

REPORT OF THE 22ND MEETING OF THE ASCOBANS ADVISORY COMMITTEE

The Hague, Netherlands

29 September - 1 October 2015



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

Table of Contents

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|--|----|
| Table of Contents | 1 |
| List of Action Points and Decisions..... | 1 |
| 1. Opening of the Meeting..... | 5 |
| 1.1 Welcoming Remarks | 5 |
| 1.2 Adoption of the Agenda | 6 |
| 1.3 Opening of the Scientific Session | 6 |
| 2. Implementation of the Harbour Porpoise Action Plans | 6 |
| 2.1 Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan) | 6 |
| 2.2 Conservation Plan for Harbour Porpoises in the North Sea | 7 |
| 2.3 Conservation Plan for the Harbour Porpoise Population in the Western Baltic, | |
| the Belt Sea and the Kattegat | 8 |
| 3. Special Species Session: Common Dolphin | 8 |
| 3.1 Introduction and Conservation Status | 9 |
| 3.2 Draft Conservation Plan | 10 |
| 4. Review of New Information on Threats to Small Cetaceans..... | 12 |
| 4.1 Bycatch | 12 |
| 4.2 Underwater Noise..... | 15 |
| 4.3 Negative Effects of Vessels and Other Forms of Disturbance..... | 16 |
| 4.4 Marine Renewable Energy Technologies | 17 |
| 4.5 Pollution | 18 |
| 4.6 Underwater Unexploded Ordnance | 22 |
| 4.7 Emerging Issues..... | 23 |
| 5. Review of New Information on other Matters Relevant for Small Cetacean | |
| Conservation | 24 |
| 5.1 Population Size, Distribution, Structure and Causes of Any Changes..... | 24 |
| 5.2 Revised Necropsy Protocol | 25 |
| 5.3 Responses to Hazards | 26 |
| 5.4 Management of Marine Protected Areas | 27 |
| 5.5 New Agreement Area | 27 |
| 5.6 Large Cetaceans | 28 |
| 6. Marine Strategy Framework Directive | 28 |
| 7. Publicity and Outreach..... | 29 |
| 7.1 Reports by the Secretariat, Parties and Partners..... | 29 |
| 7.2 ASCOBANS Outreach and Education Award 2016 | 31 |
| 8. Funding of Projects and Activities | 31 |
| 8.1 Progress of Projects Supported by ASCOBANS..... | 31 |
| 8.2 Prioritization of Activities Requiring Funding..... | 32 |

| | | |
|------|--|----|
| 9. | Draft Resolutions not Covered Above | 33 |
| 9.1 | Activities of the ASCOBANS Advisory Committee and Work Plan | 33 |
| 10. | Any other Business | 34 |
| 11. | Adoption of the List of Action Points of the Scientific Session..... | 35 |
| 12. | Close of the Session | 35 |
| 13. | Opening of the Institutional Session | 36 |
| 14. | Accession and Agreement Amendment..... | 36 |
| 15. | National Reporting | 36 |
| 15.1 | Reports from Parties..... | 36 |
| 15.2 | Revision to National Reporting Format | 37 |
| 16. | Relations with other Bodies | 39 |
| 16.1 | Reports by the Secretariat, Parties and Partners..... | 39 |
| 16.2 | Cooperation and Joint Initiatives with CMS..... | 39 |
| 16.3 | Cooperation with European Union Institutions and Other Stakeholders | 40 |
| 16.4 | Dates of Interest 2015/2016 | 40 |
| 17. | Financial and Administrative Issues | 40 |
| 17.1 | Administrative Issues..... | 40 |
| 17.2 | Accounts for 2014 and 2015..... | 41 |
| 18. | Draft Resolutions..... | 42 |
| 18.1 | Management of Expenditures between 2012 and 2015 | 42 |
| 18.2 | Financial and Administrative Matters for the Forthcoming Financial Period | 42 |
| 19. | Project Funding | 43 |
| 20. | Any other Institutional Issues..... | 45 |
| 21. | Date and Venue of the 8th Meeting of the Parties and the 23rd Meeting of the Advisory Committee | 45 |
| 22. | Adoption of the List of Action Points of the Institutional Session | 45 |
| 23. | Close of Meeting | 45 |
| | Annex 1: List of Participants | 46 |
| | Annex 2: Agenda..... | 55 |
| | Annex 3: List of Documents..... | 57 |
| | Annex 4: Rules of Procedure for the ASCOBANS Advisory Committee..... | 62 |
| | Annex 5: Action Points of the 11 th Meeting of the Jastarnia Group | 68 |
| | Annex 6: Action Points of the 5 th Meeting of the North Sea Group..... | 71 |
| | Annex 7: Terms of Reference for a Joint ECS/ASCOBANS/ACCOBAMS Workshop | |
| | on <i>Conserving Europe's Cetaceans through Synergy-building between</i> | |
| | <i>the Relevant Legislative Frameworks</i> | 73 |
| | Annex 8: Terms of Reference for the Steering Group to Develop a Conservation Plan | |
| | for the Common Dolphin..... | 74 |
| | Annex 9: Dates of Interest to ASCOBANS in 2015/2016 | 75 |

