from Germany and Finland.
- 15) The Secretariat would make the first progress report of the IMO Marine Environment Protection Committee Correspondence Group on incidental noise from commercial shipping (IMO MEPC 59) available to the Advisory Committee and ASCOBANS noise working group.
- 16) The Secretariat would to the extent possible make funding available to the shortlisted projects identified in Annex 13 of this Report.
- 17) The Secretariat would prepare trophies for the winners of the ASCOBANS Outreach and Education Award (Peter Evans) and the newly proposed ASCOBANS Lifetime Award (Peter Reijnders) to enable their official handover at MOP6.
- 18) The Secretariat would rephrase the surplus of the 2008 budget to the budget line for conservation projects in 2009.
- 19) The Secretariat would make the Report of the Evaluation of the New Arrangements for the ASCOBANS Secretariat (2007-2009) publicly available after MOP6.
- 20) The Secretariat would suspend the recruitment procedure for the Coordinator post until after MOP6. Parties would be consulted on the job description and would be shown the UN generic job descriptions for the appropriate grades in preparation of the next MOP.
- 21) The Secretariat would prepare budget proposals for the three staffing options selected for further elaboration. The programme element of the three options should be the same. For reference, the existing job description of the Coordinating Officer and that of the former Executive Secretary would be attached.
- 22) The Secretariat would make arrangements for MOP6 to be held at the UN Campus in Bonn, Germany, from 16-18 September 2009.
- 23) The Secretariat would invite Parties to host the 17th AC Meeting in spring 2010.
- 24) The Secretariat would put links to reports on munitions prepared for IWC and OSPAR on the website.
- 25) Those representing ASCOBANS at meetings as outlined in Annex 14 of this Report were reminded to send a short written report on key points and recommended follow-up to the Secretariat.

REPORT OF THE 16TH MEETING OF THE ASCOBANS ADVISORY COMMITTEE

1. Opening of the Meeting

1. Stefan Bräger (Chair, Germany) welcomed the participants to Brugge and thanked the Belgian authorities for hosting the meeting. He briefly outlined the business to be dealt with on the first day and then opened the floor to delegates wishing to make opening statements.
2. Paulus Tak (Belgium) welcomed delegates to Belgium on behalf of the Belgian authorities and hoped that they would enjoy their time in Brugge.
3. Elizabeth Mrema (UNEP) read a statement on behalf of Achim Steiner, Executive Director of UNEP (Annex 5).
4. Robert Hepworth (Acting Executive Secretary) added his thanks to Belgium, welcomed the delegates and delivered his opening statement (Annex 6).
5. Mark Simmonds (WDCS) expressed his organisation's continuing support for ASCOBANS and noting certain key issues on the agenda asked that Parties held their discussions in open session and unlock certain documents so that NGOs could participate more fully and in accord with the commitments of European Nations to the principles of transparency.

2. Adoption of Rules of Procedure

6. The Rules of Procedure, unchanged since the last meeting of the Advisory Committee, were adopted as presented in Document 5.
7. In the course of the meeting, the Committee agreed revised Rules of Procedure, which took effect before Agenda Item 21.1 was closed. The revised Rules of Procedure are attached as Annex 4.

3. Adoption of the Agenda of the Science and Conservation Session

8. Stefan Bräger (Chair) presented Documents 1 (the agenda) and 2 (annotated agenda) highlighting the need to establish Working Groups to start the process of drafting resolutions for the forthcoming Meeting of the Parties. The agenda was adopted as presented (Annex 2).
9. Stefan Bräger (Chair) asked whether any parties objected to disclosing the restricted documents and whether any foresaw the need to discuss any item in closed session. No Party indicated its intention to ask for the exclusion of observers and all restricted documents were made available for general circulation.
10. Marco Barbieri (Secretariat) raised the issue of the drafting and adoption of the report of the meeting, proposing that in view of the limited staff and time available the report would concentrate on conclusions and recommendations and the key elements of the related discussions, without necessarily recording each individual intervention. A number of Parties welcomed the idea of a clear summary of decisions but also stressed the value of having a comprehensive record of the debate. Where Parties felt that their intervention needed to be specifically recorded, they were requested to highlight this and where appropriate provide text to the report writer.

4. Annual National Reports 2008

11. Stefan Bräger (Chair) conducted a *tour de table* inviting parties to give a brief oral account of activities supplementary to their written reports, as given in documents 32 (United Kingdom), 35 (Denmark), 41 (Netherlands), 43 (Belgium), 48 (Sweden), 51 (Finland), 52 (Lithuania), 54 (Germany), 59 (France) and 64 (Poland). France also highlighted the symposium on monitoring strategies for marine mammals held in La Rochelle during the annual meeting of the French Stranding Network (Doc. 55).

12. Arising from the oral reports, a debate ensued concerning the issue of strandings. Karl-Hermann Kock (Germany) pointed out that there was no overall composite analysis of strandings information. Trends were different across the Agreement Area and there was no clear picture. A comparative analysis of stranding data throughout the Agreement Area was desirable. Other delegates supported the idea. Peter Evans (ECS) said that the ECS convened workshops periodically to draw information together but agreed that ten separate national reports with different trends were less useful than a wider overview. Data were better in some countries than in others. The timing of national reports might need to be adjusted to allow an agreement-wide analysis to be undertaken. Mark Tasker (UK) pointed out that the conservation plan annexed to the Agreement required reports of such events to be compiled for analysis.

13. It was agreed to establish a sessional Working Group to develop a framework for compiling Agreement-wide strandings and other relevant information to be led by Peter Evans (ECS). Although the issues of stranding and bycatch were often related, it was pointed out that DG Mare's effort focussed exclusively on bycatch data. The recommendation of the Working Group is attached as Annex 7.

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

5.1 ASCOBANS Baltic Recovery Plan (Jastarnia Plan)

5.1.1 Implementation

14. Mats Amundin (Invited Expert / Kolmården Djurpark) gave a presentation of the Static Acoustic Monitoring of Baltic Harbour Porpoises (SAMBAH) project which had been submitted to the LIFE+ funding programme of the European Commission. The slides of the presentation were attached to the report of the Jastarnia Group meeting (Document 19, annex 6). The outcome of the bid for funding would be known in the summer of 2009.

15. All Baltic riparian states Party to ASCOBANS except Germany were participating in the project proposal. Oliver Schall (Germany) explained that this was not due to lack of interest, rather to problems in identifying necessary matching funds due to other commitments in 2008, notably support to the CBD COP. It was still hoped to identify resources in the near future. He also reminded the meeting that Germany had already undertaken a project similar to SAMBAH between 2005-2007 and that therefore comprehensive data for the German Baltic Sea already existed.

16. Questions raised after the presentation included the likely duration of the project, which had been designed to last five years with the first two dedicated to establishing baseline data. Benefits arising from the project would be information upon which to base the choice of marine protected areas. Population level and density data would become available for the Jastarnia Plan.

5.1.2 Outcome of 5th Meeting of the Jastarnia Group

17. Sara Königson (Sweden) referred delegates to Document 19, the report of the Jastarnia Group meeting held in Turku, Finland in February 2009. She also reported on Sweden's positive experience of using cameras to monitor by-catch on small boats as an alternative to on-board observers (see Document 53).

18. Penina Blankett (Finland) noted that some comments she had submitted on the draft report had not been included. It was agreed that a revised version incorporating these comments would be issued after the Advisory Committee meeting.

19. Stefan Bräger (Chair) called for comments on the recommendations of the meeting. Some delegates indicated that they had received the draft report just before the Easter holiday and had not been able to consult other ministries and were unable to clear the wording of the recommendations.

20. Karl-Hermann Kock (Germany) suggested that the recommendations should preferably be accorded different priority ratings.

21. Stefan Bräger (Chair) in summarising said that the Committee noted the Recommendations and Parties would agree to the recommendations inter-sessionally by email after they had time to look at them more in detail.

5.1.3 Revision of the Jastarnia Plan, Final Draft

22. Sara Königson (Sweden) presented the final draft of the revised Jastarnia Plan (Document 20), explaining the Group's remit to modify the plan without making major changes to its content and bring it closer in line with the structure of the North Sea Plan. The Plan now included an executive summary and a table of recommendations as well as summary recommendations. Comments from Parties were welcome.

23. Mark Simmonds (WDCS) asked how procedurally the Plan would be adopted and whether a resolution at MOP was required. He also asked why there was no mention of chemical pollution in the plan when recent reports indicated that this was a major problem in the Baltic, where toxicologists suspected that harbour porpoises were affected and the effects of chemical pollution might be masked by other factors. Iwona Kuklik (Poland) reported that contaminant levels in Baltic porpoises were similar to those reported elsewhere in the region. Mark Tasker (UK) pointed out that the 1.7% bycatch rate was not intended to apply to the Baltic with its heavily depleted population. He also agreed that chemical pollution and strandings merited special consideration.

24. Iwona Kuklik (Poland) and Karl-Hermann Kock (Germany) suggested that the changes in fishing gear and the definitions of drift nets needed to be explained and agreed to provide appropriate wording. Maj Munk (Denmark) pointed out that there were still square brackets in paragraph 4.2.3. Sara Königson (Sweden) explained that this point was still unresolved but could be addressed in a sessional working group before the closure of the meeting.

25. A small working group took account of these points in a revised draft which the meeting agreed should be forwarded to the MOP, along with a draft resolution.

5.1.4 Terms of Reference for the Jastarnia Group

26. Draft Terms of Reference had been submitted by Poland that same day and had been distributed through the delegations' pigeon holes. The draft Terms of Reference should incorporate the Rules of Procedure for the Group as an annex. Draft Rules had been prepared by the Group and had been submitted to the Advisory Committee in Document 18. It was agreed to discuss the draft Terms of Reference during the Administrative Session.

5.2 ASCOBANS Conservation Plan for Harbour Porpoises in the North Sea

5.2.1 Progress Report

27. Stefan Bräger (Chair) invited Mark Tasker (UK) to report on this item in the absence of Peter Reijnders (Netherlands). There had been few substantive changes to the text since the last Advisory Committee meeting. The Plan concentrated on future actions rather than historic

background. While EU legislation and policies were seen as key instruments to implement the Plan, DG Mare was concentrating on revising the Common Fisheries Policy. There were also other means of implementing ASCOBANS' bycatch policies, notably through the provisions of the EC Habitats Directive.

28. Mark Tasker (UK) reported that he had discovered that there were many funding mechanisms available for projects and opportunities might therefore have been missed in the past. Comments from delegates were welcome. If the adoption of the Jastarnia Plan needed an MOP resolution, the same was presumably true for the North Sea Plan and the deadlines might help focus the mind.

5.2.2 Final Draft Conservation Plan

29. Comments from the plenary were incorporated into a revised draft that would be submitted to the MOP, along with a draft resolution.

5.3 Review of New Information on Bycatch and Other Causes of Mortality

30. Abigail Caudron (IFAW) and Jan Haelters (Belgium) gave a presentation concerning the harbour porpoise in the southern North Sea highlighting the disappearance of the species in the 1950s, its reappearance in the 1990s and possible connections with the fluctuations in the stocks of prey species. The full report would be sent on paper to all participants and would be available online.

31. Karl-Hermann Kock (Germany) reported similar findings from Lower Saxony. A correlation between changes in abundance of harbour porpoises and prey availability was suggested by some participants. In particular, the collapse of herring stocks in the 1960s was likely to have led to changes in harbour porpoise numbers and distribution. Herring had since partly recovered. However, other participants suggested caution in this interpretation. The timing of fluctuations in fish stocks and harbour porpoises did not always match.

32. Meike Scheidat (Netherlands) presented a composite report on abundance, distribution and by-catch of harbour porpoise in the south-western Baltic Sea

33. Several working papers presented at the Advisory Committee meeting addressed the current situation of harbour porpoise in the south-western Baltic Sea (Document 33 Scheidat *et al.*, Document 40 - Teilmann *et al.*, Document 60 - Koschinski & Pfander, Document 62 - Herr *et al.*).

34. An increase in strandings of dead harbour porpoises was observed over the last decade along the German part of the western Baltic Sea (Document 60, Document 62). At the same time there was no indication of a population increase in the western Baltic which could explain the increase in stranding occurrence. From 2003 to 2006 aerial surveys were conducted in the waters of the south-western Baltic Sea resulting in abundance estimates for that local porpoise population (Document 33).

35. Minimum bycatch estimates for this region were estimated using different approaches. Document 33 used the estimate of 82 animals per year, based on the paper from Rubsch & Kock (2004). Document 60 used an overall estimate of proportion of bycaught animals in all strandings based on data from the years 1987 to 2008 (only the northern part of Schleswig-Holstein coast). Using this data the proportion of bycaught porpoises was estimated to be 86.5%, resulting in an estimate of by-catch of 51 animals in 2005, 82 animals in 2006 and 150 animals in 2007. Document 62 used data from 2000 to 2007 along the total German coast to estimate that 47% of porpoises stranded were bycaught, resulting in an estimated bycatch of 69 animals for 2007. In table 1 of Annex 8 these four different bycatch numbers (51, 82, 150 and 69) were applied to the local abundance estimates to calculate bycatch rates. All resulting rates were above 1%, with most of the rates above 1.7% or considerably higher.

36. In Document 40 results of several studies on harbour porpoises conducted in Danish waters were presented. Among these, based on satellite telemetry data, the distribution of porpoises in the Inner Danish waters was shown. The maps indicated that porpoises were fairly resident in two parts of the German waters, the Fehmarn Belt and the Flensburg Fjord. During both the SCANS and the SCANSII survey, the Inner Danish Waters were surveyed to obtain an abundance estimate. The point estimates of these two surveys showed a non-significant decrease of about 30% in abundance.

37. In summary, the high bycatch rates observed along the German coast had most likely serious implications for the local population and potentially for the population in the Inner Danish Waters. More detailed data on bycatch and abundance estimates with a focus on the population of the western Baltic and Inner Danish Waters (not national stocks) were needed to address this issue as soon as possible.

38. Pending funding availability, Denmark was considering further research in inner Danish Waters to establish firmer population figures.

39. There were calls for immediate conservation action as the population was perceptibly in decline in keeping with the precautionary principle.

40. Questions arising included whether higher awareness led to greater reporting of strandings. The German strandings network was well established over a long period, including in Mecklenburg-Western Pomerania, a system established in the times of the GDR.

41. It was also difficult to estimate the fisheries effort in the area as many of the vessels were below the minimum size covered by EC Regulation 812/2004. Only one study had been carried out recently on part-time fisheries in Germany (responsible for approximately half of the total fishing effort in coastal waters). They were estimated to number 600 and on average reported one incident of bycatch every ten years. Recreational fisheries were hardly monitored.

42. There was a discussion about whether to adopt a population or area-based approach. It was pointed out that ASCOBANS had not decided how to deal with the south-western Baltic, and as things stood there were the North Sea and the Jastarnia Plans with a geographic gap between them. Some delegates advocated including the SW Baltic in the Jastarnia Plan, harmonising the area covered by the Plan with HELCOM's boundaries. In view of the different needs of the SW Baltic population, some delegates questioned whether this would be justified.

43. It was agreed to ask the Jastarnia Group to consider how best to deal with this sub-region. When the North Sea Plan Steering Group was established, it should liaise closely with the Jastarnia Group.

44. James Gray (UK) provided an update on the investigation into the mass stranding event that occurred near Falmouth, Cornwall, in June 2008. The final report of the investigation would be published shortly.

45. The UK's strandings network was praised. In response to a question on the possible connection with military exercises which had been carried out shortly before the stranding incident happened, the UK stated that no connection had been established.

46. Jan Haelters (Belgium) referred to Document 44, concerning tissue samples being made available for research. A database would be online within a couple of months.

5.4 Review of New Information on Population Distribution, Sizes and Structures

47. Peter Evans (ECS) made a presentation on the joint ASCOBANS/HELCOM workshops on genetics and population structure held in Bonn in October 2007 in Bonn with the financial support of the UK and Sweden. Document 29 contained the outcomes of the workshops as well as additional follow-up material provided by speakers and other experts, including recommendations for management units for five species (harbour porpoise, bottlenose dolphin, white-beaked dolphin, Atlantic white-sided dolphin and short-beaked common dolphin).

48. Mark Tasker (UK) suggested that it would be worthwhile to repeat the exercise in a few years' time to conduct a similar review. Peter Evans (ECS) suggested that a printed version of the report should be published, as it was a comprehensive review of the current state of knowledge.

49. Sami Hassani (France) gave a presentation on the aerial survey project "Pingiroise" which had been undertaken inside and around the marine protected area off Brittany. The final report was due to be released in summer 2009. Many sightings of key species had been made both inside and outside the MPA, which would allow for future considerations.

50. Peter Evans (ECS) spoke to Document 31, a compilation of biological information on all the cetacean species recorded in the ASCOBANS Area, derived from a new edition of "Mammals of the British Isles" published by the UK Mammal Society in 2008.

51. Eunice Pinn (UK) introduced Document 58, concerning the potential use of joint cetacean protocol data for determining changes on species' range and abundance.

52. Mark Tasker (UK) pointed out that ICES undertook annual reviews of the population status of cetaceans in Europe. This advice could be downloaded from the ICES website (<http://www.ices.dk/advice/icesadvice.asp>).

5.5 Review of New Information on Pollution, Underwater Sound and Disturbance

53. Veronica Frank (IFAW) introduced Document 63 on potential implications for harbour porpoises in the Baltic Sea of the fixed Fehmarn Belt link. In the ensuing discussion, Germany expressed doubts whether the IMO should be directly required to investigate the potential impact of the project on maritime safety.

54. Mark Simmonds (WDCS) drew attention to the recent submission from Paul Jepson, Nick Tregenza and himself to the last IWC Scientific Committee meeting (Document 56) on observed declines and disappearance of coastal bottlenose dolphins and the correlation between the timing of this decline and the peak time of PCB concentrations in the environment. This might be an ongoing problem for coastal bottlenose dolphins. He further noted that in Document 34, Nick Tregenza had stressed the vulnerability of the remaining populations of coastal bottlenose dolphins in the agreement area, challenging the notion that the species should have been afforded a 'favourable' conservation status in a European context.

55. Mark Simmonds (WDCS) then pointed out the proliferation of literature on marine windfarms in the agreement area and, with Belgium, called on Parties to give attention to the issue of noise and disturbance coming from these widespread developments.

56. Christina Rappe (Sweden) mentioned that further studies were going to be carried out 2009-2011 in Sweden on a wide range of different substances in harbour porpoise tissues. This was welcomed as a new generation of contaminants was a concern.

57. The annual synthesis of recent literature on chemical and acoustic pollution was modified taking into account comments from participants and the final compilation is attached as Annex 9.

5.5.1 Anthropogenic Noise

58. Petra Deimer-Schütte (Germany) presented a film showing the use of bubble curtain mitigation technique during the detonation of unexploded World War II munitions off the German Baltic Sea coast. Measurements showed that this technique drastically reduced noise levels during clearance operations. An estimated 300,000-1.5 million tonnes of unexploded munitions remained around the German coast alone.

59. Krzysztof Skóra (Poland) presented information on similar exercises off the Hel peninsula, where unexploded depth charges had to be disabled. Expert opinion suggested that substantial

noise impacts would affect harbour porpoises in the entire Puck Bay area. Another new issue causing noise disturbance were military performances organized as tourist attractions.

60. The munitions issue was also being raised in IWC and OSPAR and links to reports prepared for these forums would be put on the ASCOBANS website.

61. Peter Evans (ECS) highlighted the resolution passed by the ECS in Istanbul in March 2009 on the need to use recently developed mitigation measures on mid-frequency sonar use to minimise effects on beaked whales. This had been passed on the recommendation of a workshop on effective mitigation for active sonar and beaked whales. The technical report prepared as a follow up to the workshop outlined effective mitigation measures in different stages of sonar exercises. It had been made available as Document 50.

62. Sami Hassani (France) passed on comments from the French navy on their use of sonar, based on the NATO code of conduct for military exercises. The code could not be applied during real operations (Annex 10).

63. Peter Evans (ECS) gave a presentation on the Joint Industry Programme on sound and marine life of the International Association Oil and Gas Producers. The industry had given \$16 million to fund projects on the effects of sound emitted during oil and gas exploration and extraction on marine mammals, birds and turtles. More information was available at the following web-site: www.soundandmarinelife.org/site/index.html.

64. Camille Montiglio (ACCOBAMS) highlighted Document 47, and informed the meeting of the work undertaken by the ACCOBAMS noise working group. There were possible synergies to be gained through the noise working groups of the two Agreements collaborating.

65. Stefan Bräger (Chair) drew attention to Document 46, the CMS Resolution 9.19 adopted in 2008 on adverse anthropogenic marine/ocean noise impacts on cetaceans and other biota.

66. Mark Simmonds (WDCS) noted that the ASCOBANS pollution review group dealt with both chemical and noise publications. Many recent papers mentioned wind turbines as a major source of noise pollution, both at building stage when pile driving was often done, and during operation. There were many wind farms operating and planned in the Agreement Area.

67. Mark Simmonds (WDCS) gave an update on the work of the ASCOBANS Intersessional Working Group on the assessment of acoustic disturbance (Document 57). Within a few weeks, the Working Group would finish preparing its advice to AC members. This timeframe was acceptable to the Committee.

68. Heidrun Frisch (Secretariat) gave an account of progress achieved by the IMO Marine Environment Protection Committee Correspondence Group on incidental noise from commercial shipping, at which she represented ASCOBANS, ACCOBAMS and CMS. The Group would submit a first progress report to the 59th session of the MEPC. The report would be made available to the Advisory Committee and ASCOBANS noise working group.

69. IFAW also participated in this correspondence group and had commissioned a study into ways to reduce under water noise pollution from large commercial vessels. The report had been written by Martin Renilson of Renilson Marine Consulting Pty Ltd and was intended to inform the MEPC work programme on Noise from Commercial Shipping and its adverse impact on marine life". The report was available at www.ifaw.org/oceannoise/reports

70. Mats Amundin (Invited Expert) presented the first results of an investigation on underwater noise from leisure boats, supported by the Swedish Environment Protection Agency, Loughborough University and Kolmården Djurpark. An awareness campaign among boaters was carried out to influence their behaviour, also with respect to the use of echo sounders. In order to identify appropriate noise reduction strategies, noise emanating from different boat, engine and propeller types was also described. Further steps would focus on geographic distribution of noise, effects on marine mammals and long-term strategies for noise reduction. Finland was participating in this study.

71. Mark Tasker (UK) suggested that the opportunity might exist to define what constituted “adverse effect” within the consultation process of the Marine Strategy Framework Directive, which was starting shortly.

5.6 National Legislation and Protected Areas

72. Krzysztof Skóra (Poland) made a presentation on the designation of two coastal Habitat Directive sites in Poland, Pomeranian Bay and Puck Bay, which were important for Baltic harbour porpoise protection. Based on collated information he pointed out that (a) EU Regulation 812/2004 laying down the measures for large boats only (>12m) did not support the protection of harbour porpoises in the coastal area, where the NATURA-2000 sites were located and where the small boat fishery operates (<12m); and (b) The borders of the site PLH-220032 were not established properly according the seasonal changes in a number and distribution of fishing nets. The action had been initiated to correct the borders of the site.