List of Action Points and Decisions of the 22nd Meeting of the ASCOBANS Advisory Committee

Scientific Session

1. All action points agreed at the 11th Meeting of the Jastarnia Group were endorsed (Annex 5). (Agenda Items 2.1 and 2.3)
2. All Action Points agreed at the 5th Meeting of the North Sea Group were endorsed (Annex 6). (Agenda Item 2.2)
3. The terms of reference for a proposed joint ECS/ASCOBANS/ACCOBAMS workshop on *Conserving Europe's cetaceans through synergy-building between the relevant legislative frameworks* were agreed (see Annex 7). A Steering Group was formed with the following members: Patricia Brtnik, Peter Evans, Jan Haelters, Katarzyna Kaminska, Camille Montiglio, Eunice Pinn, Jamie Rendell, Fabian Ritter, Mark Simmonds, Jeroen Vis. (Agenda Item 2.2)
4. The Special Species Session at the 23rd Meeting of the Advisory Committee will feature the white-beaked dolphin. (Agenda Item 3)
5. The terms of reference for the steering group to develop a Conservation Plan for the Common Dolphin were agreed (see Annex 8). Members of the steering group are: Simon Berrow, Greg Donovan, Peter Evans, Sami Hassani, Sinead Murphy, Fiona Read, Eunice Pinn, Marina Sequeira, Mark Simmonds. (Agenda Item 3.2)
6. Parties agreed the procedure to finalize the submission of ASCOBANS' position on the requirements of legislation to address monitoring and mitigation of small cetacean bycatch. The final version will be submitted to the Secretariat by 16 October 2015 for forwarding to the European Commission. (Agenda Item 4.1)
7. The terms of reference for a second workshop on "Unacceptable Interactions" were agreed in principle as outlined in AC22/Doc.4.1.c. The Steering Group was mandated to decide how best to address the tasks assigned to it. Members of the Steering Group are: Sarah Dolman, Greg Donovan, Peter Evans, Jan Haelters, Katarzyna Kaminska, Kelly Macleod, Sinead Murphy, Iwona Pawliczka, Eunice Pinn, Jamie Rendell, Meike Scheidat, Mark Simmonds. (Agenda Item 4.1)
8. The co-chairs of the Joint Noise Working Group were asked to ensure that requests for information were only directed to Parties in the region concerned. (Agenda Item 4.2)
9. ASCOBANS encourages reporting of any ship strike incident to the IWC database (accessible at <https://iwc.int/ship-strikes>), promote the database and make use of the IWC PowerPoint presentation on the issue. (Agenda Item 4.3)
10. Parties agreed to develop a draft Resolution on PCBs to complement the existing Resolution on chemical pollution. The members of the drafting group are: Rob Deaville, Sami Hassani, Lonneke IJsseldijk, Paul Jepson, Sinead Murphy, Iwona Pawliczka, Jamie Rendell, Oliver Schall, Mark Simmonds. (Agenda Item 4.5)
11. Parties are encouraged to continue to support research on the effects on PCBs on small cetaceans within the Agreement area with a view to allowing assessment at Management Unit level. (Agenda Item 4.5)
12. Regarding marine debris, ASCOBANS should facilitate information exchange and liaise with other bodies dealing with this issue, as well as continuing to monitor this topic through its pollution working group. (Agenda Item 4.5)
13. Standardized protocols on recording marine debris during surveys should be developed and ASCOBANS should cooperate as far as possible with IWC. (Agenda Item 4.5)