73. Elsa Nickel (Germany) reported on progress in designating Natura 2000 sites accounting for 30% of Germany’s EEZ. Two Birds Directive sites had been designated under national legislation and also fisheries aspects had been taken into consideration. For eight further sites under the Habitats Directive, the work for national legislation was in progress.

74. Sami Hassani (France) reported the designation of 76 Natura 2000 sites. Bottlenose dolphins were present in 33 sites and harbour porpoise in 31. He also pointed out that maintaining top predators (birds and marine mammals) in a favourable conservation status was one of the 10 management objectives of the “Parc Naturel Marins d’Iroise” (MPA in west Brittany).

5.7 Publicity and Outreach

75. Heidrun Frisch (Secretariat) announced the nominees for the ASCOBANS Education and Outreach Award. She reminded the meeting that the previous winners had been the Hel Marine Station and Petra Deimer-Schütte/GSM.

76. In accordance with the TOR of the Award, a jury was established to consider the nominations. The jury later reported that Peter Evans was to receive the Award, which would be presented at the MOP.

77. During the first day of the meeting, a working group was established to develop suggestions on educational and promotional activities to be recommended to the MOP. The group, chaired by Mark Simmonds, reported on its deliberations on Tuesday, 21 April. The summary of the working group report is attached to the report as Annex 11. The working group would continue its work inter-sessionally.

5.7.1 Reports of Parties/Range States

78. For Germany, Petra Deimer-Schütte explained activities coordinated by GSM which included the collection of sightings data in cooperation with the German Federal Agency for Nature Conservation (BfN) and photographic and painting competitions. Various publicity materials were also produced.

79. Sami Hassani (France) said that an exhibition on cetaceans currently at the Natural History Museum in Paris would be going on tour. It was already scheduled that the exhibition would be on display in the Natural History Museum in Brussels in October 2009, with specific additions concerning Belgium.

80. Krzysztof Skóra (Poland) made a presentation of various publicity initiatives undertaken and information materials produced in Poland, which included events, a poster, calendars, gadgets, a brochure, leaflets, also aimed at fishermen to promote pingers, harbour porpoise

friendly fishery and products and a video about threats for harbour porpoises and conservation problems of this species. Adverts were appearing on outdoor billboards and information material on ferries across the Gulf of Gdansk and Puck Bay. More information was available on the Polish language website www.morswin.pl, which was dedicated exclusively to the harbour porpoise.

81. Kai Mattsson (Finland) stated that the Särkänniemi Dolphinarium would generate more public awareness of the SAMBAH project.

82. The results of the Public Awareness Working Group had been circulated. The Group had brainstormed how ASCOBANS could add value to the process, stressing the importance of the Agreement website as an information hub and targeted education tools.

5.7.2 Report of the Secretariat

83. Heidrun Frisch (Secretariat) introduced Document 22 rev 1, highlighting Secretariat activities with regard to public awareness raising and publicity. Following this, she drew attention to Document 23, the Draft Communication, Education and Public Awareness Plan for the Agreement, which had been prepared by a consultant.

84. Several delegates noted that, due to the late availability of Document 23, they were not in a position of providing comments or could provide only preliminary ones.

85. It was agreed to ask the working group on educational and promotional activities, chaired by Mark Simmonds (WDCS), to continue working intersessionally to examine the Plan in greater detail. Oliver Schall (Germany) suggested adding a brief long-term strategy for the next decennium (2010-2019) incorporating in particular major events like the 20th and 25th anniversaries of the Agreement. He further mentioned the possibility of having whales as the subject of a CMS "Year of the ..." campaign around 2015 to gain more public attention.

86. Mark Simmonds (WDCS) felt that this was a vital area of work for ASCOBANS which needed to be taken fully into account in the deliberations over the Agreement's future. Improving public awareness of the problems being addressed was important, and many people were unaware of the variety of cetaceans in north European waters. Innovative techniques needed to be developed to reach a wider audience, including making the website more interesting and interactive.

5.7.3 Reports from Partners

87. Peter Evans (ECS) gave a comprehensive presentation entitled "Harnessing Public Interest to Cetacean Conservation" on his and the Sea Watch Foundation's experience of public awareness work over thirty-five years, stressing the importance of identifying target groups, validation of volunteer work, maximising public participation which could be an invaluable help and trying to engage with a broad range of sectors. At the request of one delegate, Peter Evans confirmed that his presentation was available to anyone who was interested in it.

88. Mark Simmonds (WDCS) mentioned his organisation's initiative of having a dolphin diploma for children. Details could be found on the education pages of the WDCS website.

5.8 Review of the Implementation of the ASCOBANS Triennial Work Plan (2007-2009)

89. Heidrun Frisch (Secretariat) introduced Document 24, the Triennial Work Plan 2007-9. She explained that the Plan dated from the previous MOP in 2006. The Committee established a Working Group chaired by Mark Tasker to review and finalize the document and agreed a revised version, which is attached as Annex 12.

5.9 Revised Format for the Annual National Reports

90. Marco Barbieri (Secretariat) presented Document 25, the draft revised format for the National reports, explaining that the Secretariat had been asked to draw together in one form all requests for information arising from the provisions of the Agreement and MOP Resolutions.

91. Several Parties questioned the need for certain information to be collected and the frequency of reports was also raised, with some support for moving away from annual returns.

92. An intersessional Working Group was established to consider proposed amendments to the draft. James Gray (UK) volunteered to chair the correspondence group. It would liaise with the working group on trend analysis.

6. List of Projects for Funding through ASCOBANS

6.1. Progress of Projects already supported

93. Heidrun Frisch (Secretariat) referred to the list of projects approved by the 15th Advisory Committee, which had been published as Annex 10 to the report of that meeting. For two projects recommended for funding by the Committee, namely the analysis of the risk of ship-strikes to be conducted by the Sea Watch Foundation, and the research on the effect of contaminants on reproduction of small cetaceans to be conducted by St. Andrews University, funding agreements had been concluded with the beneficiaries, and first instalments had been paid. The projects were underway. A third project to analyse skulls of harbour porpoise specimens from the Baltic Sea, recommended by the Jastarnia Group for funding, was expected to be supported to the extent of \$5,000 using the voluntary financial contribution from UNEP. A funding agreement had been transmitted to the beneficiary, and reply was expected.

94. The Committee took note of progress.

6.2. Selection and Prioritisation of projects to be supported

95. A preliminary list of projects for funding had been submitted to the meeting as Document 13. Several suggestions for addition or deletion of projects were made, which led to a revised list.

96. With a view to producing a shortlist of priority projects, a working group was established under the chairmanship of Peter Evans (ECS). The group reported on its suggestions to plenary recommending a list of 8 projects for further consideration. There was discussion on several projects. On the proposed leaflet for fishermen to be produced in all Parties' languages in conjunction with DG Mare, Parties thought it important that the target audience should be consulted in the design and drafting process. The Baltic Harbour Porpoise project was intended to examine museum specimens dating from the 1930s and 1940s. The database project was dependent on the outcome of liaison with HELCOM on the question of hosting the database.

97. The meeting eventually agreed on a list of five projects, to be supported to the extent possible through the ASCOBANS Trust Fund. The list is appended to the report as Annex 13.

7. Relations with other Bodies

98. Heidrun Frisch (Secretariat) provided an oral report of activities and initiatives developed in collaboration with other bodies since the last meeting of the Advisory Committee. The European Commission, ICES and HELCOM remained priorities and progress had been made in a number of subject areas. The Secretariat had further worked regularly with ACCOBAMS and the IMO. ECS, WDCS, the Sea Watch Foundation and IFAW were key non-governmental partners and contacts had also been maintained with a number of other NGOs. RACs in the Agreement Area had been invited to ASCOBANS meetings and two of them had distributed these invitations through their circulars.

99. The Secretariat also drew the attention of the meeting to document 27, reporting on representation of ASCOBANS at other Organizations' meeting for the same period. The growing representation of ASCOBANS at meetings and related options for synergies were welcomed by Elsa Nickel (Germany), who saw them as positive result of the ASCOBANS and CMS Secretariats' merger. There was room for further gains through careful targeting of which meetings needed to be attended and by whom. Strengthening relationships with the EC and ICES were seen as priorities for the future, particularly in relation to the implementation of the Jastarnia Plan and North Sea Plan.

8. Meetings to be attended in 2009/2010

100. The calendar of forthcoming meetings (Document 26) was discussed. Further meetings were added and the merits of attending the meetings, either by sending a member of the Secretariat or other representatives, were discussed. The revised calendar is attached to this report as Annex 14.

9. Accession and Agreement Amendments

101. Heidrun Frisch (Secretariat) reported on efforts of the Secretariat in relation to accession of new Parties. Main efforts in the reporting period concerned Ireland, to which a mission of the Secretariat had been undertaken. Details were provided in Document 22 rev.1. The Secretariat had also recently received the visit of a delegation from the Russian Federation to Bonn, but the absence of the registered Russian delegation was noted.

102. Elsa Nickel (Germany) called on all Parties to encourage accession to the Agreement of the remaining range states, notably at the occasion of official missions.

9.1 Extension of the Work of the Agreement into the new Agreement Area

103. Christina Rappe (Sweden) reported that the process to ratify the revised Agreement was still progressing.

9.2 Possible Amendment of the Agreement to include all Cetacean Species in the Agreement Area (scientific and technical aspects)

104. Marco Barbieri (Secretariat) introduced this item by referring the request of advice on the issue made to the Advisory Committee by MOP5. Preliminary discussions had already taken place at AC15, which however had not led to a consolidated advice on the merits and disadvantages of extending the taxonomic coverage of the Agreement. Document 36, prepared by Peter Evans (ECS) and Mark Simmonds (WDCS), and document 38, submitted by ACCOBAMS, were the background documents available to the meeting.

105. While appreciation was expressed on document 36, some delegates felt that the document was highlighting only supposed positive elements, while for a balanced debate the case against extending coverage to all cetaceans needed to be presented. Overlap with other organizations and extra administrative workload to administrations were mentioned. With a view to presenting a balanced advice to the Meeting of the Parties, the meeting agreed to establish an intersessional working group, tasked to produce a document highlighting pros and cons of the extension of the taxonomic coverage of the Agreement. Peter Evans (ECS) agreed to chair the Working Group, and encouraged the participation of those Parties that had indicated that they were disinclined to support extending the taxonomic range to large cetaceans.

10. "Future of the ASCOBANS Agreement"

106. This item was dealt within an open Working Group. Document 28 submitted by the Advisory Committee Chair and an informal paper submitted by the United Kingdom were the main reference documents for discussion. The Working Group reported on its deliberations under agenda item 18.2.

11. Preparation of MOP 6

107. Stefan Bräger (Chair) said that, as no Party had come forward to host the MOP so far, the default position was that the meeting would be held at the Secretariat's premises at the UN Campus in Bonn.

108. Martin Lok (Netherlands) regretted that no offer had been made to host the meeting and asked whether the possibility might be explored to postpone the meeting until 2010 and run the meeting back-to-back with the ACCOBAMS MOP. Elsa Nickel (Germany) expressed sympathy for this option, also with a view to the possibility of moving to a 4-year cycle of the MOP for the future.

109. Concerns were raised by some delegations about the Agreement budget, which ran until the end of 2009 and required a MOP decision to be extended beyond that date. The feasibility of a technical solution to overcome this problem needed to be explored.

110. Referring to the calendar of events (Document 26), Iwona Kuklik (Poland) raised the issue of the timing of the MOP with respect to the meeting of the CMS Standing Committee. The tentative dates as outlined in the document indicated that the MOP would be convened after the Standing Committee meeting, but the latter was expected to take decisions on the Secretariat's arrangements taking into account the relevant deliberations of the ASCOBANS MOP.

11.1 Draft Resolutions on Conservation Actions and Research

111. Stefan Bräger (Chair) noted that very few draft resolutions had been submitted other than the proposals for the adoption of the North Sea Conservation Plan and the Jastarnia Recovery Plan for harbour porpoises.

112. Jan Haelters (Belgium) indicated that consensus had been reached about the potential effects of underwater noise originating from the construction of offshore windfarms. Belgium had listed a number of options to address this issue further in a discussion document. One of the proposals listed was a recommendation for the development and adoption of guidelines. The document is attached as annex 15.

11.2 Activities of the ASCOBANS Advisory Committee 2010-2012 /

11.3 Draft Triennial Work Plan (2010-2012)

113. In addition to completing the review of the 2007-2009 Work Plan, a Working Group chaired by Mark Tasker had undertaken the initial steps of revising the Work Plan for the forthcoming triennium (circulated as Document 30 rev.1). The draft would be further elaborated inter-sessionally.

12. Any other Business

ASCOBANS Life-time Award

114. Trevor Perfect (UK) circulated a paper (Annex 16) proposing the establishment of an occasional award to mark life-time achievement in the field of marine mammal conservation. It would not be given regularly, but only when the Advisory Committee had identified an

outstanding candidate they wished to honour in this way. The UK nominated Peter Reijnders to be the first recipient. The proposal to establish the award and the nomination were both accepted by the meeting.

Welfare Implications of Bycatch

115. A new review of the welfare implications of bycatch had been produced by the University of Bristol and published by WDCS on its website at <http://www.wdcs.org/publications.php>.

13. Adoption of the Report of the Science and Conservation Session

116. After participants had had the opportunity to comment on the draft report, the meeting adopted the revised text, subject to the introduction of the changes requested during the meeting. The revised text would be circulated by the Secretariat to participants for final comments on their own statements.

117. The discussion on the style of report desirable for Advisory Committee Meetings, reported on in paragraph 10, was taken up again. Parties expressed widely different views, ranging from a simple summary of conclusions reached under each agenda item to the wish to see each statement reflected. The meeting decided that it would be useful to develop an ASCOBANS Style Guide, which would outline the language and level of detail to be used and would also address the format for submission of project proposals to the Committee. An intersessional working group, consisting of Belgium, Denmark, Poland, the Secretariat and WDCS, was given the task of proposing such a format for discussion at the next meeting.

14. Close of the Session

118. Stefan Bräger (Chair) closed the session at 19.00hrs on 22 April 2009.

15. Opening of the Administrative Session

119. Paulus Tak (Chair, Belgium) opened the meeting. He ran through the subjects to be dealt with during the administrative session and summarised the previous days' deliberations, commenting on the positive mood. No Parties or Observers presented a statement when invited to do so. It was agreed that the session should remain open to observers.

120. Lahcen El Kabiri (Deputy Executive Secretary, CMS) and Sergey Kurdjukov (Administration and Fund Management Officer, CMS) had joined the meeting and introduced themselves.

16. Adoption of the Agenda of the Administrative Session

121. Paulus Tak (Chair) ran through the schedule for the day. There being no comments or amendments, the agenda was adopted as drafted.

17. Budgetary Issues

17.1 Report of the Secretariat on Finance and Administrative Issues

17.1.1 Administrative Issues

122. Marco Barbieri (Secretariat) introduced Document 6 (Report on Administrative Issues 2008) which described some staff changes within the Secretariat among other things. He further explained that the CMS COP in December 2008 had agreed to extend the interim Secretariat arrangements until 2011, pending a decision by the ASCOBANS MOP.

17.1.2 Report on Accounts for 2008

123. Heidrun Frisch (Secretariat) presented Document 7 (Report on Budgetary Issues 2008) stressing that the figures were provisional pending final certification by UNEP. The estimated balance at the end of 2008 was €67,000 which included the unspent amount earmarked for conservation projects of €44,529. Parties agreed to release all this residual money for the support of conservation projects in 2009. Taking into account existing commitments, an estimated amount of €37,000 was available for research and conservation projects.

124. Elsa Nickel (Germany) questioned the excessive level of detail provided in the description for budget line 1101 and the Secretariat agreed to take the comment into account when producing future documents.

17.1.3 Certified Financial Reports

125. Sergey Kurdjukov (Secretariat) introduced Document 9 (draft Resolution on Expenditures 2005-7). It was expected that certified accounts for 2008 would be available for the MOP. The Parties endorsed the draft resolution unamended.

17.2 Outline of Budget for 2009

126. Heidrun Frisch (Secretariat) introduced Document 8 (Outline of Budget for 2009). The Document contained expenditure figures to 15 March 2009 and the estimated expenditure for the rest of the year.

127. An explanation was requested for the projected overspend in budget line 5101 (maintenance of equipment). The Secretariat had provided a full account in Document 12 of the change in the policy of UNV, a co-located agency which no longer provided IT support services free of charge. The Secretariat was exploring alternative options for such services.

128. Sami Hassani (France) asked whether invoices for 2009 subscriptions had been sent from Nairobi. The Secretariat confirmed that invoices had been despatched in March. Parties requested that invoices be sent as early as possible in the financial period.

17.3 List of Projects for Funding through ASCOBANS – Allocation of Funding

129. The conservation and research projects listed in Annex 13 were approved for funding.

Jastarnia Plan

130. Iwona Kuklik (Poland) sought an explanation of the use of the UNEP grant for the redrafting of the Jastarnia Plan rather than the research project on geometric analysis of harbour porpoise populations.

131. The Secretariat and members of the Jastarnia Group gave accounts of their records of the e-mail exchanges concerning whether to hire a consultant rather than use the free services of

the former Executive Secretary to revise the Jastarnia Plan. While the Group maintained that its wishes had not been followed, the Secretariat had received advice from UNEP that it was inappropriate for the work to be done outside a contract. Elizabeth Mrema (UNEP) felt that there had been a breakdown of communication. The proposed terms of reference for working groups, to be discussed under agenda item 21, should ensure that there were no repetitions of such misunderstandings of the role and responsibilities of the Secretariat and working groups in future. Paulus Tak (Chair) expressed his satisfaction that, despite these difficulties, the Jastarnia Group had presented a revised Plan welcomed by the meeting and that lessons would be learned for the North Sea Conservation Plan.

132. Poland expressed its concern that the money for hiring a consultant by the Secretariat to revise the Jastarnia Plan had been spent unnecessarily. The Secretariat pointed out that the draft revised version of the Jastarnia Plan produced by the consultant had been made available to the Jastarnia Group and there was evidence that it had been considered in the production of the final draft submitted to the present meeting of the Advisory Committee for endorsement. Resources for the geometric analysis project had been set aside.

North Sea Conservation Plan

133. Mark Tasker (UK) introduced the paper “Implementation of North Sea Harbour Porpoise Conservation Plan”, which suggested engaging a consultant to draft a funding proposal for research into the bycatch arising from the fishing effort of small vessel fleets. Because of the risk of no suitable funding mechanism being available this year, he also presented an alternative option “Coordinator, ASCOBANS North Sea Harbour Porpoise Conservation Plan”. If it proved impossible to proceed with the first option before the end of May, the Secretariat was instructed to issue a tender for the second option. The agreed text of both options is attached at Annex 17.

17.4 Any other Finance Issues

134. Sergey Kurdjukov (Secretariat) informed the meeting that the Executive Secretary had written to the Executive Director of UNEP to ask that Programme Support Charges on voluntary contributions to CMS and co-located Agreements be refunded for the triennium 2006-8. A reply was pending.

18. Evaluation of the New Arrangements for the ASCOBANS Secretariat (2007-2009)

18.1 Presentation of Report and Conclusions

135. Paulus Tak (Chair) drew attention to Documents 15, 16 and 49 (the Management Study of the “New Arrangements for the ASCOBANS Secretariat (2007-9)” – Final report; Comments of the Secretariat; and the Draft Summary Report of the Evaluation Working Group).

136. Martin Lok (Netherlands) said that the evaluation report was a good starting point for the Parties’ consideration of the future of ASCOBANS. Elsa Nickel (Germany) felt that it was a valuable contribution to the debate being conducted at three levels on environmental governance – UN reform, the future shape of CMS and the future direction of ASCOBANS.

137. While some concerns had been expressed about its late availability, Parties felt that the evaluation report could be of value in the wider context of UN reform and especially the current process of considering the future shape of CMS, in which ASCOBANS would be involved. It was agreed that the evaluation should be made publicly available after the MOP.

18.2 Options for Future Arrangements

138. The meeting considered a report prepared by the working group on future arrangements for ASCOBANS chaired by Martin Lok (Netherlands). The paper contained a brief analysis of strengths and weaknesses of the Agreement and suggested a clearer focus in the next triennium on three issues – bycatch, noise disturbance and education (Annex 18).

139. The Working Group recommended that a short strategy paper be prepared for the next MOP. The paper should outline possibilities to increase the focus of ASCOBANS and should identify a possible approach towards the European Union. The Committee approved this suggestion and an inter-sessional working group was established to prepare the paper, again with Martin Lok in the chair.

140. Then Committee considered Document 17 prepared by the Chairman of the Administrative Session, Paulus Tak, which identified possible options for the future arrangements for the ASCOBANS Secretariat. The Chair requested the meeting to choose three options to be elaborated and submitted to the MOP.

141. Parties expressed a number of pre-conditions: Denmark said that as the merger had primarily been agreed to in order to cut costs, there could be no substantial increase in the budget, a view supported by France, Germany, the Netherlands, Poland, Sweden and the United Kingdom. Germany was committed to supporting the UN and therefore the Agreement should remain within the UN system.

142. After a discussion about the level of responsibility appropriate for different grades within the UN system and the terms of reference for the main professional post within the Secretariat, it was agreed that the process of classification and advertisement of the coordinating officer should be suspended until after the MOP had reached a final decision. Parties requested the Secretariat to be consulted on the job description and asked to see the UN generic job descriptions for the appropriate grades in preparation of the next MOP.

143. The Secretariat was given the task of preparing three options selected for further elaboration. These were the status quo (option A in the paper), a modified version of option D, with the percentage of the Executive Secretary's time reduced to 1% and an option for a stand-alone Secretariat with a full-time P3 and a 50% G5 assistant. For reference, the existing job description of the Coordinating Officer and that of the former Executive Secretary should be attached. The programme element of the three options should be the same.

19. Review of Formal Structures and Processes of the Agreement

144. Marco Barbieri (Secretariat) introduced Document 11, a draft resolution tabled by the Secretariat on the future structure of ASCOBANS' advisory bodies. The rationale behind the resolution was that current arrangements reflected a structure agreed in the early 1990s, no longer in keeping with other CMS Agreements, such as AEWa and EUROBATs. These Agreements had split scientific and administrative advisory functions into separate bodies, by establishing a Standing Committee. While there were pros and cons, the Secretariat perceived net benefits for ASCOBANS in adopting the proposed change.

145. The proposal did not find favour with many participants however, as they expressed satisfaction with the present arrangement which facilitated dialogue between administrators and scientists. Parties thought that the Agreement was not large enough to have a Standing Committee made up of a small number of representatives, an arrangement that might prove divisive. Some felt that now was not the appropriate time to embark on further changes while the secretariat arrangements were still new.

146. The proposal would not be taken further.

20. Possible Amendment of the Agreement to include all Cetacean Species in the Agreement Area (political, institutional and legal aspects)

147. Peter Evans (ECS) introduced the document "Perceived Advantages and Disadvantages of including Large Cetaceans in ASCOBANS" which resulted from working group discussions (Annex 19). He welcomed further input especially from Parties that had expressed opposition to the inclusion of large cetaceans. The overview would be further developed and submitted to the MOP.