14. Parties agreed to develop a draft Resolution on underwater unexploded ordnance. The members of the drafting group are: Patricia Brtnik, Frans-Peter Lam, Iwona Pawliczka, Fabian Ritter, Mark Simmonds, Rüdiger Stempel. (Agenda Item 4.6)
15. ASCOBANS should facilitate information exchange on methods for environmentally-friendly removal of underwater unexploded ordnance and on modelling of effects of explosions on small cetaceans. (Agenda Item 4.6)
16. Parties agreed to develop a draft Resolution on managing cumulative impacts on small cetaceans. The members of the drafting group are: Penina Blankett, Patricia Brtnik, Fabian Ritter, Jeroen Vis. (Agenda Item 4.7)
17. Parties were urged to provide any financial or in-kind support they could to the SCANS-III project. (Agenda Item 5.1)
18. The expert group working on the necropsy protocol should liaise closely with ACCOBAMS and IWC, which was currently undertaking similar work. (Agenda Item 5.2)
19. Parties agreed to develop a draft Resolution covering best practice regarding necropsy and rescue and to promote effective stranding networks. The members of the drafting group are: Rob Deaville, Lonneke IJsseldijk, Sami Hassani, Sandro Mazzariol, Jamie Rendell, Mark Simmonds. (Agenda Item 5.3)
20. ASCOBANS should seek to collaborate closely with ACCOBAMS and IWC on the issue of cetacean rescue and the development of related guidance. (Agenda Item 5.3)
21. The AC should monitor the work being undertaken nationally and in other fora relating to best practice regarding cetacean rescue and the Secretariat will make relevant contact information available on the ASCOBANS website. (Agenda Item 5.3)
22. Parties would welcome more information on the case for amending the geographical coverage of the white-beaked dolphin on Appendix II of CMS. (Agenda Item 5.5)
23. Parties are encouraged to consider the feasibility of organizing an annual national whale watch week. (Agenda Item 7.1)
24. The Secretariat should look into ways of evaluating the effectiveness of its outreach media and material, for example with the assistance of a student or intern. (Agenda Item 7.1)
25. Parties and the Secretariat should give thought to appropriate ways to celebrate the 25th anniversary of the signing of the Agreement (March 2017). (Agenda Item 7.1)
26. Thought should be given to appropriate ways to link the 50th anniversary of the sighting of a beluga in the Rhine to the International Day of the Baltic Harbour Porpoise in 2016. (Agenda Item 7.1)
27. Advisory Committee members and observers are encouraged to submit nominations for the ASCOBANS outreach and education award to the Secretariat by 31 December 2015. (Agenda Item 7.2)
28. The jury for the ASCOBANS outreach and education award 2016 consists of: the AC Chair (Sami Hassani), the Acting Executive Secretary (or his nominee), NGO representatives (Rüdiger Stempel and Peter Evans) and Party representatives (Marije Siemensma and Emma Rundall). (Agenda Item 7.2)
29. Parties agreed that until further notice there would be no calls for proposals for external projects. (Agenda Item 8.2)
30. Parties agreed to develop a draft Resolution on marine renewables. The members of the drafting group are: Fiona Read, Jamie Rendell, Meike Scheidat, Mark Simmonds. (Agenda Item 9)
31. Parties agreed that further resolutions might be tabled on: bycatch, the harbour porpoise action plans, the common dolphin and the revised reporting format. (Agenda Item 9)

32. The host of MOP8 and the Secretariat were encouraged to arrange for a keynote presentation on issues (such as cumulative effects and/or marine renewables) related to the Resolutions to be tabled at the meeting. (Agenda Item 9)
33. Parties agreed to develop the draft Resolution on the Work Plan for the next intersessional period in conjunction with the development of the new reporting format. The members of the drafting group are: Penina Blankett, Jamie Rendell, Mark Simmonds. (Agenda Item 9.1; see also AP39)

Institutional Session

34. Parties are urged to assist with the recruitment of non-Party Range States. (Agenda Item 14)
35. Parties and the Secretariat will encourage the participation of representatives of governments of non-Party Range States in the ASCOBANS Meeting of the Parties (MOP). (Agenda Item 14)
36. The Secretariat will produce the compilation of National Reports by the end of the year. (Agenda Item 15.1)
37. Parties are urged to submit their National Reports on time in advance of MOP8. (Agenda Item 15.1)
38. The AC recommends to the MOP for final decision that one comprehensive National Report be submitted each cycle, supplemented by briefer, topic-specific annual reports as determined in advance by the Advisory Committee. (Agenda Item 15.2)
39. The intersessional working group on the revised reporting format (and Work Plan – see AP33) will continue its work in line with the comments made at AC22. Existing members of the WG were invited to continue being involved. (Agenda Item 15.2)
40. The Secretariat was requested to continue to engage with the process to develop the “Companion Volume” of the Strategic Plan for Migratory Species. (Agenda Item 16.2)
41. Various members of the AC agreed to report back to AC23 on the relevant outcomes of meetings of other fora as reflected in Annex 9. (Agenda Item 16.4)
42. The Secretariat will submit to the Meeting of the Parties a draft revision of the Rules of Procedure for the Advisory Committee, amended to facilitate attendance of observers that have regularly been present at AC meetings. The Secretariat will explore a similar arrangement for the MOP. (Agenda Item 17.1)
43. Parties accepted all reports on administrative and budgetary matters for 2014 and 2015 presented by the Secretariat. (Agenda Items 17.1 and 17.2)
44. Parties endorsed the draft Resolution on the Management of Expenditures for forwarding to MOP8. (Agenda Item 18.1)
45. Parties endorsed the draft Resolution on the budget for the next financial period for forwarding to MOP8. (Agenda Item 18.2)
46. Parties advised the Secretariat on explanatory information to be included in the budget options to be presented at MOP8. (Agenda Item 18.2)
47. Parties agreed to fund the revision of the Jastarnia Plan. (Agenda Item 19)
48. An intersessional working group was formed to revise the terms of reference for the coordination of the Harbour Porpoise Action Plans. The members are: Peter Evans, Sami Hassani, Iwona Pawliczka, Jamie Rendell, Rüdiger Stempel, Susanne Viker. (Agenda Item 19)

49. The Advisory Committee should maintain a clear list of priorities for activities in need of funding to encourage support from voluntary contributions and other sources, which the Secretariat should publish on the website. (Agenda Item 19)

REPORT OF THE 22ND MEETING OF THE ASCOBANS ADVISORY COMMITTEE

1. Opening of the Meeting

1. The Chair, Sami Hassani (France), expressed his thanks to the Ministry of Economic Affairs of the Netherlands for hosting the Advisory Committee Meeting (AC), as well as the 5th North Sea Group Meeting and a workshop on remote electronic monitoring (REM) held back to back. He also thanked the Secretariat for having prepared the documents and organized the meetings.

1.1 Welcoming Remarks

2. The Chair, Sami Hassani (France), introduced Peter Munters, Deputy Director of the Department of Nature and Biodiversity of the Ministry of Economic Affairs, representing the host Government. Mr Munters conveyed the good wishes of the State Secretary who was unable to attend in person, having urgent business to attend to related to the Netherlands' forthcoming period holding the presidency of the EU. While the meeting was taking place close to the North Sea and the Netherlands had a long maritime history, Mr Munters said it was more important to look to the future and the many challenges that confronted us, such as economic difficulties, climate change and human displacement. The UN was in the process of adopting new Sustainable Development Goals with a broad agenda encompassing health and human rights. ASCOBANS had a role in achieving these, because they were connected to protection of ecosystems and sustainable use of the seas. It was also vital that ASCOBANS sought to cooperate with other processes with similar goals, such as OSPAR and the EU with its Marine Framework Strategy Directive (MFSD) to make the best use of limited resources and to maximize synergies. The AC had a full agenda and was the prelude to the Meeting of Parties (MOP) that was to take place the following year.

3. Bert Lenten (CMS Secretariat) presented the apologies of the Executive Secretary, Bradnee Chambers. Mr Lenten thanked the Government of the Netherlands for hosting the meeting. He commended the Parties and the staff for their commitment and affirmed that ASCOBANS had a distinct niche and an important role to play in promoting the conservation of small cetaceans in North-West Europe. He explained that the CMS Secretariat had undergone a restructuring in 2013 with the creation of species teams, including the one covering marine and aquatic animals led by Melanie Virtue. The reorganization was intended to promote more cross-sectoral synergies on issues such as bycatch which affected a wide range of species – birds, turtles, sharks and cetaceans. At the forthcoming 44th meeting of the CMS Standing Committee there would be further discussion about how the CMS Family could work more closely and efficiently together.

4. Melanie Virtue (Secretariat) said that AC21 had generated a great deal of work including three workshops, all related to bycatch monitoring and mitigation, the third of which would take place immediately after the AC. The CMS COP having taken place at the end of 2014, there had been more time to dedicate to ASCOBANS this year and this was the last AC in the cycle before the MOP in 2016, so a number of draft Resolutions were being presented. Further draft Resolutions would be prepared before the MOP but there would be no opportunity to review them in a meeting.

5. Jeroen Vis (the Netherlands) welcomed the participants to the Ministry and described some of the "housekeeping" arrangements for the meeting and the location of various facilities in the building.