21. Adoption of Rules of Procedure for Working Groups under the Advisory Committee

148. Sara Königson (Sweden), Chair of the Jastarnia Group, introduced Document 18 (Draft Rules of Procedure for the ASCOBANS Jastarnia Group).

149. In the light of comments from Elizabeth Mrema (UNEP) indicating that the rules of Working Groups should be essentially the same as the Rules applying to the Advisory Committee itself, an alternative solution was found. Rule 18 of the Advisory Committee's ROP was amended and would apply *mutatis mutandis* to all Advisory Committee Working Groups.

150. The revised Rule 18 drafted by Sweden and the UK was adopted by the Committee after minor amendments and took effect immediately. It was stressed that there was no intention in the new rule to exclude any NGO participation, indeed quite the contrary.

22. Consideration and Preparation of Draft Resolutions for MOP 6

22.1 Expenditures 2005-07

151. The draft resolution had been considered under 17.1.3 and was endorsed by the meeting (Annex 20).

22.2 Structure of ASCOBANS Advisory Bodies

152. It was decided not to establish a Standing Committee (see agenda item 19 above).

22.3 ASCOBANS Secretariat Provisions

153. No draft resolution had been submitted.

22.4 Inclusion of All Cetacean Species (if applicable)

154. This item was discussed under agenda item 20 and no draft Resolution was considered by the Committee.

22.5 Financial, Budgetary and Administrative Matters 2010-12

155. Heidrun Frisch (Secretariat) presented Document 10, a draft Resolution on Financial, Budgetary and Administrative Matters 2010-12. The document was endorsed with minor amendments (Annex 21).

156. Heidrun Frisch (Secretariat) then presented Document 12 (Budget Proposal 2010-12). She explained that the staffing structure reflected the existing arrangements and she outlined the main changes compared with the budget adopted at MOP5. The Secretariat would prepare new proposals with the other staffing options agreed by the Committee as outlined in paragraph 143 above.

157. Input was needed from the Committee on the programme component of the budget. In the subsequent debate, Parties explained the budgetary constraints they were facing. There was general consensus that no increase would be possible beyond providing for inflation. With a view to possible savings, the Secretariat was requested to explore the possibility of reducing or deleting provisions in budget lines 1220: consultancies, 3305: support for the North Sea Conservation Plan, 3304: the Baltic Sea Recovery Plan, 3303: Standing Committee, and 1602: Experts on Mission.

158. Sergey Kurdjukov (Secretariat) suggested Parties might consider the possibility of using part of the surplus foreseen for the end of 2009 to cover any shortfall concerning the non-structural component of the budget.

23. Any other Administrative Issues

24. Date and Venue of the 6th Meeting of Parties in 2009 and the 17th Meeting of the Advisory Committee in 2010

159. Paulus Tak (Chair) said that no Parties had yet come forward to host either MOP6 or AC17. The MOP would therefore take place at the UN Campus in Bonn. The meeting agreed on 16-18 September 2009 being the most suitable dates.

160. Elsa Nickel (Germany) suggested that Parties should consider moving to a four-year cycle for the MOP in line with other CMS Agreements. It was agreed to discuss this option at the MOP but it was not foreseen that the change would be decided at MOP6. The duration of MOP would ideally be restricted to three days (two for scientific and policy issues and one for administration).

161. The next AC should take place in spring 2010 and the Secretariat would invite Parties to make offers to host the meeting and identify firmer dates.

25. Adoption of the Report of the Administrative Session

162. After participants had had the opportunity to comment on the draft report, the meeting adopted the revised text, subject to the introduction of the changes requested during the meeting. The revised text would be circulated by the Secretariat to participants for final comments on their own statements.

163. Mark Simmonds (WDCS) noted that he appreciated the openness of this meeting and encouraged the Parties to ensure that any changes to meeting arrangements would enhance the efficiency of the Agreement in support of its primary aims.

26. Close of Meeting

164. After the customary exchange of courtesies, Paulus Tak (Chair) closed the session and the meeting at 15.15hrs on 24 April 2009.

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Agenda

1. Opening of the Meeting
2. Adoption of Rules of Procedure
3. Adoption of the Agenda of the **Science and Conservation Session**
4. Annual National Reports 2008
5. Implementation of the ASCOBANS Triennial Work Plan (2007-2009)
 - 5.1 ASCOBANS Baltic Recovery Plan (Jastarnia Plan)
 - 5.1.1 Implementation
 - 5.1.2 Outcome of 5th Meeting of the Jastarnia Group
 - 5.1.3 Revision of the Jastarnia Plan, Final Draft
 - 5.1.4 Terms of Reference for the Jastarnia Group
 - 5.2 ASCOBANS Conservation Plan for Harbour Porpoises in the North Sea
 - 5.2.1 Progress Report
 - 5.2.2 Final Draft Conservation Plan
 - 5.2.3 Terms of Reference for the Plan's Coordinator/Steering Group
 - 5.3 Review of New Information on Bycatch and Other Causes of Mortality
 - 5.3.1 Recommendations to Parties for further Action
 - 5.4 Review of New Information on Population Distribution, Sizes and Structures
 - 5.5 Review of New Information on Pollution, Underwater Sound and Disturbance
 - 5.5.1 Anthropogenic Noise
 - 5.6 National Legislation and Protected Areas
 - 5.7 Publicity and Outreach
 - 5.7.1 Reports of Parties/Range States
 - 5.7.2 Report of the Secretariat
 - 5.7.3 Reports from Partners
 - 5.8 Review of the Implementation of the ASCOBANS Triennial Work Plan (2007-2009)
 - 5.9 Revised Format for the Annual National Reports
6. List of Projects for Funding through ASCOBANS
 - 6.1 Progress of Projects already supported
 - 6.2 Selection and Prioritisation of projects to be supported
7. Relations with other Bodies
8. Meetings to be attended in 2009/2010
9. Accession and Agreement Amendments
 - 9.1 Extension of the Work of the Agreement into the new Agreement Area
 - 9.2 Possible Amendment of the Agreement to include all Cetacean Species in the Agreement Area (scientific and technical aspects)
10. "Future of the ASCOBANS Agreement"
11. Preparation of MOP 6
 - 11.1 Draft Resolutions on Conservation Actions and Research
 - 11.2 Activities of the ASCOBANS Advisory Committee 2010-2012

- 11.3 Draft Triennial Work Plan (2010-2012)
 12. Any other Business
 13. Adoption of the Report of the Science and Conservation Session
 14. Close of the Session
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15. Opening of the **Administrative Session**
 16. Adoption of the Agenda of the Administrative Session
 17. Budgetary Issues
 - 17.1 Report of the Secretariat on Finance and Administrative Issues
 - 17.1.1 Administrative Issues
 - 17.1.2 Report on Accounts for 2008
 - 17.1.3 Certified Financial Reports
 - 17.2 Outline of Budget for 2009
 - 17.3 List of Projects for Funding through ASCOBANS – Allocation of Funding
 - 17.4 Any other Finance Issues
 18. Evaluation of the New Arrangements for the ASCOBANS Secretariat (2007-2009)
 - 18.1 Presentation of Report and Conclusions
 - 18.2 Options for Future Arrangements
 19. Review of Formal Structures and Processes of the Agreement
 20. Possible Amendment of the Agreement to include all Cetacean Species in the Agreement Area (political, institutional and legal aspects)
 21. Adoption of Rules of Procedure for Working Groups under the Advisory Committee
 - 21.1 Jastarnia Group
 - 21.2 North Sea Plan Coordinator/ Steering Group
 22. Consideration and Preparation of Draft Resolutions for MOP 6
 - 22.1 Expenditures 2005-07
 - 22.2 Structure of ASCOBANS Advisory Bodies
 - 22.3 ASCOBANS Secretariat Provisions
 - 22.4 Inclusion of All Cetacean Species (if applicable)
 - 22.5 Financial, Budgetary and Administrative Matters 2010-12
 23. Any other Administrative Issues
 24. Date and Venue of the 6th Meeting of Parties in 2009 and the 17th Meeting of the Advisory Committee in 2010
 25. Adoption of the Report of the Administrative Session
 26. Close of Meeting

List of Documents

No.	Agenda Item	Document Title	Submitted by
Doc.01	3 / 16	Provisional Agenda	Secretariat
Doc.02	3 / 16	Provisional Annotated Agenda	Secretariat
Doc.03 rev.1		List of Documents	Secretariat
Doc.04 rev.1		List of Documents by Agenda Item	Secretariat
Doc.05	2	Rules of Procedure for the ASCOBANS Advisory Committee	Secretariat
Doc.06	17.1.1	Report on Administrative Issues 2008	Secretariat
Doc.07	17.1.2	Report on Budgetary Issues 2008	Secretariat
Doc.08	17.2	Outline of Budget for 2009	Secretariat
Doc.09	17.1.3 / 22.1	Draft Resolution on Expenditures 2005-07	Secretariat
Doc.10	22.5	Draft Resolution on Financial, Budgetary and Administrative Matters 2010-12	Secretariat
Doc.11	19 / 22.2	Draft Resolution on Future Structure of ASCOBANS Advisory Bodies	Secretariat
Doc.12	22.5	Budget Proposal 2010-2012	Secretariat
Doc.13	6.2	List of Projects for Funding	Secretariat
Doc.14	18.2	Management Review of Environmental Governance within the United Nations System	Secretariat
Doc.15	18.1	Management Study of the "New Arrangements for the ASCOBANS Secretariat (2007-2009)" – Final Report	UNEP
Doc.16	18.1	Comments of the Secretariat on the Evaluation Report (AC16/Doc.15)	Secretariat
Doc.17	18.2	Identification of options for future arrangements for the Secretariat of ASCOBANS	AC Admin Session Chair
Doc.18	21.1	Draft Rules of Procedure for the ASCOBANS Jastarnia Group	Jastarnia Group
Doc.19	5.1.2	Report of the 5 th Meeting of the Jastarnia Group	Secretariat
Doc.20	5.1.3	Draft ASCOBANS Recovery Plan for the Baltic Harbour Porpoise	Jastarnia Group
Doc.21	5.2.2	Draft ASCOBANS Conservation Plan for Harbour Porpoises in the North Sea	North Sea Working Group
Doc.22 rev.1	5.7.2	Report of the Secretariat on Publicity and Outreach Activities	Secretariat
Doc.23	5.7.2	Draft Communication, Education and Public Awareness (CEPA) Plan for ASCOBANS	Secretariat
Doc.24 rev.1	5.8	ASCOBANS Triennium Work Plan 2007-2009 – Progress	Secretariat

Doc.25	5.9	Draft Revised Format for the Annual National Reports	Secretariat
Doc.26	8	Dates of Interest to ASCOBANS in 2009/2010	Secretariat
Doc.27	7	Reports of Representation of ASCOBANS at Meetings	Secretariat
Doc.28	10	Options for future arrangements for ASCOBANS	AC Chair
Doc.29 rev.1	5.4	Report of ASCOBANS/HELCOM Small Cetacean Population Structure Workshop	Workshop Chairs
Doc.30 rev.1	11.3	Draft Triennium Work Plan (2010-2012) – Tasks for the Secretariat	Secretariat
Doc.31	5.4	Whales, porpoises and dolphins – order Cetacea	Sea Watch Foundation
Doc.32 rev.1	4	Reports received from the United Kingdom a) Seismic Survey Report b) Annual National Report c) Stranding Questionnaire	United Kingdom
Doc.33	5.4	Harbour porpoise <i>Phocoena phocoena</i> abundance in the southwestern Baltic Sea	Germany / Netherlands
Doc.34	5.4	Favourable Conservation Status of Bottlenose Dolphins	Chelonia Limited
Doc.35	4	Reports received from Denmark a) Annual National Report b) Stranding Questionnaire	Denmark
Doc.36	9.2	Implications for ASCOBANS of Enlarging the Agreement Area and Including All Cetaceans	ECS
Doc.37	20	The Interaction between the ASCOBANS MOP and the IWC, NAMMCO and EC	WDSCS
Doc.38	20	The Implications of Extending the Scope of ASCOBANS to all Cetaceans – Legal Aspects	ACCOBAMS
Doc.39	5.5.1	ECS Resolution on the Need to Regulate Sonar Mitigation	ECS
Doc.40	5.4	High density areas for harbour porpoises in Danish waters	Denmark
Doc.41 rev.1	4	Reports received from the Netherlands a) Stranding Questionnaire b) Annual National Report	Netherlands
Doc.42 rev.1	5.5	Marine Renewable Energy Development and Scotland's Cetaceans	WDSCS
Doc.43	4	Reports received from Belgium a) Annual National Report	Belgium
Doc.44	5.3	The Belgian Marine Mammal Biobank: a tool to stimulate tissue exchange	Belgium
Doc.45	10 / 18 / 19	CMS Res.9.13: Intersessional Process Regarding the Future Shape of CMS	Secretariat
Doc.46	5.5.1	CMS Res.9.19: Adverse Anthropogenic Marine/Ocean Noise Impacts on Cetaceans and Other Biota	Secretariat
Doc.47	5.5.1	Noise Pollution	ACCOBAMS

Doc.48 rev.2	4	Reports received from Sweden a) Action Plan for Harbour Porpoise b) Annual National Report c) Stranding Questionnaire d) Fisheries Statistics	Sweden
Doc.49	18.1	Draft Summary Report of the Meeting of ASCOBANS' Advisory Committee Working Group for the Review of the Merger of the Secretariats	Evaluation Working Group
Doc.50	5.5.1	Technical Report on Effective Mitigation for Active Sonar and Beaked Whales	ECS Workshop Chairs
Doc.51	4	Reports received from Finland a) Annual National Report	Finland
Doc.52	4	Reports received from Lithuania a) Annual National Report	Lithuania
Doc.53	5.1.1	Pilot study of Electronic Monitoring (EM) system for fisheries control on smaller vessels	Sweden
Doc.54	4	Reports received from Germany a) Annual National Report b) Stranding Questionnaire	Germany
Doc.55 rev.2	5.4	Report on the symposium « Strategies for Monitoring Marine Mammal Populations »	France
Doc.56	5.5	Disappearing bottlenose dolphins (<i>Tursiops truncatus</i>) – is there a link to chemical pollution?	WDCCS
Doc.57	5.5.1	Report on the activities of the Intersessional Working Group on the Assessment of Acoustic Disturbance	Working Group Convener
Doc.58	5.4	Potential Use of Joint Cetacean Protocol Data for Determining Changes in Species' Range and Abundance	United Kingdom
Doc.59 rev.1	4	Reports received from France a) Stranding Questionnaire b) Annual National Report	France
Doc.60	5.3	By-catch of harbour porpoises (<i>Phocoena phocoena</i>) in the Baltic coastal waters of Angeln and Schwansen (Schleswig-Holstein, Germany)	Germany
Doc.61	5.3	Spatio-temporal interactions between harbour porpoise (<i>Phocoena phocoena</i>) and fisheries in the German Bight 2002-2006: Preliminary results	Germany
Doc.62	5.3	Stranding numbers and bycatch implications of harbour porpoises along the German Baltic Sea coast	Germany
Doc.63	5.5	The Fixed Fehmarnbelt Link: Potential Implications for Harbour Porpoises in the Baltic Sea	IFAW
Doc.64	4	Reports received from Poland a) Annual National Report	Poland

RULES OF PROCEDURE FOR THE ASCOBANS ADVISORY COMMITTEE

*As amended at the 16th Meeting of the ASCOBANS Advisory Committee
20-24 April 2009, Brugge, Belgium*

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

- (1) 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
- (2) 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.
- (3) 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.
- (4) 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

- (1) 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.

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.

- (2) The appointed Committee Member or alternate shall be available for consultation inter-sessionally.

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

- (1) The Advisory Committee may establish working groups as may be necessary to enable it to carry out its functions. It shall define their terms of reference. The Advisory Committee as well as the working group may nominate members of each working group, the size of which may be limited according to the number of places available in assembly rooms.
- (2) The working group can appoint committee members, advisers as well as observers as its Chair and Vice-Chair.

Rule 19: Procedure

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

**16TH ASCOBANS ADVISORY COMMITTEE MEETING
HELD AT BRUGGE, BELGIUM, 20-24 APRIL 2009-04-19**

**STATEMENT BY
MR. ACHIM STEINER, UNEP EXECUTIVE DIRECTOR**

**READ ON HIS BEHALF BY
Ms. ELIZABETH MARUMA MREMA
PRINCIPAL LEGAL OFFICER
UNEP-DIVISION OF ENVIRONMENTAL LAW AND CONVENTIONS (DELCO)**

Distinguished members of the Advisory Committee and other distinguished delegates and participants,

It gives me great pleasure and honour to be with you all in this important meeting which will, among others, prepare for the next meeting of the parties to the ASCOBANS. In this regard, the Executive Director of UNEP, Mr. Achim Steiner who provides and carries out Secretariat functions for not only CMS framework Convention but also agreements such as ASCOBANS negotiated under its auspices keenly follows these discussions and thus sent me here to, in addition, to joining you all in the meeting deliberations to read this statement on his behalf. I, therefore, read his statement as given.

Distinguished delegates,

We are now in the third year of the experimental merger of the Convention on Migratory Species (CMS) and ASCOBANS Secretariats. This meeting will pave the way for a decision on the future of the Agreement to be made at the sixth Meeting of the Parties (MOP) later this year. The United Nations Environment Programme (UNEP) will strive to assist Parties in that process. The UNEP-led review in late 2008 confirmed that the current Secretariat arrangements are heavily stretched but functional. The current team is carrying out all the main activities mandated by the MOP, despite some unforeseen major tasks and challenges and in a situation where the Secretariat was asked to achieve significantly more than last triennium with considerably less resources.

Patience is needed to realise all the benefits of the merger, but Parties are urged to keep the wider issues in focus – by being part of the United Nations and the UNEP/CMS family, ASCOBANS can in the end have more policy influence than if it was a non-UN treaty based in a public institution. The UNEP-led review highlighted examples in terms of benefits to ASCOBANS: for example in outreach work or by building new links to the European Commission and the International Whaling Commission (IWC). As Executive Director of UNEP, I believe that ASCOBANS looking forward is indeed the way forward with an emphasis on "policies for practical conservation".

Distinguished delegates,

ASCOBANS Parties need to reflect on their role in terms of the fulfilling the aims and the aspirations of the fundamental principles of the UN. It is my sincere hope that some of the apparent misunderstandings of the past year in terms of the role and responsibilities of the UNEP secretariat vis-à-vis the Parties and working groups have been clarified. Equally it is my expectation that trust and open lines of communication are being re-established so that the conservation work of this Agreement can forge ahead in a spirit of constructive cooperation.

ASCOBANS needs to join UNEP, CMS and other Multilateral Environmental Agreements (MEAs) in improving environmental governance by welcoming opportunities for greater synergies. The crises we face in respect of biodiversity – and above all the threat to ecosystems and species from climate change – have common causes and in many cases, shared solutions. The recent UNEP Governing Council was very clear about rejecting a model in which governance becomes more and more fragmented. We all need to keep the bigger picture in mind and put into practice what the Governments have agreed to do.

This includes a look at all possible synergies and, where appropriate, harmonization with other regional cetacean agreements, as well as the European Community. By strengthening the framework and making it compatible with the sister Agreement, such as ACCOBAMS, as well as by using their status as EU member states to ensure the necessary influence in this important forum, Parties can take the lead in turning ASCOBANS into a proactive conservation Agreement.

Distinguished delegates,

In order to fulfil its function, ASCOBANS needs a properly resourced Secretariat and a well functioning Agreement structure. UNEP therefore welcomes the proposal to bring the set-up of the Agreement bodies in line with the practice in virtually all other MEAs by separating a small Standing Committee that deals with policy and organizational matters, including budgetary and administrative issues, from the Advisory Committee. The AC should function best if it can give unbiased scientific and technical advice to the Parties. Such an arrangement allows for more efficient use of resources and time, as well as for more involvement of specialists in the Agreement's work between sessions of the Meeting of Parties.

I am confident that all participants in this meeting will strive to find the best solution for the many very real conservation problems cetaceans face in the Agreement Area. My Team from Bonn and Nairobi at this meeting are looking forward to participating in debates that lead to positive and practical recommendations to be made to the 6th Meeting of the Parties in autumn of this year.

Distinguished delegates,

From my side, I look forward to a successful AC meeting and in this respect I wish you all a pleasant and successful meeting while enjoying the scenery and beauty of this city of Brugge.

=====

Opening Statement by Executive Secretary for ASCOBANS AC16, 20 April 2009, Brugge, Belgium

I wish to thank the Belgian Ministry of the Environment for their generosity and support in hosting this meeting in this historic and beautiful city.

I welcome all the delegates, and would like to specifically mention how much we appreciate that both the European Commission and the Russian Federation have registered for this meeting.

This last AC meeting before the MOP will set the stage for the important decisions to be made in autumn.

The AC has a crucial role in providing the scientific and conservation policy advice to the MOP – without these thorough deliberations, the Parties cannot make useful decisions that allow the Agreement to fulfil its objectives.

One of the crucial decisions the MOP will make after considering the recommendations of this meeting is to decide on the future institutions of the Agreement.

One of the advantages of the joint Secretariat is that it allows ASCOBANS to connect as a regional agreement with the rest of the CMS programme especially in the marine sector, and through that to the active partnerships which CMS has developed as a deliberate and highly innovative strategy in recent years, supported by the CMS Conference of Parties, Scientific Council and Standing Committee.

This allows us to consider ASCOBANS in the context of the expanding CMS regional agreements for marine mammals. In the last 4 years we have negotiated new agreements for cetaceans in the South Pacific; for small cetaceans and manatees in the Eastern Atlantic and Western Africa; for dugongs in the Indian Ocean and SE Asia; and for monk seals in the Atlantic. These are added to the existing agreements for Mediterranean and Black Sea cetaceans and Wadden Sea seals, so we now have a total of 7 marine mammal agreements. An 8th is on order from the CMS COP – to cover cetaceans in the Indian Ocean which we expect to begin developing soon. We also need to recall that ASCOBANS' own geographical expansion to cover the Irish Sea and the NE Atlantic came into force one year ago.

The scope to utilise this network to maximise synergies (especially for scientific and outreach work) and joint projects is considerable. We have demonstrated this through the astonishing success of the Year of the Dolphin (or Years!) in 2007-8. As a global organisation with a network of cetacean agreements CMS with the support of our partner body WDCCS was able to roll out a worldwide campaign with major private sector sponsorship which also had very practical impacts and support at regional level including amongst ASCOBANS Parties.

WDCCS are a key CMS partner in their own right, and are engaged with us throughout the world, as well as within ASCOBANS. Their support has also been very tangibly expressed through the part time role which Margi Prideaux has played and continues to play, which increases our capacity in the cetacean field.

Similarly with IFAW where Kim Detloff is nearing the end of his year's effective secondment to CMS work, working out of Hamburg and regularly visiting our offices in Bonn. This has had a particular benefit for ASCOBANS work, as we mention in the Secretariat's report. All this is of course extra-budgetary, i.e. CMS is able to make these extra resources available for the CMS Family as a whole, including ASCOBANS, at no extra cost to ASCOBANS Parties.

We have also used our relationship with the European Commission as a Party to CMS to encourage more engagement from Brussels with ASCOBANS work, which we think is absolutely essential given that all current ASCOBANS Parties are EU members, and that all the key legislation protecting cetaceans and regulating fisheries bycatch is EC based and within EU competence. The Commission's presence here today is one outcome, and I hope we will be able to build on this. In this context I think we also need to move away from the rather sterile argument which I inherited about whether the EC should also become a Party to ASCOBANS. The real issue is not about accession, it is about combining the legal and institutional frameworks of an international treaty and the European Union to produce the best possible outcome for small cetaceans, and especially in the North Sea and Eastern Atlantic sub regions of the ASCOBANS area where many of the threatened species are concentrated. The development of EU marine protected areas is a particularly current and powerful incentive in this direction, of course, as is the EC's engagement with CMS on other current issues, notably the CMS global shark agreement now under negotiation.

Many of our ASCOBANS species remain seriously at risk, especially from the consequences of over-fishing and bycatch as well as secondary threats from acoustic disturbance, ship strikes and pollution. The corrective conservation action still required cannot of course be taken by the Secretariat. Only the Parties can do that. It is clear to us that the main problem is not inadequacy of legislation. There is a strong framework of EU law which would, if fully implemented, provide a higher level of protection for ASCOBANS species. The problem is clearly implementation on the ground or rather, implementation at sea in order to control the fishing industry.

I hope that both the AC and the MOP will look honestly at this and other key conservation issues, and provide an impetus for much better standards of implementation of the existing laws. We need to remember that as an Agreement solely made up of developed and relatively wealthy EU countries ASCOBANS is a model for the rest of the world. How can we possibly call for action which will require trade-offs between fisheries effort and marine mammal conservation in Western Africa, Pacific islands or the Indian Ocean if we are unable to achieve this in Northern and Western Europe?

I therefore hope that we can move away from rearranging the deckchairs on the Titanic – i.e. excessive navel examination in the form of spending and wasting available time debating the niceties of how a tiny Secretariat should be organised and a very small budget (especially relative to conservation and fisheries budgets at EU level) allocated. I share the view expressed by a number of NGOs that these interminable discussions have simply distracted attention from the action required to plug the conservation gaps.

The UNEP-led review of the Secretariat clearly brought out how much the joint Secretariat had achieved and its high output despite serious under-resourcing. We do of course stand ready to continue supporting a joint Secretariat arrangement if Parties wish to continue it, although we do in the future need to take seriously the condition by CMS Parties about not cross-subsidising a regional agreement of rich countries from central CMS funds. To be honest, as far as staff resources are concerned this has been honoured mainly in the breach so far because the actual time which officers at CMS (not to mention UNEP) have had to put into ASCOBANS has been well above the budgeted provision. We would not mind so much if this had all been conservation work, but that is not in fact the case - which is a disappointment to us.

One simple reform would we believe help ASCOBANS to focus on its true purpose in future. The Secretariat has tabled a draft resolution which proposes to separate a small Standing Committee from the Advisory Committee, following the practice in virtually all other MEAs, and within the CMS Family, following the example of AEWAs and EUROBATs as well as the parent Convention. A Standing Committee would deal with policy, finance and organizational matters between the sessions of the MOP. The AC would then have the opportunity to focus

on its key role to give objective scientific and technical advice to the Parties, and indeed to be the “conservation engine” of the Agreement. Also by re-focussing the AC we could attract more input from technical experts, including those in the Scientific institutions and NGOs throughout Northern and Western Europe.

When you look through the Agenda, you will see that quite a challenging programme is ahead of us this week. Dealing with all these points satisfactorily calls for a focused and constructive debate and clear outcomes and recommendations for the MOP under each Agenda Item. The Secretariat will make all efforts to aid the meeting in this regard.

Unfortunately, due to an urgent family commitment – my wife has to undergo surgery in London later this week – I learned only this morning that I will not be able to return for the session on Thursday and Friday. Therefore, if there is anything you wish to discuss with me in person, please approach me during the coffee break. My Deputy Lahcen el Kabiri will represent me on Thursday-Friday, and with the CMS Admin and Finance Officer Sergey Kurdjukov as well as the ASCOBANS Senior Advisor Marco Barbieri and the Coordinator Heidrun Frisch present, you have a strong and able team at your service. Indeed this is another unsung advantage of a joint Secretariat – that other UNEP officers can fill in for gaps at short notice.

I wish you a pleasant and successful meeting!

Working Group on Trend Analyses combining data sets

1st step

- identify where the data of interest* exist and where analysis has already been conducted in Europe
- produce a meta-database of the existing data
- identify gaps of data
- use the existing data that have already been analyzed from different countries to make a synthesis

This first step is best conducted by a single expert over a 6-8 week period in time to report at the next AC.

2nd step

- do an analysis of trends based on the existing data where possible
- review the different formats of data existing in the different countries
- investigate the feasibility of standardizing the reporting format
- investigate the options of making a series of common databases

3rd step

- advice on the best format for data
- propose a future project which would include other data sources with maybe online real-time entry options

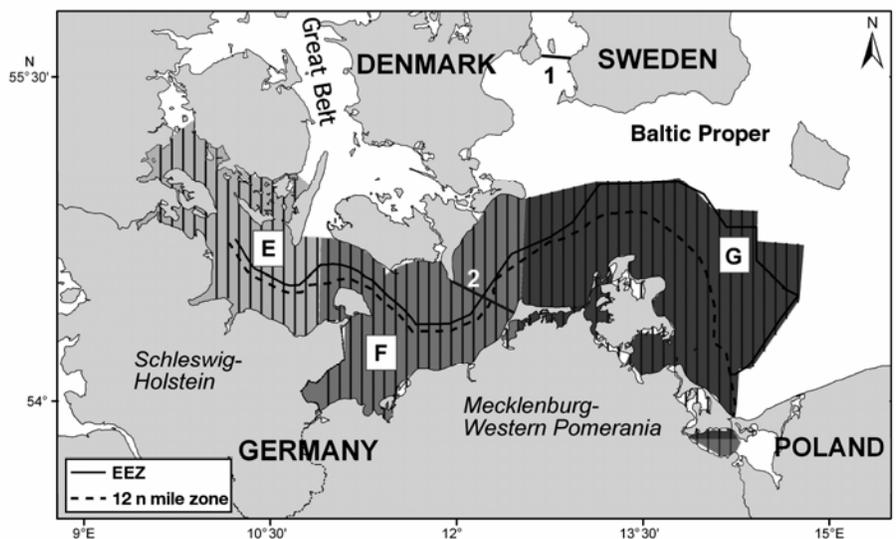
* this could be stranding data, but could also be extended to trends in abundance estimates, acoustic monitoring, fishing effort, sightings (rates or opportunistic, e.g. species list, diversity), and species occurrence.

Abundance, distribution and by-catch of harbour porpoise in the southwestern Baltic Sea

Summarizing parts from the following working papers:

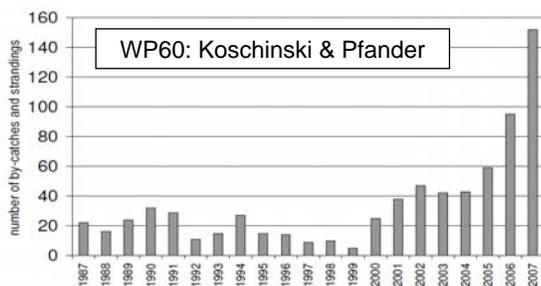
- 33** – Harbour porpoise *Phocoena phocoena* abundance in the southwestern Baltic Sea (Scheidat *et al.*)
- 40** – High density areas for harbour porpoises in Danish waters (Teilmann *et al.*)
- 60** – By-catch of harbour porpoises (*Phocoena phocoena*) in the Baltic coast waters of Angeln and Schwansen (Schleswig-Holstein, Germany) (Koschinski & Pfander)
- 62** – Stranding numbers and bycatch implications of harbour porpoises along the German Baltic Sea coast (Herr *et al.*)

area

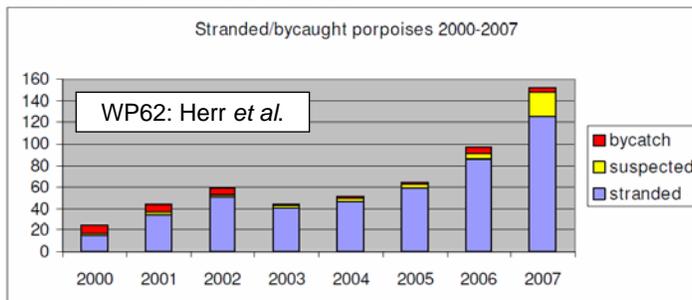


WP33: Scheidat *et al.*

By-catch data



German
Baltic Sea



by-catch estimates

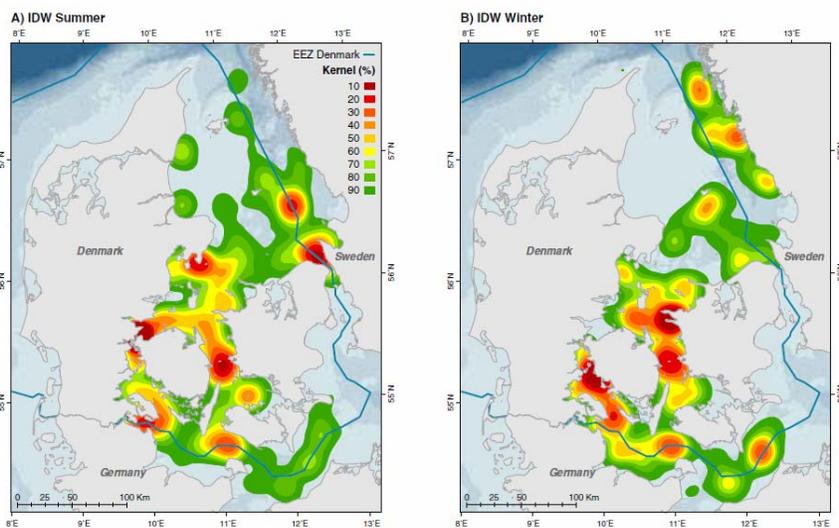
Method	Minimum by-catch estimate
Interviews with fishermen, based on information collected from 1996 to 2002 (Rubsch & Kock, 2004).	82 (p.a.) (57 + 25)
Used an overall estimate of proportion of by-caught animals in all strandings based on data from the years 1987 to 2008 (only SH coast). Using this data the proportion of stranded animals in good or moderate conditions which were considered by-caught was estimated to be 86.5%. (Koschinski & Pfander WP 60)	51 (2005) 82 (2006) 150 (2007)
In 2007 150 porpoises stranded on the whole of the German Baltic coast. Using data from 2000 to 2007, the proportion of stranded animals in good or moderate conditions which were considered by-caught was 47%. (Herr et al. WP62)	69 (2007)

Abundance and by-catch rate

Survey time	abundance estimate	By-catch estimates in %			
		Rubsch & Kock	2005 Koschinski & Pfander	2007 Koschinski & Pfander	2007 Herr et al.
		82	51	150	69
Mar-03	457	17.94	11.16	32.82	15.10
Jun-03	1726	4.75	2.95	8.69	4.00
Jul-03	2001	4.10	2.55	7.50	3.45
Sep-04	2547	3.22	2.00	5.89	2.71
Mar-05	1352	6.07	3.77	11.09	5.10
May-05	4610	1.78	1.11	3.25	1.50
Jun-05	2905	2.82	1.76	5.16	2.38
Sep-05	2763	2.97	1.85	5.43	2.50
Apr-06	1635	5.02	3.12	9.17	4.22
May-06	1833	4.47	2.78	8.18	3.76
median	1917	4.28	2.66	7.82	3.60

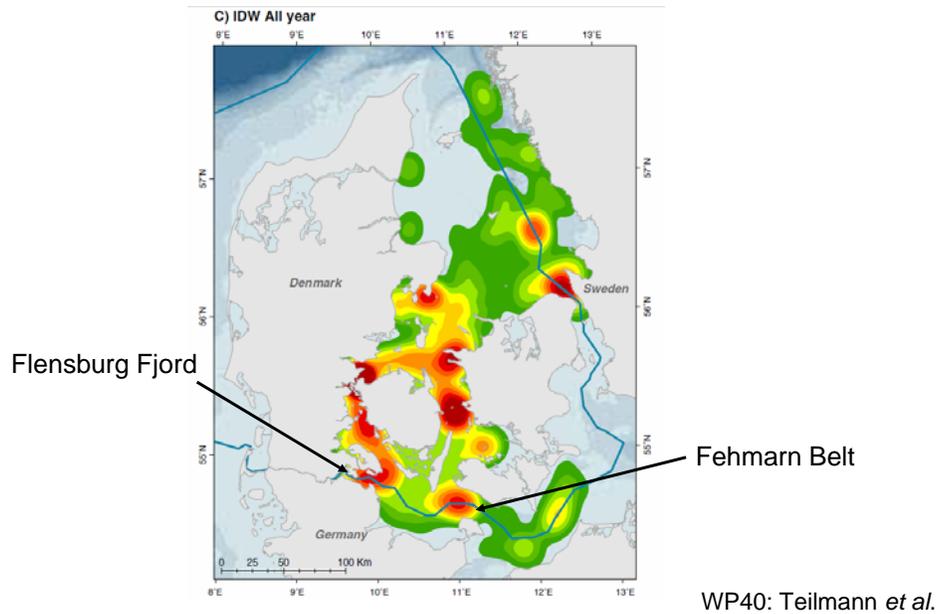
WP33: Scheidat *et al.*

distribution



WP40: Teilmann *et al.*

distribution



In summary (I)

There is an observed increase in strandings of dead porpoises along the German part of the western Baltic

There is no indication of a population increase in the western Baltic which could explain the increase in strandings

Minimum annual by-catch rates along the German Baltic coasts are above 1% and 1.7% of the current best local population estimates

In summary (II)

There are some indications (SCANS vs SCANS II) that the western Baltic Sea porpoise population is in decline

Porpoises in the western Baltic are fairly resident to certain areas, which include the German waters

By-catch along the German coast could impact the population in the western Baltic Sea, if this area is a „sink“

More detailed data on by-catch and abundance estimates with a focus on the population of the western Baltic and Inner Danish Waters (not national stocks) is needed

ASCOBANS POLLUTION REVIEW 2009: Results of the ASCOBANS Working Group

1. RECENT LITERATURE WITH REGARD TO CHEMICAL POLLUTION

HELCOM 2009 Eutrophication in the Baltic Sea - An integrated thematic assessment of the effects of nutrient enrichment and eutrophication in the Baltic Sea region

Andersen J.H., Laamanen M. (eds.), Aigars J., Axe P., Blomqvist M., Carstensen J., Claussen U., Josefson A.B., Fleming-Lehtinen V., Järvinen M., Kaartokallio H., Kaitala S., Kauppila P., Knuuttila S., Korovin L., Korpinen S., Kotilainen P., Kubiliute A., Kuuppo P., Lysiak-Pastuszek E., Martin G., Nausch G., Norkko A., Pitkänen H., Ruoho-Airola T., Sedin R., Wasmund N., Villnäs A.

Baltic Sea Environment Proceedings No. 115B, 2009

The effects of nutrient enrichment are perhaps the single greatest threat to the Baltic Sea environment. This report describes and documents the degree and effects of nutrient enrichment and eutrophication in the Baltic Sea including the Kattegat/ Belt Sea area and is directly linked to the HELCOM Baltic Sea Action Plan.

Ecological objectives related to eutrophication were adopted in the HELCOM Baltic Sea Action Plan. They are: concentrations of nutrients close to natural levels, clear water, natural level of algal blooms, natural distribution and occurrence of plants and animals, and natural oxygen levels. In some coastal areas, the classification presented in the Baltic Sea-wide eutrophication assessment cannot be directly compared to the results of national assessments and the Baltic Sea intercalibration exercise sensu the Water Framework Directive owing to differences in spatial and temporal scaling, as well as the use of parameters that are considered supporting in WFD.

The assessment is supplemented by a technical Background Report as well as an Executive Summary which are available via <http://www.helcom.fi>.

*Skin Lesions and Physical Deformities of Coastal and Offshore Common Bottlenose Dolphins (*Tursiops truncatus*) in Santa Monica Bay and Adjacent Areas, California*

Bearzi M., Rapoport S., Chau J., Saylan C.

Ambio 38 (2): 66-71, 2009

Skin lesions and physical deformities on coastal and offshore bottlenose dolphins (*Tursiops truncatus*) were assessed during a photo-identification study conducted between 1997 and 2007 in Santa Monica Bay and adjacent areas in California. During 425 boat surveys, 647 individuals were identified based on marks on their dorsal fins. Of 637 individuals examined for skin lesions and deformities, 79.0% exhibited at least one type of lesion. Offshore animals showed more lesions than coastal animals (offshore: 87.8%, n = 209; coastal: 73.4%, n = 270). Only one individual showed a physical deformity. Results show that skin lesions affect a large portion of the coastal and offshore dolphin populations in the study area.

Using multiple ecosystem components, in assessing ecological status in Spanish (Basque Country) Atlantic marine waters

Borja, A., Bald, J., Franco, J., Larreta J., Muxika I., Revilla M., Rodriguez J.G., Solaun O., Uriarte A., Valencia V.

Marine Pollution Bulletin 59 (1-3): 54-64, 2009

The European Water Framework and Marine Strategy Directives relate to the assessment of ecological quality, within estuarine and coastal systems. This legislation requires quality to be defined in an integrative way, using several biological elements (phytoplankton, benthos, algae, phanerogams, and fishes), together with physico-chemical elements (including pollutants). This contribution describes a methodology that integrates all of this

information into a unique quality assessment for 51 stations from 18 water bodies, within the Basque Country. The results made biological and ecological sense and physico-chemical improvements were often correlated with improvements in the quality of benthos and fishes. These tools permit policy makers and managers to take decisions, based upon scientific knowledge, in water management, regarding the mitigation of human pressures and associated recovery processes.

*Organochlorine residues in the blubber and liver of bottlenose dolphins (*Tursiops truncatus*) stranded in the Canary Islands, North Atlantic Ocean*

Carballo M., Arbelo M., Esperón F., Mendez M., de la Torre A., Muñoz M.J.

Environmental Toxicology 23 (2): 200-210, 2008

Polychlorinated biphenyls (PCBs) and chlorinated pesticides: dichlorodiphenyltrichloroethane and its metabolites (DDTs), chlordanes (CHLs), dieldrin, and hexachlorobenzene (HCB) were detected in the blubber and liver of 11 bottlenose dolphins (*Tursiops truncatus*) from the Canary Islands (North Atlantic Ocean). Samples were obtained from stranded dolphins over the period 1997-2005. Among the organochlorines analyzed, PCBs and DDTs were predominant in the two tissues, followed in decreasing order by chlordane, trans-nonachlor > cis-nonachlor > dieldrin and HCB. The sum 11 PCBs in the blubber ranged between 301 and 33,212 ng g⁻¹ ww (990 and 136,679 ng g⁻¹ lw). Highly chlorinated PCBs such as CB153, CB180, and CB138 were the prominent congeners, accounting for 51% of the total PCBs. The sum DDT concentration in the blubber ranged between 147 and 21,050 ng g⁻¹ ww. (490-105,250 ng g⁻¹ lw) The main DDT metabolite was p,p'-DDE, representing 83% of DDTs in the blubber. In general, the levels of PCBs and DDTs detected were similar to those found in bottlenose dolphins in the North of Europe. The 2,3,7,8-TCDD toxic equivalent (TEQ) in blubber and liver was calculated for the toxicity assessment of mono-ortho

substituted PCBs congeners (CB105, CB118, CB156). It is important to mention that TEQ values and p,p'-DDE concentration in adult male specimens are approaching the levels associated with adverse effects found in marine mammals. The information provided represents the first tissue loads of organochlorine compounds in small cetaceans from this area.

Viruses and marine pollution

Danovaro R., Armeni M., Corinaldesi C., Mei M.L.

Marine Pollution Bulletin 46: 301-304, 2003

This review summarises the present knowledge on pollutant impacts on marine viruses, virus-host systems and their potential ecological implications. Excess nutrients from sewage and river effluents are a primary cause of marine eutrophication and mucilage formation, often related to the development of large viral assemblages. At the same time, hydrocarbons, polychlorinated biphenyl and pesticides alter ecosystem functioning and can determinate changed in the virus-host interactions, thus increasing the potential of viral infection. All these pollutants might have synergistic effects on the virus-host system and are able to induce prophage, thus increasing the impact of viruses on marine ecosystems.

Long-term Development of Inorganic Nutrients and Chlorophyll \square in the Open Northern Baltic Sea

Fleming-Lehtinen V., Laamanen M., Kuosa H., Haahti H., Olsonen R.

AMBIO: A Journal of the Human Environment 37(2): 86-92, 2008

This article reports on the changes during recent decades of several eutrophication-related variables in the open sea areas surrounding Finland (wintertime nutrient concentrations, wintertime nutrient ratios, and summer time chlorophyll \square concentrations at the surface). The sum of nitrate- and nitrite-nitrogen ([NO₃+NO₂]-N) was observed to increase nearly fourfold in the Northern Baltic Proper and the Gulf of Finland and almost double in

the Bothnian Sea from the 1960s until the 1980s or 1990s. The increase was followed by a decrease, which was modest in the two former subregions. Phosphate-phosphorus (PO₄-P) concentrations followed a similar pattern in the Northern Baltic Proper (threefold increase and subsequent slight decrease) and Bothnian Sea (30% increase and subsequent decrease), but increased throughout the study in the Gulf of Finland, with the present concentration being threefold to the measurements made in the early 1970s. The PO₄-P concentration decreased throughout the study in the Bothnian Bay. Silicate-silicon (SiO₄-Si) concentrations decreased 30–50% from the early 1970s to the late 1990s and increased 20–40% thereafter in the Northern Baltic Proper, the Gulf of Finland, and the Bothnian Sea. Chlorophyll *a* showed an increase of over 150% in the Northern Baltic Proper and the Gulf of Finland from the 1970s until the early 2000s. In the Bothnian Sea the chlorophyll *a* concentration increased more than 180% from the late 1970s until the late 1990s, and decreased thereafter. According to these long-term observations, the Gulf of Finland and Northern Baltic Proper show clear signs of eutrophication, which may be emphasized by hydrographical changes affecting the phytoplankton communities and thus the algal biomass.

*Is Marine Mammal Health Deteriorating?
Trends in the Global Reporting of Marine
Mammal Disease*

Gulland F.M.D., Hall A.J.

EcoHealth 4: 135-150, 2007

A recent rise in the reporting of diseases in marine organisms has raised concerns that ocean health is deteriorating. The goal of this study was to determine whether or not there has been a recent deterioration in marine mammal health by investigating the trends in disease reports over the past 40 years (categorized by the method of study, the species affected, and the etiology of the disease) and by exploring the changes in frequency of mass mortality events among marine mammals reported in the United States since 1978.