1.2 Adoption of the Agenda

6. The Chair, Sami Hassani (France), confirmed that the Rules of Procedure that operated at the previous AC remained in force (see Annex 4). Comments were invited on the agenda. There were none so the agenda was adopted as presented ([AC22/Doc.1.2.a](#) and [AC22/Doc.1.2.b Rev.1](#)). It was pointed out that agenda item 2 (Implementation of the Harbour Porpoise Action Plans) would be taken on Wednesday, 30 September.

7. The Chair asked whether anyone foresaw the need for sessional Working Groups. Maj Munk (Denmark) requested that time be found for a closed meeting of Heads of Delegations to discuss the budget proposals and suggested that a drafting group be set up to finalize the text of the letter to be sent to the European Commission regarding bycatch.

8. Jan Haelters (Belgium) said that an OSPAR Working Group led by the Netherlands would be taking place on Thursday, 1 October in the same building as the AC. It would deal with indicators for cetacean abundance under the MSFD and preparations for the ICES Working Group on Marine Mammal Ecology meeting in February 2016.

1.3 Opening of the Scientific Session

9. Heidrun Frisch (Secretariat) presented [AC22/Doc.1.3 Rev.1](#) *ASCOBANS Work Plan 2013-2016 – Progress*, which contained an update on the implementation of the ASCOBANS Work Plan and related Action Points of the previous AC meeting. Colour coding was used to indicate the status of implementation of each Action, with some issues to be addressed by this meeting.

2. Implementation of the Harbour Porpoise Action Plans

2.1 Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan)

10. Rüdiger Stempel (Coalition Clean Baltic/Chair of the Jastarnia Group) presented document [AC22/Doc.2.1](#) *Report of the 11th Meeting of the Jastarnia Group*, which included the third meeting of the group overseeing the implementation of the harbour porpoise conservation plan for the Western Baltic, the Belt Sea and the Kattegat (see agenda item 2.3).

11. Mr Stempel thanked the Group for re-electing him as chair. The Jastarnia Group had also adopted 29 Action Points, 20 related to the Baltic proper, 7 related to the Western Baltic, the Belt Sea and the Kattegat and 2 relevant to both areas; 4 related to bycatch. Action Point 10 related to funding post-SAMBAH activities, Action Point 18 to appointing a Baltic coordinator and Action Point 21 concerned reviews of the three Action Plans, as all contained timetables for review and some were already due.

12. Heidrun Frisch (Secretariat) said that the Action Points with financial implications had been taken into account in [AC22/Doc.8.2](#) *Activities Requiring Funding*.

13. Greg Donovan (International Whaling Commission) said that the IWC had a sub-committee dedicated to small cetaceans which had expressed its concern at the conservation status of the Baltic harbour porpoise. Urgent action was needed and this might require dedicating further resources.

14. Fabian Ritter (Whale and Dolphin Conservation) agreed with Mr Donovan's comments regarding the status of the Baltic harbour porpoise. SAMBAH had indicated a population of approximately 450, and new genetic information pointed to this population being distinct from the others.

15. Ida Carlén (Sweden) said that with the data from SAMBAH available, there was a further basis for reviewing the Jastarnia Plan. An application to the EU LIFE programme for follow-up work was in preparation. Kai Mattsson (Finland) expressed his interest in being involved in any further work.

16. The Chair, Sami Hassani (France), sought the meeting's endorsement of the Action Points, which was given. Oliver Schall (Germany) expressed his thanks to Mr Stempel for his engagement as Chair of the Jastarnia Group.

Action Points and Decisions

- 1) All action points agreed at the 11th Meeting of the Jastarnia Group were endorsed (Annex 5).

2.2 Conservation Plan for Harbour Porpoises in the North Sea

17. Peter Evans (Sea Watch Foundation/Chair North Sea Group) summarized the outcomes of the meeting of the North Sea Group which had taken place immediately before the AC (the report of the previous year's meeting was available as [AC22/Doc.2.2](#)). All North Sea Range States had been present and a number of observers had also taken part. The main subjects discussed were bycatch and PCBs. Monitoring of bycatch remained inadequate and only the United Kingdom had provided an estimate.

18. There was a need for a North Sea Coordinator supporting the North Sea Group and the benefits from the period when Geneviève Desportes was under contract were evident. ASCOBANS should commit the requisite resources if it wished to develop beyond being a clearing house for information. The amount of money required was modest, given the synergies that could be achieved with other processes led by other MEAs and under the auspices of the EU, such as the Habitats Directive and the MSFD.