The number of papers on marine mammal disease published each year has increased since 1966, although the annual publication rate appears to have stabilized since 1992. Those published in the 1960s and 1970s were largely about helminth and bacterial disease, those investigating viruses emerged in the late 1970s and increased in the 1980s and 1990s, whereas protozoal diseases and harmful algal toxins were largely not reported until the 1990s. The annual number of mass mortality events in the U.S. approximately doubled between 1980 and 1990 but since 2000 has been between seven and eight events per year. Causes of mass mortality events have included biotoxins, viruses, bacteria, parasites, human interactions, oil spills, and changes in oceanographic conditions. Events due to biotoxins appear to be increasing, but the change in the frequency of mass mortality events from other causes over the past 40 years cannot be determined from the available published literature due to changes in marine mammal abundance, inconsistencies in effort and extent of resources for pathological investigation, and advances in technology that have allowed improved detection of pathogens and toxins in more recent years. To ensure future information on the true incidence of marine diseases and their underlying causes is more reliable, specific and directed marine health monitoring programs, well-equipped stranding networks, and dedicated diagnostic laboratories are needed.

*Evaluation of Long-term Biomarker Data
from Perch (*Perca fluviatilis*) in the Baltic
Sea Suggests Increasing Exposure to
Environmental Pollutants*

Hanson N., Förlin L., Larsson A.

Environmental Toxicology and Chemistry 28
(2): 364-373, 2009

Since 1988, biomarkers in female perch (*Perca fluviatilis*) have been analyzed at a reference site on the Swedish Baltic coast. Strong time trends toward increasing hepatic ethoxyresorufin-O-deethylase (EROD) activity and reduced gonadosomatic index (GSI) have been observed. This could be caused by

pollutants as well as other factors, such as increasing water temperature or reduced mean age of sampled fish. Correlation analyses were used to find the most probable explanation for the time trends. The time trends were still significant for EROD ($p < 0.001$) and GSI ($p < 0.001$) when the correlations were controlled for age. Furthermore, increasing water temperature could not explain the time trends. Exposure to pollutants through runoff from land was found to be probable, because mean flow rate in a nearby river during the last 20 d before sampling correlated to EROD activity ($p < 0.01$). In addition, the sum of EROD activities during the life time of the perch (ERODlife) correlated significantly with GSI ($p < 0.001$). This suggests that perch exposed to more EROD-inducing chemicals during their lifetime have reduced or delayed gonad development. The time trend in GSI and the correlation between ERODlife and GSI were supported by data from a site in the Bothnian Bay (northern Baltic Sea; $p < 0.05$). The results indicate that increased rain fall (climate change) can affect the distribution and bioavailability of chemicals in coastal areas. The link between EROD and gonad size supports the common assumption that biochemical biomarkers can act as early warning signals for effects on higher levels, which commonly is difficult to show. The significant results can probably be attributed to the unique 20-year data set.

Environmental Conventions, Pro-active Countries and Unilateral Initiatives—Sweden and the Case of Oil Transportation on the Baltic Sea

Hassler, B.

Journal of Environmental Policy & Planning 10 (4): 339-357, 2008

Marine oil transportation in the Baltic Sea has increased significantly during the past decade. This may pose a significant threat to the environment, partly due to the increased risk of accidents and partly because of deliberate flushing of oil tanks at sea and other diffuse emissions. It is argued that since international conventions tend to suffer from lowest-common-denominator (LCD) effects

whereby the least interested actors often set the level of ambition, pro-active countries may benefit from adopting dual strategies where unilateral initiatives and convention-based cooperation are made part of an integrated approach. Countries such as Sweden that are especially vulnerable to ecological threats from marine oil transportation may thus have strong incentives to provide targeted support to less exposed countries. It is concluded that unilateral and sub-regional initiatives may serve an important objective in complementing international conventions and thereby reduce negative effects from LCD outcomes.

Tissue Distribution of Perfluorinated Chemicals in Harbor Seals (Phoca vitulina) from the Dutch Wadden Sea

Inneke van de Vijver K., Hoff P., Das K., Brasseur S., van Dongen W., Esmans E., Reijnders P., Blust R., de Coen W.

Environmental Science and Technology 39 (18): 6978-6984, 2005

Perfluorinated acids (PFAs) are today widely distributed in the environment, even in remote arctic areas. Recently, perfluorooctane sulfonate (PFOS) has been identified in marine mammals all over the world, but information on the compound-specific tissue distribution remains scarce. This study reports on levels of longer chains PFCA, together with some short chains PFAs, perfluorobutane sulfonate (PFBS) and perfluorobutanoate (PFBA), in liver, kidney, blubber, muscle and spleen tissues of harbor seals (*Phoca vitulina*) from the Dutch Wadden Sea. PFOS was the predominant compound in all seal samples measured, however, large variations between tissues were monitored. It is, to our knowledge, the first time that PFBS could be found at detectable concentrations in environmental samples. PFCA levels were much lower than PFOS concentrations. The dominant PFCA in all tissues was PFNA (perfluorononanoic acid), and concentrations generally decreased in tissues for all other PFCA homologues with increasing chain length. No clear relationship between PFOS levels in liver and kidney was observed. Furthermore,

hepatic PFDA (perfluorodecanoic acid) levels increased with increasing body length, but in kidney tissue, PFDA levels showed an inverse relationship with increasing body length. These data suggest large differences in tissue distribution and accumulation patterns of perfluorinated compounds in marine organisms.

Disappearing bottlenose dolphins (Tursiops truncatus) - is there a link to chemical pollution?

Jepson P.D., Tregenza N., Simmonds M.P.

Paper presented to the IWC Scientific Committee SC/60/E7, 6pp, 2008

A strong association has been found between poor health status (mortality due to infectious disease) and chemical contamination for a large sample of UK-stranded harbour porpoises (*Phocoena phocoena*) collected since 1990. This association exists for blubber concentrations above 17 ppm total PCBs lipid weight. Bottlenose dolphins (*Tursiops truncatus*) in the same region and time period show even higher levels of contamination – up to one order of magnitude higher PCB levels in blubber. The gradual temporal decline in PCB levels in UK-stranded harbour porpoises since 1990 indicates that, historically, levels of exposure in both porpoises and bottlenose dolphins would have been even higher than at present. We consider the available evidence that shows a decline in bottlenose dolphins at the peak time for PCB exposure and theorise the likely link between these two matters.

Environment and Energy: The Baltic Sea Gas Pipeline

Karm, E.

Journal of Baltic Studies 39 (2): 99-121 (23), 2008

Germany and Russia have agreed to build the Nord Stream gas pipeline. The 1,200 kilometers-long structure will run from Vyborg, Russia to Greifswald, Germany traversing the Baltic Sea. The Baltic countries, Finland, Poland and Sweden, have expressed concerns about the

project. At issue is the environmental impact of the project as well as the energy, political, and socioeconomic implications.

A Significant Downturn in Levels of Hexabromocyclododecane in the Blubber of Harbor Porpoises (Phocoena phocoena) Stranded or Bycaught in the UK: An Update to 2006

Law R.J., Bersuder P., Barry J., Wilford B.H., Allchin C.R., Jepson P.D.

Environmental Science and Technology 42 (24): 9104-9109, 2008

In an earlier paper, we reported data indicating a sharp increase in hexabromocyclododecane concentrations in the blubber of 85 harbor porpoises from the UK, from about 2001 onward. That time trend was evaluated using data from 1994-2003, generated on a diastereoisomer basis using LC-MS. In this paper we report additional data for 138 animals collected during 2003-2006. \square HBCD concentrations ranged from <10 to 11,500 \square g kg⁻¹ wet weight (up to 12,800 \square g kg⁻¹ lipid weight) and TBBP-A was not detected in any samples. The maximum \square HBCD concentration observed in this study was about half that seen in the earlier study (21,400 \square g kg⁻¹ lipid weight) and, in both studies, the highest concentration was for an animal stranded or bycaught in 2003. Investigation of time trends confirmed a statistically significant increase between 2000 and 2001 ($p < 0.01$) and a statistically significant decrease between 2003 and 2004 ($p < 0.05$). Neither trend was confounded by age, sex, nutritional status, or location. Possible contributory factors to the observed decrease include the closure in 2003 of an HBCD manufacturing plant in NE England which had considerable emissions up to 2003, and two voluntary schemes intended to reduce emissions of HBCD to the environment from industry which, however, did not formally begin until 2006.

Biological and ecological factors related to trace element levels in harbour porpoises (Phocoena phocoena) from European waters

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.

Marine Environmental Research 64: 247-266, 2007

Selected trace elements were measured in the kidneys and the liver of 104 harbour porpoises (*Phocoena phocoena*) stranded along the coasts of France, Galicia (Spain), Ireland, Scotland (UK) and the Netherlands. Generally, relatively low concentrations of toxic elements were encountered in the tissues of European porpoises, except for two individuals, which displayed high hepatic Hg concentrations. Also elevated Cd levels obtained in Scottish porpoises could be related to their feeding preferences and this result suggests an increase of the proportion of cephalopods in their diet with latitude. Significant geographical differences were seen in hepatic Zn concentrations; the elevated Zn concentrations displayed by porpoises from the Netherlands may relate to their poor health status. Variation in metal concentrations within porpoises from the North Sea is likely to reflect a long-term segregation between animals from northern (Scotland) and southern areas (the Netherlands), making trace elements powerful ecological tracers.

Assessing the Risks of Persistent Organic Pollutants to Top Predators: A Review of Approaches

Leonards P.E.G., van Hattum B., Leslie H.

Integrated Environmental Assessment and Management 4(4): 386-398, 2008

Accurate risk assessment of secondary poisoning by persistent organic pollutants (POPs) in top predators is possible but requires multidisciplinary input from wildlife ecology, ecotoxicology, and analytical chemistry. Because of the transfer of POPs up the food chain, traditional approaches to exposure assessment based on POPs in abiotic compartments

or organisms low in the food chain can make the assessment of risk to top predators complicated. For more direct, accurate, and site-specific methods of assessing the risks of secondary poisoning of top predator by POPs, we classify 2 main approaches: diet based and tissue based. Exposure assessment via the diet-based approach requires samples of the predator's diet and measured concentrations in the prey items, realistic estimates of dietary composition, and ingestion rates. The even more direct, tissue-based approach uses measured POP concentrations in tissues of top predators to determine internal exposure coupled with tissue-based effect concentrations (or biological responses measured via biomarkers) to determine risk. The advantage of these methods is that uncertain estimates of POPs transfer to top predators from lower trophic levels are avoided. In practice, the availability of dose-response data and internal exposure-response relationships for POPs in top predators is limited, so these may have to be extrapolated from surrogate species. In this paper we illustrate and evaluate the potential of diet-based and tissue-based risk assessment approaches with case studies and demonstrate that appropriate methodologies significantly reduce the uncertainty in risk assessments of POPs.

Size and Biomagnification: How Habitat Selection Explains Beluga Mercury Levels

Loseto L.L., Stern G.A., Ferguson S.H.

Environmental Science and Technology 42 (11): 3982-3988, 2008

Mercury (Hg) levels in the Beaufort Sea beluga (*Delphinapterus leucas*) population increased during the 1990s; levels have since declined but remain higher than the 1980s. The diet of this beluga population is not well-known, thus it is difficult to assess dietary Hg sources. During the summer, the Beaufort Sea belugas segregate by length, sex, and reproductive status corresponding to habitat use that may result in feeding differences and ultimately Hg uptake. To test this hypothesis, we examine beluga dietary variation using fatty acid profiles and

determine which biological variables best predict diet. Relationships between biological variables and fatty acids were further evaluated with stable isotopes and Hg concentrations in liver and muscle. Hg concentrations in muscle were better related to liver $\delta^{15}\text{N}$ than muscle $\delta^{15}\text{N}$. Stable isotopes and fatty acids are compared in their ability to describe dietary Hg processes in beluga. Fatty acids provided support for influences of whale behavior on dietary Hg uptake, whereas stable isotopes inferred tissue Hg metabolic rates. Here, we show beluga length drives diet variability leading to differences in Hg uptake and biomagnification processes dominate beluga Hg levels over Hg bioaccumulation over time.

Hydroxylated and methoxylated polybrominated diphenyl ethers and polybrominated dibenzo-p-dioxins in red alga and cyanobacteria living in the Baltic Sea

Malmvärn A., Zebühr Y., Kautsky L., Bergman A., Asplund L.

Chemosphere 72 (6): 910-916, 2008

Hydroxylated polybrominated diphenyl ethers (OH-PBDEs) and methoxylated polybrominated diphenyl ethers (MeO-PBDEs) are present in the ecosystem of the Baltic Sea. OH-PBDEs are known to be both natural products from marine environments and metabolites of the anthropogenic polybrominated diphenyl ethers (PBDEs), whereas, MeO-PBDEs appear to be solely natural in origin. Polybrominated dibenzo-p-dioxins (PBDDs) are by-products formed in connection with the combustion of brominated flame retardants (BFRs), but are also indicated as natural products in a red alga (*Ceramium tenuicorne*) and blue mussels living in the Baltic Sea. The aims of the present investigation were to quantify the OH-PBDEs and MeO-PBDEs present in *C. tenuicorne*; to verify the identities of PBDDs detected previously in this species of red alga and to investigate whether cyanobacteria living in this same region of the Baltic Sea contain OH-PBDEs, MeO-PBDEs and/or PBDDs. The red alga was confirmed to contain

tribromodibenzo-p-dioxins (triBDDs), by accurate mass determination and additional PBDD congeners were also detected in this sample. This is the first time that PBDDs have been identified in a red alga. The \square OH-PBDEs and \square MeO-PBDEs concentrations, present in *C. tenuicorne* were 150 and 4.6 ng g⁻¹ dry weight, respectively. In the cyanobacteria 6 OH-PBDEs, 6 MeO-PBDEs and 4 PBDDs were detected by mass spectrometry (electron capture negative ionization (ECNI)). The PBDDs and OH-PBDEs and MeO-PBDEs detected in the red alga and cyanobacteria are most likely of natural origin.

HELCOM 2009 Eutrophication in the Baltic Sea - An integrated thematic assessment of the effects of nutrient enrichment and eutrophication in the Baltic Sea region: Executive Summary

Pawlak J.F., Laamanen M., Andersen J. H.

Baltic Sea Environment Proceedings No. 115A, 2009

In November 2007, the Ministers of the Environment and high-level representatives of the Contracting Parties of HELCOM adopted the Baltic Sea Action Plan (BSAP), with the target of achieving good ecological status in the Baltic Sea. The Action Plan aims to solve all major environmental problems affecting the Baltic Sea, the most serious of which is eutrophication arising from excessive inputs of nutrients.

This Executive Summary presents an overview of the first Integrated Thematic Assessment of Eutrophication in the Baltic Sea based on application of the common assessment tool. The full assessment report (HELCOM 2009a) contains the detailed assessment results and information on the methodology used for the assessment is presented in HELCOM (2009b).

Pollution Problems in the Northeast Atlantic: Lessons Learned for Emerging Pollutants such as the Platinum Group Elements

Rodrigues S.M., Glegg G.A., Pereira M.E., Duarte A.C.

AMBIO: A Journal of the Human Environment
38(1): 17-23, 2009

This paper provides an overview of the evolution of pollution problems in the Northeast Atlantic and associated responses and considers the effectiveness of these measures on environmental contamination. It identifies shortcomings in past practices and shows how marine environmental pollution may be perpetuated if new products and processes release novel contaminants or "emerging substances" without adequate management on a precautionary basis. The study concludes that it is necessary to develop innovative techniques capable of making reasonable quantitative estimates of not only environmental pathways, loads, and concentrations but also the socioeconomic drivers and "upstream" control measures (control, reduction, or elimination of emissions) so that a clear understanding of the causes and effects of our actions can be obtained. The development of a European Observatory for Emerging Substances to coordinate concerns, observations, and practices is suggested as a proactive approach for anticipating emerging problems.

Biotransformation of PCBs in Relation to Phase I and II Xenobiotic-Metabolizing Enzyme Activities in Ringed Seals (Phoca hispida) from Svalbard and the Baltic Sea

Routti H., Letcher R.J., Arukwe A., van Bavel B., Yoccoz N.G., Chu S., Gabrielsen G.W.

Environmental Science and Technology, 42
(23): 8952-8958, 2008

Polychlorinated biphenyls (PCBs) may induce activity of hepatic enzymes, mainly Phase I monooxygenases and conjugating Phase II enzymes, that catalyze the metabolism of PCBs leading to formation of metabolites and to potential adverse health effects. The present study investigates the concentration and pattern of PCBs, the induction of hepatic phase I

and II enzymes, and the formation of hydroxy (OH) and methylsulfonyl (CH₃SO₂MeSO₂) PCB metabolites in two ringed seal (*Phoca hispida*) populations, which are contrasted by the degree of contamination exposure, that is, highly contaminated Baltic Sea (n = 31) and less contaminated Svalbard (n = 21). Phase I enzymes were measured as ethoxyresorufin-O-deethylation (EROD), benzyloxyresorufin-O-dealkylation (BROD), methoxyresorufin-O-demethylation (MROD), and pentoxyresorufin-O-dealkylation (PROD) activities, and phase II enzymes were measured as uridine diphosphate glucuronosyl transferase (UDPGT) and glutathione-S-transferase (GST). Geographical comparison, multivariate, and correlation analysis indicated that Σ -PCB had a positive impact on Phase I enzyme and GST activities leading to biotransformation of group III (vicinal ortho-meta-H atoms and ≤ 1 ortho-chlorine (Cl)) and IV PCBs (vicinal meta-para-H atoms and ≤ 2 ortho-Cl). The potential precursors for the main OH-PCBs detected in plasma in the Baltic seals were group III PCBs. MeSO₂-PCBs detected in liver were mainly products of group IV PCB metabolism. Both CYP1A- and CYP2B-like enzymes are suggested to be involved in the PCB biotransformation in ringed seals.

Interactions between climate change and contaminants

Schiedek D., Sundelin B., Readman J.W., Macdonald R.W.

Marine Pollution Bulletin 54: 1845-1856, 2007

There is now general consensus that climate change is a global threat and a challenge for the 21st century. More and more information is available demonstrating how increased temperature may affect aquatic ecosystems and living resources or how increased water levels may impact coastal zones and their management. Many ecosystems are also affected by human releases of contaminants, for example from land based sources or the atmosphere, which also may cause severe effects. So far these two important stresses on

ecosystems have mainly been discussed independently. The present paper - based on examples from different ecosystems - is intended to increase awareness among scientists, coastal zone managers and decision makers that climate change will affect contaminant exposure and toxic effects and that both forms of stress will impact aquatic ecosystems and biota.

Biological indications of contaminant exposure in Atlantic cod (Gadus morhua) in the Baltic Sea

Schnell S., Schiedek D., Schneider R., Balk L., Vuorinen P.J., Karvinen H., Lang T.

Canadian Journal of Fisheries and Aquatic Sciences 65 (6): 1122-1134(13), 2008

The Baltic Sea is exposed to severe human impacts. Besides eutrophication and overfishing, a variety of chemical contaminants threaten the health of fish. In December 2001, Atlantic cod (*Gadus morhua*) were collected in the western and southern Baltic Sea, somatic condition factors were estimated, and different biomarkers of contaminant exposure were analysed. Additionally, various polychlorinated biphenyl congeners and organochlorine pesticides were measured in cod liver as more general indicators of pollution, not necessarily as the causative agents for biomarker signals. In most specimens, hepatic ethoxyresorufin-O-deethylase activity and bile 1-OH pyrene, a common polycyclic aromatic hydrocarbon metabolite, were detectable. Both features indicate an induction of the CYP1A biotransformation system in response to toxic substances. The increased occurrence of DNA adducts in some of the specimens also indicates the presence of genotoxic substances. Acetylcholinesterase was inhibited, an indication of exposure to organophosphates, carbamates, or certain heavy metals, particularly in specimens taken at Wismar Bay and off the Lithuanian coast. In general, spatial differences in the biomarker responses as well as in contaminant loads were found, suggesting differences in physiologically active concentrations and mixtures of organic contaminants in this ecosystem.

Regional differences in bacterial flora in harbour porpoises from the North Atlantic: environmental effects?

Siebert U., Prenger-Berninghoff E., Weiss R.

Journal of Applied Microbiology 106 (1): 329-337, 2009

Microbiological findings in harbour porpoises from different regions of the North Atlantic were compared. Results in animals from the North and Baltic Seas were evaluated over a period of 18 years for changes in the microbiological flora. Microbiological investigations were performed on 1429 organ samples from the lung, liver, kidney, spleen, intestine, and mesenteric lymph nodes from harbour porpoises of the German North and Baltic Seas, Greenlandic, Icelandic and Norwegian waters. A large variety of bacteria, including potentially pathogenic bacteria like *Brucella* sp., *Clostridium perfringens*, *Escherichia coli*, *Erysipelothrix rhusiopathiae*, β -haemolytic streptococci and *Staphylococcus aureus* were isolated. Those bacteria were associated with bronchopneumonia, gastroenteritis, hepatitis, pyelonephritis, myocarditis and septicemia. Organs from animals originating from Greenlandic and Icelandic waters showed clearly less bacterial growth and fewer associated pathological lesions compared to animals from the German North and Baltic Seas and Norwegian waters. Differences in bacterial findings and associated lesions between harbour porpoises from the German North and Baltic Seas and animals from Greenlandic, Norwegian and Icelandic waters may result from higher stress due to anthropogenic activities such as chemical pollutants in the North and Baltic Seas.

Trace element concentrations in blood of free-ranging bottlenose dolphins (Tursiops truncatus): Influence of age, sex and location

Stavros H.-C. W., Bossart G.D., Hulsey T.C., Fair P.A.

Marine Pollution Bulletin 56 (2): 348-379, 2008

Samples were collected from two free-ranging bottlenose dolphin populations (one in South Carolina and one in Florida)

during the summers of 2003-2005. Biological characteristics of each dolphin sampled including age and length are given. Dolphin ages were determined by the examination of postnatal dentine layers in an extracted tooth. Blood samples were drawn for trace metal analysis.

The Baltic Sea as a dumping site of chemical munitions and chemical warfare agents

Szarejko A., Namiesnik J.

Chemistry and Ecology 25 (1): 13-26, 2009

In this paper, the problem of chemical weapons dumped in the Baltic Sea by the Allied and Soviet forces after World War II is presented. The types and properties of the chemical warfare agents found in the Baltic, as well as the known dumping regions, are described. The potential hazards for the environment arising from the long-term disposal of munitions under the water are also described. Based on a study of the literature, possible analytical methods for the detection of chemical warfare agents are discussed.

Identification of the Novel Cycloaliphatic Brominated Flame Retardant 1,2-Dibromo-4-(1,2-dibromoethyl) cyclohexane in Canadian Arctic Beluga (Delphinapterus leucas)

Tomy G.T., Pleskach K., Arsenault G., Potter D., McCrindle R., Marvin C.H., Sverko E., Tittlemier S.

Environmental Science and Technology 42 (2): 543-549, 2008

A new study looking at detection methods for these novel pollutants.

Skin diseases in Guiana dolphins (Sotalia guianensis) from the Paranaguá estuary, Brazil: A possible indicator of a compromised marine environment

Van Bresse M.-F., de Oliveira Santos M.C., de Faria Oshima J.E.

Marine Environmental Research 67: 63-68, 2009

We report on the presence of

lobomycosis-like disease (LLD) and nodular skin disease (NSD) in a community of Guiana dolphins (*Sotalia guianensis*) inhabiting the biologically and chemically contaminated Paranaguá estuary (Brazil) and on their absence in the community living in the cleaner Cananéia estuary.

Identification and quantification of new polybrominated dimethoxybiphenyls (PBDMBs) in marine mammals from Australia

Vetter W., Turek C., Marsh G., Gaus C.

Chemosphere 73 (4): 580-586, 2008

Marine mammals from Queensland, Australia, are bioaccumulating elevated concentrations of a range of polybrominated natural products. In this study, we detected three new polybrominated dimethoxybiphenyls (PBDMBs) in the blubber of selected marine mammal samples which were identified as 2,6-dimethoxy-3,3,5-tribromobiphenyl (2,6-diMeO-BB 36), 2,2-dimethoxy-3,3-dibromobiphenyl (2,2-diMeO-BB 36), and 6,6-dimethoxy-3,3-dibromobiphenyl (6,6-diMeO-BB 11).

Fishery and Fishculture Challenges in Lithuania

Vycius J., Radzevicius A.

International Journal of Water Resources Development 25 (1): 81-94, 2009

This paper focuses on the development of fishery and fishculture in Lithuania. It provides a brief review of fishery evolution in the Baltic Sea and World Ocean and focuses on Lithuania's inner waters, with a particular emphasis on fishculture in Soviet (1945-90) and post-Soviet (1990-2007) Lithuania..

Concentrations of chlorinated and brominated contaminants and their metabolites in serum of harbour seals and harbour porpoises

Weijts L., Das K., Siebert U., van Elk N., Jauniaux T., Neels H., Blust R., Covaci A.

Environment International, Article in Press, 2009

Concentrations of polychlorinated biphenyls (PCBs), polybrominated diphenyl ethers (PBDEs) and their hydroxylated metabolites (HO-PCBs and HO-PBDEs) were measured in serum of wild harbour seals (n = 47) and captive harbour porpoises (n = 21). Both species exhibit long life spans and do not have extreme situations, such as complete fasting during periods of lactation, in their annual cycles. For PCBs, concentrations in adult males were slightly higher than in juveniles and lowest in juvenile females. For PBDEs, juveniles have higher levels than adult males and females, probably as a consequence of lactational transfer. However, differences between these age-gender groups were not statistically significant, indicating that individual variation was limited within each species, even without knowing the feeding status of the animals. Body condition, particularly emaciation, has a major influence on the levels of chlorinated and brominated contaminants in serum. In harbour seals, concentrations of sum PCBs were more than 200 times higher than levels of sum PBDEs and almost 10 times higher than concentrations of sum HO-PCBs. In harbour porpoises, concentrations of sum PCBs were about 20 times higher than concentrations of PBDEs. HO-PCBs were detected in only 4 harbour porpoises and this at very low concentrations. Naturally-produced MeO-PBDEs were only found in harbour porpoises at concentrations ranging from 120 to 810 pg/ml. HO-PBDEs were not found in any species. In general, harbour seals accumulate less compounds and have mostly lower concentrations than harbour porpoises possibly as a result of a better developed metabolism.

*A global assessment of chromium pollution using sperm whales (*Physeter macrocephalus*) as an indicator species*

Wise Sr. J.P., Payne R., Wise S.S., LaCerte C., Wise J., Gianois Jr. C., Thompson W.D., Perkins C., Zheng T., Zhu C., Benedict L., Kerr I.

Chemosphere, Article in Press, Corrected Proof, 2009

Chromium (Cr) is a well-known human carcinogen and a potential reproductive toxicant, but its contribution to ocean pollution is poorly understood. The aim of this study was to provide a global baseline for Cr as a marine pollutant using the sperm whale (*Physeter macrocephalus*) as an indicator species. Biopsies were collected from free-ranging whales around the globe during the voyage of the research vessel *The Odyssey*. Total Cr levels were measured in 361 sperm whales collected from 16 regions around the globe detectable levels ranged from 0.9 to 122.6 $\mu\text{g Cr g tissue}^{-1}$ with a global mean of $8.8 \pm 0.9 \mu\text{g g}^{-1}$. Two whales had undetectable levels. The highest levels were found in sperm whales sampled in the waters near the Islands of Kiribati in the Pacific (mean = 44.3 ± 14.4) and the Seychelles in the Indian Ocean (mean = $19.5 \pm 5.4 \mu\text{g g}^{-1}$). The lowest mean levels were found in whales near the Canary Islands (mean = $3.7 \pm 0.8 \mu\text{g g}^{-1}$) and off of the coast of Sri Lanka (mean = $3.3 \pm 0.4 \mu\text{g g}^{-1}$). The global mean Cr level in whale skin was 28-times higher than mean Cr skin levels in humans without occupational exposure. The whale levels were more similar to levels only observed previously in human lung tissue from workers who died of Cr-induced lung cancer. We conclude that Cr pollution in the marine environment is significant and that further study is urgently needed.

Accumulation and transfer of contaminants in killer whales (Orcinus orca) from Norway: indications for contaminant metabolism

Wolkers H., Corkeron P.J., Van Parijs S.M., Simiä T., van Bavel B.

Environmental Toxicology and Chemistry 26 (8): 1582-1590, 2007

Blubber tissue of one subadult and eight male adult killer whales was sampled in Northern Norway in order to assess the degree and type of contaminant exposure and transfer in the herring–killer whale link of the marine food web. A comprehensive selection of contaminants was targeted, with special attention to toxaphenes and polybrominated diphenyl ethers (PBDEs). In addition to assessing exposure and food chain transfer, selective accumulation and metabolism issues also were addressed. Average total polychlorinated biphenyl (PCB) and pesticide levels were similar, approximately 25 g/g lipid, and PBDEs were approximately 0.5 g/g. This makes killer whales one of the most polluted arctic animals, with levels exceeding those in polar bears. Comparing the contamination of the killer whale's diet with the diet of high-arctic species such as white whales reveals six to more than 20 times higher levels in the killer whale diet. The difference in contaminant pattern between killer whales and their prey and the metabolic index calculated suggested that these cetaceans have a relatively high capacity to metabolize contaminants. Polychlorinated biphenyls, chlordanes, and dichlorodiphenyldichloro-ethylene (DDE) accumulate to some degree in killer whales, although toxaphenes and PBDEs might be partly broken down.

Polychlorinated biphenyls (PCBs) and their hydroxylated metabolites (OH-PCBs) in livers of harbor seals (Phoca vitulina) from San Francisco Bay, California and Gulf of Maine

June-Soo Park, Olga Ioanna Kalantzi, Dianne Kopec, Myrto Petreas

Mar. Environ. Res. 67: 129-135. (2009)

Bioaccumulation of endocrine disruptors in marine mammals positioned at the top of

the food chain is of toxicological concern. Livers from four pups and ten adult harbor seals (*Phoca vitulina*) stranded in San Francisco Bay (SFB) and the Gulf of Maine (GOM) were analyzed for polychlorinated biphenyls (PCBs) and their hydroxylated metabolites (OH-PCBs). We used GC–ECD and GC–NCI/MS to investigate the presence of 28 PCBs and 8 OH-PCB metabolites, respectively. R28PCB concentrations (di- to octa-CBs) ranged from 1.81 to 35.9 lg/g lipid with a median of 6.53 for the seal pups and 2.31 to 249 lg/g lipid with a median of 28.9 for the adult seals. R8OH-PCB concentrations (penta- to hepta-OH-PCBs) ranged from 0.02 to 0.69 lg/g lipid with a median of 0.04 for the adult seals, i.e., at much lower concentrations than those for PCBs. Ratios of OH-PCBs to PCBs (0.24% on average) were comparable to those in beluga whale, but were lower than ratios in human livers. The OH-PCB profiles were slightly different between SFB and GOM seal livers, although similar PCB congener patterns were observed. Generally, 4-OH-CB107 was found predominantly in seal livers and was the only OH-PCB detectable in most of seal pup livers. This study provides information on OH-PCBs in seals, adding to the scarce exposure data for these chemicals.

Impact of dietary exposure to food contaminants on the risk of Parkinson's disease

Maria Skaalum Petersen, Jo' nrit Halling,, Sa' ra Bech, Lene Wermuth, Pa' l Weihe, Flemming Nielsen, Poul J. Jørgensen, Esben Budtz-Jørgensen, Philippe Grandjean

NeuroToxicology 29: 584-590 (2008)

This study aimed to investigate the association of Parkinson's disease (PD) with dietary exposure to polychlorinated biphenyls (PCBs) and methylmercury (MeHg) in a community with increased exposure levels. A total of 79 clinically verified idiopathic PD cases and 154 controls matched by sex and age were examined in this case–control study in the Faroe Islands. Blood and hair samples were collected and a questionnaire recorded lifetime information on residence, dietary habits, smoking history, and

occupational exposure to solvents, pesticides, and metals. Both unconditional and conditional logistic regression analyses were used to estimate the odds ratio (OR) and 95% confidence interval (CI) in regard to relevant exposure variables. Increased ORs for dietary intakes of whale meat and blubber during adult life were statistically significant. The ORs for occupational exposure to solvents, pesticides and metals also suggested an increased risk for PD. Current serum concentrations of PPCB and related contaminants suggested slightly increased ORs, although only b-hexachlorocyclohexane (b-HCH) was statistically significant. Increased intake of whalemeat and blubber in adult life was significantly associated with PD, thus suggesting a positive association between previous exposure to marine food contaminants and development of PD.

Inter-species differences for polychlorinated biphenyls and polybrominated diphenyl ethers in marine top predators from the Southern North Sea: Part 1. Accumulation patterns in harbour seals and harbour porpoises

Liesbeth Weijs, Alin C. Dirtu, Krishna Das, Adriana Gheorghe, Peter J.H. Reijnders, Hugo Neels, Ronny Blust, Adrian Covaci

Environm. Poll. 157: 437-444. (2009)

Harbour porpoises (*Phocoena phocoena*) and harbour seals (*Phoca vitulina*) are two representative top predator species of the North Sea ecosystem. The median values of sum of 21 polychlorinated biphenyl (PCB) congeners and sum of 10 polybrominated diphenyl ether (PBDE) congeners were 23.1 mg/g lipid weight (lw) and 0.33 mg/g lw in blubber of harbour seals (n = 28) and 12.4 mg/g lw and 0.76 mg/g lw in blubber of harbour porpoises (n = 35), respectively. For both species, the highest PCB concentrations were observed in adult males indicating bioaccumulation. On the contrary, the highest PBDE concentrations were measured in juveniles, likely due to better-developed metabolic capacities with age in adults. A higher contribution of lower chlorinated and non-persistent congeners, such as CB 52, CB 95, CB 101, and CB

149, together with higher contributions of other PBDE congeners than BDE 47, indicated that harbour porpoises are unable to metabolize these compounds. Harbour seals showed a higher ability to metabolize PCBs and PBDEs.

Underwater radiated noise due to the piling for the Q7 Offshore Wind Park

De Jong, C.A.F. and Ainslie, M.A., 2008.

Acoustics 2008 conference, Paris, 29 June – 4 July 2008

During the construction of the Q7 windpark, at 23 km off the Dutch coast, monopiles (54 metre long steel pipes with a diameter of 4 metres), were hammered into the seabed. The underwater radiated noise during the impulsive hammering of 9 out of 61 monopiles was measured. The document indicates that, although there is a wide concern about the impact of piling noise on marine life, there are no widely accepted criteria for the maximum acceptable noise levels. Also, a quantitative comparison of the results of various reported studies is difficult, due to the lack of standardisation in the level definitions and data processing. The Q7 data were analysed in terms of a broadband sound exposure level, peak pressure and pulse duration and a 1/3-octave band frequency spectrum of the sound exposure at different hydrophone locations, for each hammer stroke that was recorded. The results are discussed in relation to the stroke energy, the hydrophone distance and depth and to proposed noise exposure criteria for marine mammals. An assessment of the effect of noise exposure on marine animals was made with a frequency weighting of the received sound to take into account the animals' hearing characteristics. The received (weighted) SPLW was well above the 'discomfort' threshold for the harbour porpoise up to the largest measurement distance (5.6 km). At distances smaller than about 1.5 km, the levels were above the 'severe discomfort' criterion and at distances closer than about 500 m, the levels were higher than the TTS criterion.

Pollution and Marine Mammals

Reijnders, P.J.H., A. Aguilar & A. Borrell 2009..

In: W.F. Perrin, B. Würsig & J.G.M. Thewissen, Encyclopedia of Marine Mammals. Academic Press, Amsterdam, pp. 898.

A new authoritative review.

2. RECENT LITERATURE WITH REGARD TO ACOUSTIC POLLUTION

The sperm whale sonar: Monitoring and use in mitigation of anthropogenic noise effects in the marine environment

André M.

Nuclear Instruments and Methods in Physics Research Section A: Accelerators, Spectrometers, Detectors and Associated Equipment, In Press, Corrected Proof, Available online 19 January 2009

Noise pollution in the marine environment is an emerging but serious concern. Here, we present how the characteristics and performance of the sperm whale mid-range biosonar can be used to develop a mitigation solution based on passive acoustics and ambient noise imaging to prevent negative interactions with human activities by monitoring cetacean movements in areas of interest, e.g. deep-sea observatories.

*Assessing temporary threshold shift in a bottlenose dolphin (*Tursiops truncatus*) using multiple simultaneous auditory evoked potentials*

Finneran J.J., Schlundt C.E., Branstetter B., Dear R.L.

Journal of the Acoustical Society of America 122 (2): 1249-1264, 2007

Hearing sensitivity was measured in a bottlenose dolphin before and after exposure to an intense 20-kHz fatiguing tone in three different experiments. In each experiment, hearing was characterized using both the auditory steady-state response ASSR and behavioral methods. In experiments 1 and 2, ASSR stimuli consisted of seven frequency-modulated tones, each with a unique carrier and modulation frequency.

The tones were simultaneously presented to the subject and the ASSR at each modulation rate measured to determine the effects of the sound exposure at the corresponding carrier frequency. In experiment 3 behavioral thresholds and ASSR input-output functions were measured at a single frequency before and after three exposures. Hearing loss was frequency-dependent, with the largest temporary threshold shifts occurring in order at 30, 40, and 20 kHz. ASSR threshold shifts reached 40 – 45 dB and were always larger than behavioural shifts 19 – 33 dB. The ASSR input-output functions were represented as the sum of two processes: a low threshold, saturating process and a higher threshold, linear process, which react and recover to fatigue at different rates. The loss of the near-threshold saturating process after exposure may explain the discrepancies between the ASSR and behavioural threshold shifts.

*Speaking up: Killer whales (*Orcinus orca*) increase their call amplitude in response to vessel noise*

Holt M.M., Noren D.P., Veirs V., Emmons C.K., Veirs S.

Journal of the Acoustical Society of America 125 (1): EL27-EL32, 2008

This study investigated the effects of anthropogenic sound exposure on the vocal behavior of free-ranging killer whales. Endangered Southern Resident killer whales inhabit areas including the urban coastal waters of Puget Sound near Seattle, WA, where anthropogenic sounds are ubiquitous, particularly those from motorized vessels. A calibrated recording

system was used to measure killer whale call source levels and background noise levels 1 – 40 kHz. Results show that whales increased their call amplitude by 1 dB for every 1 dB increase in background noise levels. Furthermore, nearby vessel counts were positively correlated with these observed background noise levels.

Effect of Two Levels of Masking Noise on the Hearing Threshold of a Harbor Porpoise (Phocoena phocoena) for a 4.0 kHz Signal

Kastelein R.A., Wensveen P.J.

Aquatic Mammals 34 (4): 412-419, 2008

The 50% detection hearing thresholds of a harbor porpoise for a 4.0 kHz narrow-band FM signal, presented at the background noise level in a pool and with two masking noise levels, were measured using a go/no-go response paradigm and an up-down staircase psychometric method. The masker consisted of a 1/6-octave noise band with a center frequency of 4.25 kHz. Its amplitude declined at 24 dB/octave on both sides of the spectral plateau. The absolute hearing threshold of the porpoise, found previously, was confirmed. The animals' auditory system responded in a linear fashion to the increase in masking noise. Since the narrow-band noise was off-centre of the test frequency, the critical ratio of a harbor porpoise for 4.0 kHz tonal signals in white noise can at present only be estimated to be between 18 and 21 dB re: 1 μ Pa.

Proposed Marine Mammal Noise Exposure Criteria: Current Data Base, Limitations, and Research Needs (A)

Ketten D.R., Bowles A.E., Ellison W.T.

Journal of the Acoustical Society of America 123 (5): 2988-2988, 2008

Levels estimated to induce permanent hearing loss were determined for single exposure events for cetaceans (in water) and pinnipeds (in air and water) for each of 15 sound type/animal group combinations. These recommendations represent a current best estimate only and are modular, with modifiable key variables; e.g., source and exposure, to facilitate

revision as data improve. In some cases, relatively explicit injury limits are proposed, e.g., 186 dB re: 1 μ Pa²-s (frequency-weighted sound exposure level) and 218 dB re: 1 μ Pa_{peak} (unweighted peak sound pressure level) for pinnipeds in water exposed to multiple sound pulses. In others, particularly for behavioural effects of multiple-pulse and non-pulse exposures, response severity and significance are quantitatively scored, but the data do not allow identification of specific broadly-applicable disturbance thresholds. These findings are a current best effort and include a discussion of limitations and recommended research needed to address data gaps.

Ocean Noise: Turn it down. A report on ocean noise pollution

McKenna C., IFAW Ocean Noise Team

IFAW.org (International Fund for Animal Welfare), June 2008

While the full impact of ocean noise pollution is yet to be determined there is international recognition that it poses a serious threat that must be addressed. IFAW considers that the two key objectives are to reduce levels of background noise from man-made sources throughout the world's oceans and to prevent the exposure of marine life to harmful high intensity sound. Ocean noise pollution should be tackled in a similar way to other pollutants through a broad suite of measures including raising awareness, voluntary measures such as industry codes of conduct and properly enforced regulations.

Responses of cetaceans to anthropogenic noise

Nowacek D.P., Thorne L.H., Johnston D.W., Tyack P.L.

Mammal Review 37: 81-115, 2007

Overall, the noise sources of primary concern are ships, seismic exploration, sonars of all types and some AHDs. Responses to noise fall into three main categories: behavioural, acoustic and physiological. We reviewed reports of the first two exhaustively, reviewing all peer-

reviewed literature since 1995 with exceptions only for emerging subjects. Furthermore, we fully review only those studies for which received sound characteristics (amplitude and frequency) are reported, because interpreting what elicits responses or lack of responses is impossible without this exposure information. Behavioural responses include changes in surfacing, diving and heading patterns. Acoustic responses include changes in type or timing of vocalizations relative to the noise source. For physiological responses we address the issues of auditory threshold shifts and 'stress', albeit in a more limited capacity; a thorough review of physiological consequences is beyond the scope of this paper. Overall, we found significant progress in the documentation of responses of cetaceans to various noise sources. However, we are concerned about the lack of investigation into the potential effects of prevalent noise sources such as commercial sonars, depth finders and fisheries acoustics gear. Furthermore, we were surprised at the number of experiments that failed to report any information about the sound exposure experienced by their experimental subjects. Conducting experiments with cetaceans is challenging and opportunities are limited, so use of the latter should be maximized and include rigorous measurements and or modelling of exposure.

Navy sonar and cetaceans: Just how much does the gun need to smoke before we act?

Parsons E.C., Dolman S.J., Wright A.J., Rose N.A., Burns W.C.

Marine Pollution Bulletin 56 (7): 1248-1257, 2008

Cetacean mass stranding events associated with naval mid-frequency sonar use have raised considerable conservation concerns. These strandings have mostly involved beaked whales, with common pathologies, including "bubble lesions" similar to decompression sickness symptoms and acoustic traumas. However, other cetacean species have also stranded coincident with naval

exercises. Possible mechanisms for the strandings include a behavioral response that causes deep divers to alter their diving behavior, which then results in decompression sickness-like impacts. Current mitigation measures during military exercises are focused on preventing auditory damage (hearing loss), but there are significant flaws with this approach. Behavioral responses, which occur at lower sound levels than those that cause hearing loss, may be more critical. Thus, mitigation measures should be revised. A growing number of international bodies recognize this issue and have urged increasing scrutiny of sound-producing activities, but many national jurisdictions have resisted calls for increased protection.

Short-Finned Pilot Whales (Globicephala macrorhynchus) Respond to an Airgun Ramp-up Procedure off Gabon

Weir C.R.

Aquatic Mammals 34 (3): 355-361, 2008

The ramp-up is a standard procedure within the offshore geophysical industry for mitigating the potential impacts of seismic airgun sound on marine mammals. However, the efficiency of the ramp-up as a mitigating procedure is poorly documented. In March 2008, a pod of 15 short-finned pilot whales (*Globicephala macrorhynchus*) was monitored before, throughout, and following a 30-min ramp-up procedure during a 2-D seismic survey off Gabon. No change in behaviour was apparent during the initial period of the ramp-up. However, 10 min into the ramp-up procedure (at airgun volume of 940cu3), the nearest whale subgroup turned sharply away from the airguns. Subsequent behaviour included milling, tail-slapping, and a 180o change of course to travel in the opposite direction from the seismic vessel. The observation described here suggests that pilot whales did initially demonstrate an avoidance response to the ramp-up. However, the movement away from the source was limited in time and space. Recommendations are made for further research into the efficiency of the ramp-up procedure for marine mammal mitigation.

*Bioaccumulation of persistent organic pollutants in female common dolphins (*Delphinus delphis*) and harbour porpoises (*Phocoena phocoena*) from western European seas: Geographical trends, causal factors and effects on reproduction and mortality*

Pierce GJ, Santos MB, Murphy S, Learmonth JA, Zuur AF, Rogan E, Bustamante P, Caurant F, Lahaye V, Ridoux V, Zegers BN, Mets A, Addink M, Smeenk C, Jauniaux T, Law RJ, Dabin W, Lopez A, Alonso Farre JM, Gonzalez AF, Guerra A, Garcia-Hartmann M, Reid RJ, Moffat CF, Lockyer C, Boon JP

Environmental Pollution 150: 401-415, 2008

Concentrations of polychlorinated biphenyls (PCBs) in blubber of female common dolphins and harbour porpoises from the Atlantic coast of Europe were frequently above the threshold at which effects on reproduction could be expected, in 40% and 47% of cases respectively. This rose to 74% for porpoises from the southern North Sea. PCB concentrations were also high in southern North Sea fish. The average pregnancy rate recorded in porpoises (42%) in the study area was lower than in the western Atlantic but that in common dolphins (25%) was similar to that of the western Atlantic population. Porpoises that died from disease or parasitic infection had higher concentrations of persistent organic pollutants (POPs) than animals dying from other causes. Few of the common dolphins sampled had died from disease or parasitic infection. POP profiles in common dolphin blubber were related to individual feeding history while those in porpoises were more strongly related to condition.