19. The idea to hold a joint ECS/ASCOBANS/ACCOBAMS workshop on *Conserving Europe's cetaceans through synergy-building between the relevant legislative frameworks* had been discussed. The workshop would deal with issues beyond the limited species and regional mandate of the Group. The workshop would be held in conjunction with the ECS Annual Meeting in Madeira in March 2016. Heidrun Frisch (Secretariat) said that deadlines were pressing and decisions had to be made soon. Camille Montiglio (ACCOBAMS) undertook to contact members of the ACCOBAMS Scientific Committee. Mark Simmonds (Humane Society International) welcomed the continued cooperation between ECS and the two Agreements.

20. Jamie Rendell (United Kingdom) thanked Mr Evans for taking over many of the tasks previously performed by the coordinator and asked how the outcomes of the ECS workshop would feed into consideration of the review of the EU bycatch regulation.

21. Jeroen Vis (Netherlands) said that synergies should help avoid duplication and this workshop should contribute to this. The EU was one framework dealing with bycatch but there were others. He suggested that the Steering Group should be allowed to decide what the agenda and focus of the Workshop should be.

22. Oliver Schall (Germany) said that there were two issues: bycatch and fisheries which were within the remit of DG Mare and wider cetacean conservation. The two could be covered in separate workshops in 2016 and 2017, but agreed that the decision should be left to the organizers.

23. Katarzyna Kaminska (Poland) suggested that the workshop would be more effective if some of the papers were prepared well in advance.

24. Mr Evans said that he would prefer to keep options open for the scope of the workshop and for it to deal with bycatch. It might be necessary to hold a subsequent follow-up workshop. He also expressed the hope that the European Commission would send a representative to the ECS Annual Meeting to attend the workshop.

25. Mr Evans proceeded to read out the 15 action points arising from the meeting of the North Sea Group and highlighted the table setting out the progress achieved. The table included a number of zero entries indicating little progress and some threes indicating that objectives were being met. He said that further data had been submitted by the UK and these would be entered. Where projects had come to an end and no similar activities were being undertaken, it was possible that the rating would go down. The table should be reviewed annually, preferably by an independent person rather than by the countries themselves. In the past, the North Sea Coordinator had completed the form providing the desired impartiality.

26. Greg Donovan (IWC) felt that one of the principal advantages of the conservation plans was that they encouraged cooperation and that naming and shaming Parties for slow implementation was not necessarily constructive.

Action Points and Decisions

- 2) All Action Points agreed at the 5th Meeting of the North Sea Group were endorsed (Annex 6).
- 3) The terms of reference for a proposed joint ECS/ASCOBANS/ACCOBAMS workshop on *Conserving Europe's cetaceans through synergy-building between the relevant legislative frameworks* were agreed (see Annex 7). A Steering Group was formed with the following members: Patricia Brtnik, Peter Evans, Jan Haelters, Katarzyna Kaminska, Camille Montiglio, Eunice Pinn, Jamie Rendell, Fabian Ritter, Mark Simmonds, Jeroen Vis.

2.3 Conservation Plan for the Harbour Porpoise Population in the Western Baltic, the Belt Sea and the Kattegat

27. This item was handled in conjunction with item 2.1 Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan) (see above).

Action Points and Decisions

- 1) All action points agreed at the 11th Meeting of the Jastarnia Group were endorsed (Annex 5).

3. Special Species Session: Common Dolphin

28. Heidrun Frisch (Secretariat) said that it had been agreed at the previous meeting of the AC that a session should be dedicated at each meeting to one of the species covered by the Agreement. The first species to be featured was the common dolphin (*Delphinus delphis*) and Sinead Murphy (Invited Expert) had prepared a presentation.

29. Peter Evans (Sea Watch Foundation) suggested that the white-beaked dolphin (*Lagenorhynchus albirostris*) be chosen as the featured species for AC23 in 2017. This proposal was accepted by the meeting.

Action Points and Decisions

- 4) The Special Species Session at the 23rd Meeting of the Advisory Committee will feature the white-beaked dolphin.

3.1 Introduction and Conservation Status

30. Sinead Murphy (Invited Expert) referred to document [AC22/Inf.3.1](#) *The short-beaked common dolphin (Delphinus delphis) in the north-east Atlantic: distribution, ecology, management and conservation status*. She described the legal framework relevant to the species in the Agreement area, which besides ASCOBANS included European legislation such as the Habitats Directive (articles 2 and 17), Regulation 812 and the MSFD.

31. Information on the abundance of the species and its conservation status was incomplete. In parts of the range which covered the United Kingdom and Ireland, the status was assessed as “favourable” in the 2013 Habitats Directive Article 17 reports, and in other parts as “unfavourable” (i.e. France, Spain and Portugal). The latter was attributed to bycatch and population assessment.

32. There was one population in the North-East Atlantic ranging from Portugal to Scotland. Common dolphins had been observed out to the mid-Atlantic Ridge, though it was not known to what population those individuals pertained. The contemporary range of the North-East Atlantic population was unknown as the sampling of individuals for genetic and cranial morphometric analysis has been confined to continental shelf and slope waters and oceanic waters of the Bay of Biscay. Separate populations inhabited the North-West Atlantic and Mediterranean Sea. The abundance estimate for the regions surveyed by the SCANS-II and CODA projects was c. 172,000 but there were no trend data. In order to be able to detect trends, surveys had to be held regularly, with periods of three years being more effective than every ten. MSFD indicator (M4) “Abundance and distribution of cetaceans” included parameters “abundance of the population of the cetacean species” and “occupancy by the species of an area”.

33. Maps produced under the CODA project (Cetacean Offshore Distribution and Abundance in the European Atlantic) identified one block off Ireland in which approximately 4,000 animals had been observed. Previously dolphins had been seen in far greater numbers there. During the TNASS survey in 2007 Lawson had also observed dolphins in lower numbers in areas where animals were seen in high abundance during the NASS survey in 1995, but the poor weather might have played a role.

34. Regarding seasonal movements, data collected by the Joint Cetacean Protocol (JCP) (1979-1988) showed inshore movements of common dolphins during the wintertime with pronounced concentrations in shelf waters of the western English Channel, St. George’s Channel, off shore in the Celtic Sea, and also off the coasts of NW France (western Brittany), south-western (SW) and NW Ireland and NW Scotland. Seasonal movements might be related to prey availability and distribution. An overview of surveys conducted by several other countries was presented, including those undertaken off the coasts of France and Portugal.

35. Looking into life history parameters revealed a pregnancy rate of 26 per cent and an extended calving interval of approximately every four years. As the species’ longevity was 30 years, and females attained sexual maturity around eight years, this suggested a lifetime reproductive output of 4-5 calves. Little difference was evident when comparing reproductive parameters from the 1990s to data collected during the 2000s, but comparisons with all other available data for this species showed that the North-East Atlantic had lower pregnancy rates than the North-West Atlantic, South Africa, the Western Pacific and New Zealand.

36. Based on the work undertaken by Ms Murphy, reproductive dysfunction was evident in 15.8 per cent of UK stranded common dolphins, with symptoms including tumours, cysts and

atrophic ovaries. Contaminants, especially PCBs, might be a key factor contributing to the low reproductive rates.

37. Common dolphins appeared to live in groups segregated by sex and age. A mass stranding at Pleubian in Brittany, France included one male calf and 52 females with no sub-adults.

38. Past and present threats included bycatch with the gear types of most concern being gillnets and pelagic trawls. Previous studies of both gear types had shown that bycatch rates of common dolphins might be driven by spatial and temporal overlap of animals and fishing gear. Figures fluctuated as the drift net ban came into effect and observer programmes started. Population bycatch rates were uncertain due to a lack of data on contemporary incidental capture rates in some fisheries and limited sampling in other fisheries. Mitigation measures had been shown to reduce bycatch significantly in some fisheries.

39. Geneviève Desportes (NAMMCO) said that common dolphins had been seen off Tromsø, Norway, not long ago and distribution fluctuations had been noted before.

40. Yvon Morizur (France) asked whether it would be possible to rank the main threats facing common dolphins for the purpose of a conservation plan, suggesting that bycatch, contaminants and noise would be high among them. The highest risk fisheries and gear were Spanish bottom trawls with nets with high openings.

41. Oliver Schall (Germany) said that common dolphins were now being seen in more northerly waters. He wondered whether this was an effect of climate change. It seemed that this might not necessarily be the case, as such changes on distribution had been experienced before, although the range seemed to be edging northwards as waters became warmer. Water currents and the presence of prey species were key factors.

42. Peter Evans (Sea Watch Foundation) pointed out that other prey species were now being seen in the North Sea, such as anchovies and sardines which were normally associated with warmer waters further south.

43. Mark Simmonds (HSI) said that the structure of the population still remained unclear. The hypothesis was that there was one single population, but more genetic information would be needed to confirm this.

44. Greg Donovan (IWC) said that samples were needed from other areas ideally covering the entire range but this would be difficult to achieve.

45. Simon Berrow (Irish Whale and Dolphin Group) said that over the past four to five years more strandings had occurred, especially affecting common dolphins. Peaks in January were associated with pelagic trawls.