French Navy position regarding the different resolutions on sonar mitigation measures

The French Navy is using the NATO code of conduct and is preparing a document of principle; available in summer 2009 by request. The finalised document will include a code of conduct available in 2010.

The French delegation would like to remind participants of the French Navy document presented in 2006 during the AC 13 in Finland (Tampere).

The French Navy has entered a contract with Clymen, a Research Department on marine mammals to carry out a bibliographic synthesis on the cetaceans along the French costs (species, seasonality, acoustic...). The goal is to determine the area of risks.

The French Navy would like to express some reservations about to the idea of having independent observers on-board, on the fact that the recommendations are applicable only during exercises but not when the ships are in operation, this because of the security priorities.

The French Navy would like also to mention the European Defence Agency initiative. The aim of this initiative is to share the knowledge of the different fleets, to develop decision tools during the exercises, to develop a passive acoustic monitoring and to establish a common database.

The French Navy does not believe it is an Agency to issue "noise permits" as this is not compatible with the security and defence missions.

Report from the Education and Outreach Working Group.

The Working Group undertook a brain-storming exercise which identified a range of ideas that might be taken forward by ASCOBANS and also a number of general principles that might be taken into account by the parties and the secretariat in the development of this aspect of the Agreement's work.

These general principles included

- carefully identifying the audience that we are trying to address – e.g. children, policy makers, fishermen, students;
- noting that different localities and cultures may require different approaches;
- preparing outreach and education materials in relevant languages (including on the website); and
- Looking to build joint initiatives with 'partner' organizations and others.

'New' ideas included –

- postal stamps showing images of small cetacean species;
- Education packs (the WDCCS dolphin diploma was noted as a simple mechanism to reach a lot of young people) and/or education CDs;
- Simple one page water-proofed (laminated) iD guides;
- A photographic competition;
- The development of new ASCOBANS awards - for example a conservation or science award - and/or a student award perhaps via the ECS;
- The utility of sightings schemes (such as that run by GSM or the Sea Watch Foundation);
- The development of postcards/stickers/bookmarks; and
- Grants for students/and or making data available to them to facilitate projects
- The use of ferries for outreach exercises involving sighting cetaceans and/or onboard education initiatives

Website development was also discussed and the Secretariat provided an update on progress with the new site which has a new look. A section for children is also planned. ASCOBANS pages in several languages have also been provided for Wikipedia.

It was suggested that rather than the ASCOBANS site providing duplication with all the services provided by other cetacean-focused websites, that linkages should be made with those sites (and linkages should also be made back to the ASCOBANS site). In this way the ASCOBANS site could act as information 'hub' on cetacean matters – this could include pointing to sites that provide news and sightings information from the regions and more information about threat.

Poland helpfully displayed its range of new outreach materials which include 'porpoise-friendly' sprats and a range of materials featuring porpoises to build appreciation of the species.

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

ACTIVITY TRIENNIUM WORK PLAN (AS OUTLINED BY MOP5)	ACTION BY	INTERVAL / TIME LINE	PROGRESS MADE	FURTHER ACTION REQUIRED	LINKS TO CMP
Entire ASCOBANS Area					(Conservation and Management Plan)
1. Review, on an annual basis, and as far as possible in conjunction with EU, ICES and IWC, new information on bycatch 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 sent timely reminders on reporting to Parties and non-Party states before AC meetings. Secretariat compiled information received and submitted to meetings. Drafting Groups at AC14 (AC14/Doc.25 + 26). Secretariat in contact with EC about harmonised bycatch reporting.	Review of bycatch of migratory species in fisheries to be prepared by the CMS Scientific Council. Review advice regularly given by ICES and identify whether there are gaps as well as further needs for advice. Review annually IWC Small Cetacean Report.	2c. Surveys and research. 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	By MOP6	Document prepared by AC14 (AC15/Doc.17) as basis for further discussion. High risk fisheries addressed in a draft revised format for annual national reports prepared by the Secretariat with outside technical advice for consideration by AC16 (AC16/Doc.25).	Agree on reporting needs and discuss format with EU (ICES, OSPAR and HELCOM). Intersessional Correspondence Group (Chair: G. Angelini, Oceana) to identify gaps and needs for further guidance.	2c. Surveys and research. 3. Use of bycatches and stranding

ACTIVITY TRIENNIUM WORK PLAN (AS OUTLINED BY MOP5)	ACTION BY	INTERVAL / TIME LINE	PROGRESS MADE	FURTHER ACTION REQUIRED	LINKS TO CMP
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 report to AC 14 (Annex 9 of Report) and AC15 (Annex 8 of Report) and AC16 (Annex 9 of Report). Funding for project on effects of contaminants on reproduction provided.		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	Joint ASCOBANS/ECS Wind Farm Workshop held in April 2007. Proceedings available. Secretariat invited NATO to AC meetings. AC15 established Noise Working Group (ToR in Annex 7 of AC15 Report). Secretariat member of IMO Noise Correspondence Group. Funding for analysis of risk of ship strikes provided	Noise Working Group to finalise report intersessionally, make recommendations.	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. Proceedings available.	Outcome to be submitted to MOP6.	2b. Surveys and research

ACTIVITY TRIENNIUM WORK PLAN (AS OUTLINED BY MOP5)	ACTION BY	INTERVAL / TIME LINE	PROGRESS MADE	FURTHER ACTION REQUIRED	LINKS TO CMP
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	October 2007	Workshops held in Bonn (8-10 Oct. 2007). Report presented as AC16/Doc.29.	Outcome to be submitted to MOP6. Consider publication in hard copy (depends on cost). Forward to ICES for their information (request to examine bycatch per population).	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	Chair prepared draft reporting format for AC15 (AC15/Doc.23). Secretariat collated all reporting formats in a draft revised format for annual national reports and suggested improvement with outside technical advice (AC16/Doc.25).	Parties to submit progress report as part of their Annual Reports. Reporting format to be reconsidered intersessionally.	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). Draft Communication, Education and Public Awareness (CEPA) plan for ASCOBANS developed (AC16/23). See also AC14/Doc.8, AC15/Doc.26 and AC16/Doc.22.	CEPA plan to be finalised intersessionally (Chair: M. Simmonds, WDCC) for submission to MOP6.	5. Information and education

ACTIVITY TRIENNIUM WORK PLAN (AS OUTLINED BY MOP5)	ACTION BY	INTERVAL / TIME LINE	PROGRESS MADE	FURTHER ACTION REQUIRED	LINKS TO CMP
9. Continue to translate ASCOBANS information material and to undertake promotional activities in both Party and non-party Range States *	Secretariat	Throughout the triennium	8 language versions of the revised ASCOBANS leaflet finalised. New exhibition produced. See also AC14/Doc.8, AC15/Doc.26 and AC16/Doc.22.	Remaining language versions of leaflet to be cleared with country contacts and produced. Parties to provide funding for printing of larger print-runs. German language version of the exhibition to be produced.	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	Regular updates and additions made. Modernisation ongoing. Information on biology and ecology of small cetaceans in the ASCOBANS Area to be uploaded shortly. See also AC14/Doc.8, AC15/Doc.26 and AC16/Doc.22.	Re-design of existing webpage to be uploaded when technical problems solved with UNV – ongoing.	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 synchronise joint actions in educational and promotional activities, and create synergy to provide added value while avoiding duplication of effort	Secretariat	Throughout the triennium	Initial consultations with HELCOM and EC undertaken. Role proposed in Communication, Education and Public Awareness (CEPA) Plan (AC16/Doc.23).	Continue and intensify liaison with all organizations. Implement CEPA Plan (after adoption by MOP).	5. Information and education

ACTIVITY TRIENNIAL WORK PLAN (AS OUTLINED BY MOP5)	ACTION BY	INTERVAL / TIME LINE	PROGRESS MADE	FURTHER ACTION REQUIRED	LINKS TO CMP
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	Secretariat gathered available material. Germany agreed to use 2009 voluntary contribution for further follow-up and production of material for fishermen. EC DG Mare expressed interest in co-production/-funding of leaflet.	Hire consultant to continue collection of available material, identify further needs and develop leaflets in collaboration with fishermen's organisations, RACs and others. <ul style="list-style-type: none"> • Inform fishermen of issue • Methods to reduce bycatch • Encourage reporting 	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	CCB Baltic Harbour Porpoise brochure available in German (other languages without Secretariat involvement). Revised ASCOBANS leaflet under production.	Remaining language versions of leaflet to be cleared with country contacts and produced. Parties to provide funding for printing. New exhibition containing panels on IDBHP and harbour porpoise to be produced in German (see 9).	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 (Denmark, 2007), 4 th (Sweden, 2008) and 5 th (Finland, 2009) Meeting of Jastarnia Group held. Revision of Jastarnia Plan undertaken and considered at AC16.	Draft resolution to be prepared for MOP6. Implementation review deferred to next triennium.	1. Habitat Conservation and Management

ACTIVITY TRIENNIAL WORK PLAN (AS OUTLINED BY MOP5)	ACTION BY	INTERVAL / TIME LINE	PROGRESS MADE	FURTHER ACTION REQUIRED	LINKS TO CMP
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		General fundraising efforts ongoing. Contact with HELCOM established to determine possible cooperation and long-term solution.	Secretariat to continue liaising with HELCOM.	N/A Fundraising
North Sea Sub-Region					
16. Develop a conservation plan for the North Sea Harbour Porpoise *	AC Chair, Vice-chair, Secretariat	By AC16	Final Draft endorsed at AC16.	Final draft to be submitted to MOP6 for adoption. Draft resolution to be prepared for MOP6.	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	USD 10,000 from UNEP available for implementation in 2009.	Deferred to next triennium.	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	Extension came into force on 3 February 2008. No consideration made by AC16.	Deferred to next triennium.	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 Session chaired by P. Tak. Arrangement continued at AC15 and AC16.		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	Secretariat has sent invitations and reminders to all organisations.	Continue efforts to establish or renew working relationship. Consider representation of ASCOBANS at their meetings. Parties to support ASCOBANS' interests through their representatives.	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	Secretariat has sent invitations and reminders to all relevant RACs. Contact with Baltic Sea RAC established.	M. Tasker to prepare paper on ASCOBANS/RAC interaction.	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	AC Chair and CMS StC Chair joined in strategy meeting convened by Host Country in November 2007. CMS ScC and StC Chairs invited to AC meetings.	Secretariat to continue inviting CMS ScC and StC Chairs to AC meetings with a view to extending collaboration. Consider representation of ASCOBANS AC at CMS meetings.	N/A

<p>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</p>	<p>Advisory Committee, Secretariat</p>	<p>Annually</p>	<p>Reports of representation compiled by Secretariat (AC15/Doc.36 and AC16/27). AC16 decided on representation as indicated in Report Annex 14.</p>	<p>Representatives to report back to the next AC in writing.</p>	<p>N/A</p>
<p>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 *</p>	<p>Advisory Committee, Secretariat</p>	<p>By CMS COP9 and ASCOBANS MOP6</p>	<p>Provisional Secretariat arrangement was independently evaluated in 2008 with financial support from NL. AC Working Group guided process. Final Report available (AC16/Doc.15). Draft Resolution on establishment of a standing committee prepared by Secretariat (AC16/Doc.11). AC16 recommended three options for Secretariat arrangement to be considered by MOP6 for the triennium 2010-2012. AC16 established intersessional working group (Chair: M. Lok, NL) to consider options for future arrangements and make recommendations to MOP6.</p>	<p>Secretariat to produce three budget proposals for 2010-2012 reflecting the three options for Secretariat arrangement recommended by AC16. Working Group to make recommendations to MOP6.</p>	<p>N/A</p>

<p>25. Explore ways in which ASCOBANS can better liaise and work with the EC on issues of mutual interest *</p>	<p>Advisory Committee, Secretariat</p>	<p>Throughout the triennium</p>	<p>Acting Executive Secretary undertook missions to Brussels. Secretariat in contact with EC about harmonised bycatch reporting. European Commission invited to AC meetings (attended AC16).</p>	<p>Secretariat to maintain contact with the Commission and collaborate where possible. Explore options of holding future AC meeting in Brussels and invite EC for specific Agenda Items of interest to their work. Parties to support ASCOBANS' interests through their representatives.</p>	<p>N/A</p>
<p>26. Promote the Agreement and its aims in Parties, Range States and with other relevant players</p>	<p>Secretariat</p>	<p>Throughout the triennium</p>	<p>Bilaterals with governments. Presentations in relevant meetings.</p>	<p>Continuation of ongoing activities.</p>	<p>5. Information and education</p>
<p>27. Promote accession of non-Party Range States to the Agreement</p>	<p>Secretariat, Parties</p>	<p>Throughout the triennium</p>	<p>Ongoing. Mission to Ireland undertaken.</p>	<p>Bilaterals where possible. Send recruitment letters to non-Party Range States.</p>	<p>5. Information and education</p>
<p>28. Consider, in 2009, the possible amendment of the ASCOBANS Agreement to include all cetacean species</p>	<p>Advisory Committee</p>	<p>By AC16</p>	<p>AC16/Doc.36 (ECS) + AC16/Doc.37 (WDCS). Upon request of the Secretariat, ACCOBAMS provided expert opinion (AC16/Doc.38). AC16 Working Group (Chair: Peter Evans) compiled pros and cons overview (AC16 Report Annex 19).</p>	<p>Working Group (Chair: P. Evans, ECS/SWF) to continue work on pros and cons overview. Advice to be forwarded to the MOP.</p>	<p>N/A</p>

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	Secretariat produced regular updates of this plan. Latest draft reviewed by AC16.		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 2008	First workshop completed. LoA amended to take into account current situation.	Research proposal to be finalised and submitted to EC in 2009.	

SHORT LIST OF PROJECTS FOR FUNDING

No.	Title	Estimated Funding Needs
1	Develop Baltic database on sightings, strandings & bycatch	5,000
2	Production of a Stranding Trend Analysis review	8,000
3	Population Structure Workshop Report Publication	2,500
4	<i>Lagenorhynchus</i> – further sample DNA analysis	7,500
5	Contaminants Analysis of additional Baltic Samples	10,000

Dates of Interest to ASCOBANS in 2009/2010

Date	Organiser	Title	Venue	Participation/ Report
27-28 April 2009	EU	Conference on EU Biodiversity Policy Beyond 2010 (Priorities and Options for Future EU Policy)	Athens, Greece	
6-7 May 2009	HELCOM	1 st Meeting of the Project for Completing the HELCOM Red List of Species and Habitats/Biotopes (HELCOM RED LIST 1/2009)	Uppsala, Sweden	
6-7 May 2009/ 8 May 2009	Baltic Sea RAC	Science Workshop/ RAC General Assembly	Gdynia, Poland	Iwona Kuklik / Krzysztof Skóra
12-14 May 2009	Indonesia	World Ocean Conference: Ocean Science, Technology and Policy Symposium	Manado, North Sulawesi, Indonesia	
12-15 May 2009	HELCOM	11 th Meeting of the Nature Protection and Biodiversity Group (HELCOM HABITAT 11/09)	Kotka, Finland	Penina Blankett
12-13 May 2009/ 14-15 May 2009	ICES	ACOM Advice Drafting Group on Protected Species/ ACOM Advice Drafting Group on Marine Mammals	ICES, Denmark	
14-15 May 2009	European Commission (DG Environment)	Marine Strategy Coordination Group	Brussels	Veronica Frank
20-24 May 2009	Society for Conservation Biology – Marine Section	International Marine Conservation Congress (IMCC) - Making Marine Science Matter	Washington DC, USA	
26-28 May 2009	Bonn Agreement	Technical Working Group (OTSOPA)	Rotterdam, Netherlands	Coordinator (1 day)
8 June 2009	Delft University of Technology / Erasmus University Rotterdam	World Ocean Day Conference	Rotterdam, Netherlands	

Date	Organiser	Title	Venue	Participation/ Report
16-26 June 2009	IWC	61 st Annual and Associated Meetings	Madeira, Portugal	Meike Scheidat & Coordinator (in part)
17-19 June 2009	UN	10 th Consultative Meeting on Oceans and Law of the Sea	New York, United States	Executive Secretary
22-26 June 2009	OSPAR	OSPAR Commission	Brussels, Belgium	
9-11 July 2009	European Commission (DG Mare)	People and the Sea V: 'Living with uncertainty and adapting to change'	Amsterdam, Netherlands	
13-17 July 2009	IMO	59 th Session of the IMO's Marine Environment Protection Committee (MEPC 59)	London, UK	
18-20 July	Marine Research Centre, Maldives	Indian Ocean Cetacean Symposium	Maldives	
10-13 September 2009	Interdisciplinary Centre for Bioacoustics and Environmental Research (CIBRA)	4 th International Workshop on Detection, Classification and Localization of Marine Mammals using Passive Acoustics and 1 st International Workshop on Density Estimation of Marine Mammals Using Passive Acoustics	University of Pavia, Italy	
21-25 September 2009	ICES	Annual Science Conference	Berlin, Germany	
September 2009	NAMMCO	Management Committee for Cetaceans	Tromsø, Norway	
early October 2009	CMS	36 th Standing Committee Meeting	Bonn, Germany	Martin Lok & Secretariat
16-18 September 2009	ASCOBANS	6 th Meeting of the Parties	Bonn, Germany	

Date	Organiser	Title	Venue	Participation/ Report
Autumn 2009	HELCOM	Fourth Meeting of <i>Ad hoc</i> HELCOM Seal Expert Group (HELCOM SEAL 4/2009)	tbd	
2-6 November 2009	Federal Agency for Nature Conservation, Germany	Progress in Marine Conservation in Europe 2009	Stralsund, Germany	AC Chair
10-12 December 2009	ACCOBAMS	6 th Scientific Committee Meeting	France	
3 March 2010	HELCOM	5 th Stakeholder Conference on the HELCOM Baltic Sea Action Plan	Helsinki, Finland	
20-25 March 2010	ECS	24 th Annual Conference	Stralsund, Germany	AC Chair
Spring 2010	HELCOM	3 rd HELCOM Fisheries / Environmental Forum	tbd	
November 2010	ACCOBAMS	4 th Meeting of the Contracting Parties (MOP4)	Monaco	

**A note on noise and offshore windfarm construction – discussion document
under agenda item draft resolutions
(prepared by Belgium)**

- 1) A working group is preparing a document on guidelines on underwater noise prevention and mitigation. It includes an introduction on noise, and guidelines on avoiding and minimising effects of seismic surveys, sonar, offshore construction (in particular pile driving) on marine mammals, and will be available shortly.
- 2) Offshore construction of windfarms will increase exponentially during the next years – many (most?) foundations will be of the monopile type, requiring pile driving.
- 3) The area which will see the largest number of windfarms at sea, will be within the (original) ASCOBANS agreement area.
- 4) Most concern with underwater noise lies with possible effects on marine mammals. At least disturbance of marine mammals can occur up to relatively large distances from the construction site (pile driving), potentially affecting many marine mammals.
- 5) There are currently hardly any guidelines in force, or recommendations available on the prevention or minimising the effects of underwater noise during pile-driving, which were prepared by an international expert body.

There are some possible options to take this subject further – if the AC deems this useful - in ASCOBANS. This could be to:

- express our concern on this activity and agree that we will take it further;
- invite the working group to prepare for a document specifically on guidelines on pile driving in preparation for MOP6 (by extracting the relevant section from the draft document which is being prepared) and/or
- prepare a “recommendation” or “resolution recommending” Parties to set up guidelines to apply in the licensing of the construction of offshore windfarms, in line with the ones which are being prepared by ASCOBANS, or use the ASCOBANS ones.

It might be useful to indicate that identifying measuring cause-effect relationships concerning noise and marine mammals are very difficult, and that our knowledge is slowly increasing – as such “our” guidelines will evolve.

If we do not express this point of view by or at the next MOP, guidelines or recommendations are delayed for 3 years (by which time some windfarms will probably be operational).

As a basis for a possible recommendation or resolution or recognition of the issue, we should refer to CMS, ACCOBAMS and the EU Marine Strategy Directive. Although some criticism has been expressed on the usefulness of some of the proposed preventive or mitigation measures, at least some of them seem to be useful (e.g. time-area closures).

An international guideline would be very useful for administrations granting conditional licenses for the construction of offshore windfarms. Now conditions for the construction are set on an ad hoc basis, in many cases without a firm foundation. An internationally established set of guidelines or recommendations would also help in acknowledging the potential impact of these activities, and help in assuring funds for monitoring of noise and marine mammals. Given also the EC will be/is looking into noise in the framework of the EMS Directive, ASCOBANS might be able to provide input into this process (e.g. in the definition of GES).

Proposal of the United Kingdom for an ASCOBANS life-time award for outstanding contribution to marine mammal conservation and nomination.

Introduction

Achieving and maintaining a favourable conservation status for small cetaceans relies heavily on research, outreach and education. These areas often draw their greatest contributions from individuals, sometimes through unique and important contributions carried out over lifetimes.

We believe that it is appropriate as ASCOBANS enters its 15th year, that we formally recognise these important contributions and achievements which also support the objectives of the agreement and its Parties.

The education and outreach award from ASCOBANS helpfully recognizes one type of important contribution but not all possible contributions.

Proposal

We propose that the Meeting of Parties launches an 'ASCOBANS life-time award for outstanding contribution to marine mammal conservation'.

This award would be made occasionally to individuals who through their careers have made such a contribution and where this includes making a contribution to the work of ASCOBANS.

Candidate

We believe that it would be most appropriate that Peter Reijnders be bestowed with the honour of the first award of this kind in recognition of his important lifetime contribution to the conservation of marine mammals throughout the world.

The significance of Peter's contribution is well known to everyone working in the conservation and marine mammal scientific fields. It can be seen via his extensive publication list (particularly his ground-breaking studies on the impacts of pollution); his appointment as a Professor in Germany as well as in the Netherlands; the guidance that he has provided to undergraduate and postgraduates through the years; his networking activities; his personal commitment to conservation and in many other aspects.

In the ASCOBANS context, Peter has been the chair or vice chair of the Advisory Committee virtually from the launch of the agreement until the last few years. As such, he has continually provided wise and expert guidance to the agreement.

Peter's official retirement is at the end of May making the timing of an award this year highly appropriate.

IMPLEMENTATION OF NORTH SEA HARBOUR PORPOISE CONSERVATION PLAN

Option 1:

Drafter of proposal to research bycatch of harbour porpoise in the [North Sea] small vessel fleets

Background

ASCOBANS has drawn up a Conservation Plan for harbour porpoises in the North Sea. This will hopefully be formally adopted by the Parties to ASCOBANS later in 2009. In the meantime, the plan needs to start to be implemented and time-limited funding is available. The main spending request is for a long-term, part-time co-ordinator. There is not sufficient funding available at present to sustain such a role beyond 2009. It is thus proposed that the existing funding be spend on a specific research fund-raising role that would aim to address a major need within the North Sea as well as contribute towards the support of a conservation plan co-ordinator.

Among the actions within the conservation plan is the call for the establishment of bycatch observation and reduction programmes on small vessels (<15m) and in recreational fisheries. It has been known for some time that fixed net fisheries from these sources pose a mostly unquantified risk of bycatch to harbour porpoises. In addition, the prevention or mitigation of bycatch in these fisheries is potentially more challenging than in nets from larger vessels.

It is proposed that the research should target the main theme of Action 3 in the North Sea Action Plan: to further develop methods to observe and mitigate bycatch (including implementation monitoring) in small vessel fisheries. The research should also include waters to the South of Denmark/North of Germany in the "western Baltic", where recent information indicates that a serious bycatch problem may be occurring. The research would enhance and complement the responsibilities of Parties under EU Regulation 812/2004.

The proposal should cover:

- collection (by geographic area) of effort data on small vessels/recreational fisheries using set nets(e.g. number, length, soak time of nets);
- further development and implementation of a scientifically robust system for remote monitoring on vessels where placing onboard of observers is not feasible;
- seeking information on bycatch and raise such information to the level of the whole fishery, and determine and apply appropriate mitigation techniques;
- examination of the impacts of any mitigation technique;
- development of a system involving fishermen using small vessels to maximise the reporting/delivery of bycaught porpoises.

A short (2 day) workshop to draft such a proposal is likely to be required.

Risks

Background research is also required before a contract is placed on likelihood of suitable funding lines becoming available in the next few months. There is a risk that suitable funding calls will not be available. This may be mitigated if ASCOBANS Parties can clearly request through appropriate channels that research in this area is necessary.

There is no guarantee of funding if a research proposal is put forward. Plainly support by ASCOBANS Parties, both to development of the proposal and to scientists who would participate is critical in making the very best proposal. Participation of a few knowledgeable fishers would be desirable also.

Possible contractors

Plainly a contractor should be from within a North Sea ASCOBANS Party. Good scientists are present in a number of institutions, with skills at writing European funding proposals (e.g. DTU-Aqua; Harsfiskelaboratoriet, Lysekil; IMARES)

Estimated cost

This would be subject to negotiation, but informal contacts with colleagues indicates that 2-3 weeks of drafting (spread over a period of time) and a workshop of likely research collaborators could cost around €7000.

Option 2:

Co-ordinator, ASCOBANS North Sea Harbour Porpoise Conservation Plan

ASCOBANS has drawn up a Conservation Plan for harbour porpoises in the North Sea. This will hopefully be formally adopted by the Parties to ASCOBANS later in 2009. In the meantime, the plan needs to start to be implemented and time-limited funding is available. The main spending request is for a long-term, part-time co-ordinator. There is sufficient funding available at present to sustain such a role for 2009.

It is suggested that this be done by a contract to a relevant institution or experienced individual based in a North Sea Party to ASCOBANS. It is expected that this work would average half a day per week, but essentially the best value for money should be sought by the Secretariat to spend available funds during 2009.

Tasks that need to be addressed early on in the plan's implementation include:

- Document and collate existing international and national regulations and guidelines that are relevant to the conservation and management of harbour porpoises in the North Sea and to provide this collation to all stakeholders.
- To promote and explain the Conservation Plan to relevant stakeholders, including:
 - International and supranational bodies
 - Range states
 - Appropriate industry representatives incl. fisheries, hydrocarbon exploration, shipping etc
 - Appropriate local authorities
 - NGOs
- To develop mechanisms to ensure that the Actions given in the Conservation Plan are implemented including the organisation of scientific workshops
- To make a recommendation for the evolution of some EU fishery regulations: data collection regulation, electronic logbooks, etc. in order to get the most appropriate data from effective fishing effort
- To co-ordinate the collection of and collation of appropriate data on anthropogenic activities in a format that will facilitate its use in a GIS context
- To report on progress with the implementation of the plan

Report of the Working Group on Future Arrangements of ASCOBANS

1. The working group met on Wednesday April 22nd and discussed the future direction of ASCOBANS, as a preparation for the discussions of agenda item 10 of AC16. All Parties to ASCOBANS and Observers participating in AC16 were present at the meeting, which was chaired by The Netherlands.
2. The working group welcomed two documents which had been tabled for agenda item 10 as very useful contributions and a good basis for the discussion: *Options for future arrangements for ASCOBANS*, AC16/Doc.28(C), and a *UK non-paper*. The working group thanked the Chair of the Advisory Committee and the UK for submitting these papers.
3. Parties and Observers participating in the working group noted that ASCOBANS had achieved good results since its beginning and identified several *strengths of ASCOBANS*:
 - Scientific competence
 - Integration of available data and transmission of these to other organisations and decision makers
 - Dialogue between scientists and administrators
 - Education and awareness raising
 - Contributions to the work of other international organisations and NGO's
 - All parties now work from a regional focus and common EU-base.
4. However, also several *weaknesses* have been identified:
 - ASCOBANS is not as successful as we want it to be in influencing other international organisations, especially the EU
 - Also ASCOBANS is not always successful in creating an effective dialogue with economic sectors, notably fisheries
 - There is a risk that ASCOBANS will only be 'another science body' of the EU
5. It has been identified as a crucial task for the future to better influence EU decision-making. ASCOBANS needs to identify what kind of actions it would expect from the EU and what itself can offer to the EU. It has been agreed that – in a manner of speaking – ASCOBANS needs to refresh itself, in order to again live up to its expectations. Furthermore, it has been agreed that the Parties themselves play an important role in taking reinforced actions.
6. The working group noted that ASCOBANS could be more influential within the EU and other international organisations if it developed a more focussed approach towards a limited set of the most urgent priorities. Parties and Observers welcomed the suggestion made by the UK to focus the next period on the issues of bycatch and education and suggested to add the issue of disturbance by noise as a third priority issue. However, Parties and Observers also noted that a more focussed approach did not imply that other issues need not be addressed anymore. The whole suite of issues should be on ASCOBANS' rolling agenda, but the major part of the time and resources allocated should be devoted to the most urgent priorities.

7. Building on a more focussed approach several suggestions have been put forward to step up the efforts of the secretariat, Parties and Observers to increase the results of ASCOBANS and its influence within the EU:
 - Identify suitable products ASCOBANS has produced which could be shared with the EU or other international organisations
 - Identify in the light of the priorities of ASCOBANS the key processes within the EU
 - Organise structural contacts between the EU and ASCOBANS; this should be a combined effort of the Secretariat, the (vice) chair of the Advisory Committee and/or Parties (e.g. the Chairperson of the MOP)
 - Identify actions and measures Parties can take within the 12 miles zone, in order to better protect cetaceans
 - Develop a collective ASCOBANS approach as regards the conservation of small cetaceans through the implementation of European legislation and policies (e.g. the Habitats Directive, bycatch-policies, Marine Framework Directive, et cetera)
 - Develop a mechanism within ASCOBANS to assist individual Parties – if appropriate
 - with advice as regards problems in conserving small cetaceans
8. The working group concluded that a short strategy paper (max. 5 pages) should be prepared for the next Meeting of the Parties. Such a paper should outline possibilities to increase the focus of ASCOBANS and should identify a possible approach towards the EU. Such a strategy paper should also indicate the consequences of the proposed focus and approach towards the EU for the way ASCOBANS operates, both as regards the triennium work plan 2010-2012, currently in preparation, and the way ASCOBANS meetings (AC and MOP) are organised and structured.
9. The working group proposes that a small working group would be established to draft the above mentioned strategy paper. The following Parties and Observers indicated their interest in participating in this group: United Kingdom, Netherlands, Belgium, Poland, France, Whale and Dolphin Conservation Society and European Cetacean Society. The Netherlands has been proposed as chair of this working group.
10. The Chair of the working group for the Triennium Workplan 2010-2012 has indicated that the strategy paper would be helpful in finalizing the Triennium Workplan 2010-2012, if the strategy paper is available within a few weeks. The members of the proposed working group have indicated that they are willing to develop the strategy paper in a relatively short time period, and will present a first draft for the consideration by all Parties and Observers in time for the MOP, if the AC16 adopts the recommendations of the working group on Future Arrangements of ASCOBANS.

Netherlands/Martin Lok (22-04-2009)

PERCEIVED ADVANTAGES & DISADVANTAGES OF INCLUDING LARGE CETACEANS IN ASCOBANS

PROS	CONS
Under European law and various legislative agreements (e.g. Habitats Directive), member states are required to protect all cetaceans – large and small. Exclusion of large cetaceans is inhibiting Parties from the enlarged Agreement Area (e.g. Spain) from acceding	Political concerns that the position on whaling may inhibit some Parties from participating (the original reason for omitting large cetaceans was to enable Norway to join)
Baleen whales and sperm whale are relatively important members of cetacean fauna within new Agreement Area, and by considering them on this regional basis, there are opportunities for action at governmental level that might not otherwise take place	Adding species may dilute the focus of conservation attention and action. The focus upon the harbour porpoise has not yet achieved its goals, let alone attention to other species
All cetacean species (particularly baleen whales) are very mobile and cross national boundaries; additionally, users of the sea (e.g. fishing, shipping, and oil & gas) industries operate internationally	For some Parties, these extra species are only accidental in their waters so that conservation efforts for particular species may not be so important
No other multi-national environmental agreement is generating conservation actions (e.g. via plans) for cetaceans spanning this region	Conservation actions for larger species may increase costs.
All cetaceans face similar pressures but their relative importance varies with species and location, and so a watching brief on these with a regional focus is necessary. Baleen whales may be particularly vulnerable to effects of climate change, and their conservation needs are therefore likely to increase	Inclusion of large cetaceans potentially would impose a greater burden in time & resources for a) Secretariat; and b) Parties. Need to draw comparison with similar agreements (e.g. ACCOBAMS) that include all cetaceans so as to test this.
Research & monitoring tends to involve all species without discriminating between large and small. Burden for Parties & Secretariat could be reduced by other processes towards efficiency	Large cetaceans are under the purview of other bodies (for example the International Whaling Commission), and so there is a duplication of effort.
Other bodies have as their terms of reference emphasis upon direct exploitation, and although they consider other conservation issues relating to large cetaceans as well as scientific information on small cetaceans, they have no responsibility/legal standing to allow them to take direct action on those	Would require an amendment which could delay the working of ASCOBANS, and possibly a change of acronym which may cost money
Could strengthen ASCOBANS by adding interest to the agreement; possibly gaining new sponsors and providing greater synergy with ACCOBAMS	Might not be the most appropriate time given other changes that are likely to take place
Would provide an opportunity to re-invent ASCOBANS and put new life into it	

DRAFT RESOLUTION

Management of Expenditures between 2005 and 2007 [2008]

Recalling Article 6.1 c) of the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (hereinafter referred to as "the Agreement"), which states that the Meeting of Parties shall consider and decide upon "the establishment and review of financial arrangements and the adoption of a budget for the forthcoming three years";

Recalling the Resolution on Management of Expenditures adopted at the Fifth Session (The Hague, Netherlands, December 2006);

Appreciating that the financial situation of the Agreement has improved markedly since the previous Session as a result of the change in currency for subscriptions, substantial in-kind support received and careful stewardship by the Secretariat;

Giving special thanks to the German Government for providing, and agreeing to continue to provide, the accommodation for the Secretariat on a rent-free basis and its annual voluntary contribution in support of special measures and projects aimed at improving the implementation of the Agreement;

Acknowledging with appreciation also the additional support provided by various Parties on a voluntary basis to contribute to the implementation of the Agreement;

The Meeting of the Parties:

1. *Discharges* and *approves* the expenditures for the years 2005, 2006, [and] 2007 [and 2008] attached as Annex 1 to this resolution;
2. *Agrees* that the expenditures for the years [2008 and] 2009 should be discharged and approved by the 7th Meeting of Parties (MOP7).

DRAFT RESOLUTION

Financial, Budgetary and Administrative Matters 2010-2012

Recalling Article 6.1 c) of the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (hereinafter referred to as "the Agreement"), which states that the Meeting of Parties shall consider and decide upon "the establishment and review of financial arrangements and the adoption of a budget for the forthcoming three years";

Having regard to Article 7 of the Agreement, which states that the Parties agree to share the cost of the budget according to the United Nations scale of assessment and that these sums shall be paid to the government or international organization hosting the Secretariat;

Recalling the Resolution on Financial and Budgetary Matters adopted at the Fifth Session (The Hague, Netherlands, December 2006);

Recognizing the need to provide sufficient resources, including manpower, to enable the Secretariat of the Agreement to continue to carry out the Agreement's Work Plan and to serve its Parties;

Appreciating the willingness of the Parties to the Convention on Migratory Species (CMS) to continue to provide Secretariat services to ASCOBANS (CMS Res.9.14, Rome, Italy, December 2008);

Accepting that CMS will not bear any additional costs arising in connection with the organizational solution for ASCOBANS;

Expecting that the Secretariat of the Agreement shall cooperate effectively with other Agreement Secretariats within the UNEP/CMS Agreements Unit;

Noting with appreciation the establishment of a CMS Information, Capacity Building and Fundraising Unit, which offers to provide services to the co-located Agreement Secretariats if these agree to contribute to the expenditures involved;

Appreciating that the financial situation of the Agreement has improved markedly since the previous Session as a result of the change in currency for subscriptions, substantial in-kind support received and careful stewardship by the Secretariat;

Supporting the efforts of the Secretariat to find the most cost-effective solution for Information Technology Services for the Secretariat;

Giving special thanks to the German Government for providing, and agreeing to continue to provide, the accommodation for the Secretariat on a rent-free basis and its annual voluntary contribution of 25,600 Euro in support of special measures and projects aimed at improving the implementation of the Agreement;

Acknowledging with appreciation also the additional support provided by various Parties on a voluntary basis to contribute to the implementation of the Agreement;

The Meeting of the Parties:

1. *Adopts* the budget for 2010-2012 attached as Annex 1 to this resolution and agrees to the scale of annual contributions contained in Annex 2.
2. *Reiterates* that in accordance with Paragraph 7.2 of the Agreement, the annual contributions are to be paid in fully convertible Euros as soon as practicable after the end of March and no later than the end of June of the calendar year to which they relate;
3. *Agrees* that there shall be maintained a working capital at a constant level of at least 15 per cent of estimated annual expenditure or three months' salaries, whichever is higher;
4. *Takes note* of the medium-term plan for 2010-2015 attached at Annex 3 to this resolution;
5. *Invites* Parties and Non-Party Range States, governmental, intergovernmental and nongovernmental organizations to make voluntary contributions towards special activities for the implementation of the Agreement;
6. *Also invites* Non-Party Range States, governmental, intergovernmental and non-governmental organizations and other sources to consider contributing to the implementation of the Agreement on a voluntary basis;
7. *Encourages* Parties to consider financing Junior Professional Officers or providing interns, volunteers and technical experts to the Secretariat to increase its capacity in accordance with the United Nations rules and regulations and to agree on providing modest funding within the approved budget of the Agreement to cover the applicable overhead charges for such staff;
8. *Instructs* the Secretariat to report on its income and expenditure to the Advisory Committee at each of its meetings, and to report back to the Meeting of Parties at its next session;
9. *Authorizes* the Advisory Committee to decide upon withdrawals from the Trust Fund reserve in the event of unforeseen major shortfalls on established budget lines and subject to the provision of satisfactory documentation by the Secretariat;
10. *Decides* that the standard participation fee for Observers to the 7th Meeting of the Parties shall be 120 Euros;
11. *Requests* the Executive Director of UNEP to extend the duration of the trust fund to 31 December 2012;
12. *Invites* the Executive Director of UNEP to consider, on a case-by-case basis, the allocation of financial resources from the income generated under the Programme Support Costs from the Trust Fund for voluntary contributions (XV Fund) for the implementation of activities;
13. *Requests* the Executive Director of UNEP to consider, as appropriate, providing financial support for special activities;
14. *Approves* the Terms of Reference for the administration of the Trust Fund as set out in Annex 4 to this Resolution, for the period 2010-2012.

Annex 1

Budget Estimates for 2010-2012 – ASCOBANS Trust Fund (BA) in Euro

Annex 2

**Scale of Contributions by Parties
to the UNEP/ASCOBANS Trust Fund for 2010-2012 in Euro**

Annex 3

Medium Term Plan for 2010-2015 in Euro

Annex 4

TERMS OF REFERENCE FOR THE ADMINISTRATION OF THE TRUST FUND FOR THE AGREEMENT ON THE CONSERVATION OF SMALL CETACEANS OF THE BALTIC AND NORTH SEAS

1. The Trust Fund for the Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas (hereinafter referred to as the Trust Fund) shall be extended for a period of three years to provide financial support for the aims of the Agreement, taking into account the merger of the ASCOBANS Secretariat with the Secretariat of CMS, but maintaining a separate budget for ASCOBANS.
2. The financial period shall be for three calendar years beginning 1 January 2010 and ending 31 December 2012.
3. The Trust Fund shall be administered by the Executive Director of the United Nations Environment Programme (UNEP), subject to the approval of the Governing Council of UNEP and the consent of the Secretary-General of the United Nations.
4. The administration of the Trust Fund shall be governed by the Financial Regulations and Rules of the United Nations, the Staff Regulations and Rules of the United Nations, and other administrative policies or procedures, promulgated by the Secretary-General of the United Nations.
5. In accordance with United Nations rules, UNEP shall deduct from the income of the Trust Fund an administrative charge equal to 13 per cent of the expenditure charged to the Trust Fund in respect of activities financed under the Trust Fund.
6. In the event that the Parties wish the Trust Fund to be extended beyond 31 December 2012, the Executive Director of UNEP shall be so advised in writing immediately after the sixth session of the Meeting of Parties. It is understood that such extension of the Trust Fund shall be decided at the discretion of the Secretary-General of the United Nations.
7. The financial resources of the Trust Fund for 2010-2012 shall be derived from:
 - (a) The contributions made by the Parties by reference to Annex 2, including contributions from any new Parties;
 - (b) Further contributions from Parties and contributions from States not Parties to the Agreement, other governmental, intergovernmental and non-governmental organisations and other sources.
8. All contributions to the Trust Fund shall be paid in Euros. For contributions from States that become Parties after the beginning of the financial period, the initial contribution (from the thirtieth day after deposit of the instrument of ratification, acceptance or accession until the end of the financial period) shall be determined pro rata based on the contribution of other States Parties on the same level on the United Nations scale of assessment, as it applies from time to time. However, if the contribution of a new Party determined on this basis would be more than 20 per cent of the budget, the contribution of that Party shall be 20 per cent of the budget for the financial year of joining (or pro rata for a part-year). Contributions of Parties acceding to the Agreement during the ongoing triennium will not be used to reduce the subscriptions of existing Parties during that triennium, but will rather flow into the Agreement trust fund. Contributions for all Parties throughout the triennium 2010-

2012 shall be based on the UN Scale of Assessments applicable at the time of adoption of this resolution. Contributions shall be paid in annual instalments. The contributions shall be due on 1 January 2010, 2011 and 2012. Contributions shall be paid into the following account:

UNEP Euro Account
Account No. 6161603755
JP Morgan AG
Gruneburgweg 2
60322 Frankfurt/Main
Germany
Bank code number 501 108 00
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9. For the convenience of the Parties, for each of the years of the financial period the Executive Director of UNEP shall as soon as possible notify the Parties to the Agreement of their assessed contributions.

10. Contributions received into the Trust Fund that are not immediately required to finance activities shall be invested at the discretion of the United Nations, and any income shall be credited to the Trust Fund.

11. The Trust Fund shall be subject to audit by the United Nations Board of Auditors.

12. The budget estimates covering the income and expenditure for each of the three calendar years constituting the financial period to which they relate, prepared in Euros, shall be submitted to the ordinary session of the Meeting of Parties to the Agreement.

13. The estimates of each of the calendar years covered by the financial period shall be divided into sections and objects of expenditures, shall be specified according to budget lines, shall include references to the programmes of work to which they relate, and shall be accompanied by such information as may be required by or on behalf of the contributors, and such further information as the Executive Director of UNEP may deem useful and advisable. In particular estimates shall also be prepared for each programme of work for each of the calendar years, with expenditure itemised for each programme so as to correspond to the sections, objects of expenditure, and budget lines described in the first sentence of this paragraph.

14. In addition to the budget estimates for the financial period described in the preceding paragraphs, the Secretariat of the Agreement, in consultation with the Advisory Committee and the Executive Director of UNEP, shall prepare a medium-term plan as envisaged in Chapter III of the Legislative and Financial Texts Regarding the United Nations Environment Programme and the Environment Fund. The medium-term plan will cover the years 2010-2015, inclusive, and shall incorporate a draft budget for the financial period 2010-2015.

15. The proposed budget and medium-term plan, including all the necessary information, shall be dispatched by the Secretariat to all Parties at least ninety days before the date fixed for the opening of the ordinary session of the Meeting of Parties.

16. The budget and medium-term plan shall be adopted by a three-quarters majority of the Parties present and voting at the ordinary session.

17. In the event that the Executive Director of UNEP anticipates that there might be a shortfall in resources over the financial period as a whole, the Executive Director shall consult with the Secretariat, who shall seek the advice of the Advisory Committee through the Chair as to its priorities for expenditure.

18. Commitments against the resources of the Trust Fund may be made only if they are covered by the necessary income of the Agreement. No commitments shall be made in advance of the receipt of contributions. In the case of voluntary (non-statutory) contributions by Parties or non-Party Range States, commitments may be made immediately upon conclusion of the relevant donor agreement.

19. At the beginning of the first calendar year of a triennium, the Secretariat, after seeking the advice of the Parties through the Chair of the Advisory Committee, shall be authorised to allocate the surplus of the previous triennium left in the Trust Fund above and beyond the six-month operational reserve¹ to reducing the annual contributions of Parties for the second and third years of that triennium, in accordance with their scales of assessments for the ASCOBANS budget.

20. Upon the request of the Secretariat of the Agreement, after seeking the advice of the Advisory Committee, the Executive Director of UNEP should, to the extent consistent with the Financial Regulations and Rules of the United Nations, make transfers from one budget line to another. At the end of any calendar year within the financial period, the Executive Director of UNEP may transfer any uncommitted balance of appropriations to the following calendar year, provided that the total budget approved by the Parties is not exceeded, unless this is specifically sanctioned in writing by the Advisory Committee.

21. At the end of each calendar year within the financial period², the Executive Director of UNEP shall submit to the Parties, through the UNEP/ASCOBANS Secretariat, the accounts for the year. The Executive Director shall also submit, as soon as practicable, the audited accounts for the financial period. These shall include full details of actual expenditure compared to the original provisions for each budget line.

22. Those financial reports required to be submitted by the Executive Director of UNEP shall be transmitted simultaneously by the Secretariat of the Agreement to the members of the Advisory Committee.

23. The Secretariat of the Agreement shall provide the Advisory Committee with an estimate of proposed expenditures over the coming year simultaneously with, or as soon as possible after, distribution of the accounts and reports referred to in the preceding paragraphs.

24. The present terms of reference shall be effective from 1 January 2010 to 31 December 2012.

¹ The operational reserve amounts to 15% of the budget of a calendar year or three months' salaries, whichever is higher.

² The calendar year 1 January to 31 December is the accounting and financial year, but the accounts official closure date is 31 March of the following year. Thus, on 31 March the accounts of the previous year have to be closed, and it is only then that the Executive Director can submit the accounts of the previous calendar year.