3.2 Draft Conservation Plan

46. Sinéad Murphy (Invited Expert) presented a proposed outline for the draft conservation plan to be developed, which included recommendations and actions or conservation and management. She stressed that in order to implement a Conservation Plan effectively, the participation of all Range States, the EU and other IGOs would be required. Her recommendations for components of the Conservation Plan were:

Recommendation 1: Coordinator and Steering Committee

Recommendation 2: Assessing the management unit status

Recommendation 3: Finalizing a management framework procedure

Recommendation 4: Assessing the bycatch level

Recommendation 5: Mitigation of bycatch

Recommendation 6: Monitoring population/management unit status

Recommendation 7: Monitoring health and nutritional status, reproductive parameters, pollutant burdens and cause of mortality

Recommendation 8: Investigating the effects of anthropogenic sounds on common dolphins

Recommendation 9: Evaluating common dolphins functional role in the ecosystem

47. The Chair, Sami Hassani (France), raised the issue of the procedure to be followed in adopting a Conservation Plan for the Common Dolphin. He said that it would be important to involve the non-Party authorities and experts and to liaise closely with ACCOBAMS.

48. Greg Donovan (IWC) acknowledged the importance of such a plan but urged pragmatism, stressing that many of the problems were cross-cutting in nature and not specific to any one species. He said that ideally Norway should also be involved and given the range of the species, broadening the Steering Committee beyond ASCOBANS to include ACCOBAMS and non-Party Range States might be considered.

49. Camille Montiglio (ACCOBAMS) undertook to have the issue raised at the forthcoming meeting of the ACCOBAMS Scientific Committee.

50. Jamie Rendell (United Kingdom) also supported taking a conservation plan for the species forward, concurring with the Chair on the importance of involving Ireland and ACCOBAMS and sharing Mr Donovan's concerns about the practicalities of dealing with broader issues.

51. Fabian Ritter (WDC) also supported the idea of developing a conservation plan but urged that a more integrated ecosystem approach be adopted taking into account multiple species. Given the difficulty of finding resources for the existing conservation plans for the harbour porpoise, he wondered whether creating more plans would be fruitful.

52. Ms Murphy suggested forming a Steering Group to oversee elaboration of a draft over the next year. This proposal met with support from the UK, Sweden and Poland and volunteers were sought to serve on the Steering Group. Mark Simmonds (HSI) suggested that the terms of reference ask the Steering Group to take into consideration issues that should not be seen in isolation. Peter Evans (Sea Watch Foundation) said that the species working groups needed to integrate their work with the thematic working groups, as a number of issues would equally apply to Risso's and white-beaked dolphins. Ms Murphy suggested that emulating the practice in the USA a status report should be prepared regularly, such as every six years to tie in with reporting requirements under the EC Habitats Directive.

53. Simon Berrow (Irish Whale and Dolphin Group) aware that Ireland was not a Party to ASCOBANS felt that focus on the common dolphin might persuade the authorities to become more involved.

54. Heidrun Frisch (Secretariat) raised the question of time lines; for a document to be presented to the MOP, a draft would have to be ready in six months. Alternatively the aim might be to have a resolution mandating the finalization of the conservation plan. She undertook to ask the ACCOBAMS Scientific Committee at their next meeting to nominate someone from the area of overlap to join the steering group.

55. Mr Simmonds suggested agreeing the terms of reference at the current meeting and that the Steering Group should meet in the margins of the ECS Annual Meeting in Madeira in March 2016.

Action Points and Decisions

- 5) The terms of reference for the steering group to develop a Conservation Plan for the Common Dolphin were agreed (see Annex 8). Members of the steering group are: Simon Berrow, Greg Donovan, Peter Evans, Sami Hassani, Sinead Murphy, Fiona Read, Eunice Pinn, Marina Sequeira, Mark Simmonds.

4. Review of New Information on Threats to Small Cetaceans

4.1 Bycatch

56. The Chair, Sami Hassani (France), listed the relevant documents and highlighted a number of key activities, including the workshop on REM that would follow the AC. He thanked the interim chairman of the bycatch working group, Peter Evans, for his efforts, and informed the meeting that a revised version of the working group's report had been posted on the ASCOBANS website earlier that day.

57. Peter Evans (Sea Watch Foundation), the chair of the bycatch working group, drew attention to [AC22/Doc.4.1.a Rev.3 Report of the Bycatch Working Group](#) that he had compiled a country-by-country overview of bycatch, partly based on information provided in the National Reports and partly on direct input. Some countries were out of synchronization and their reports were dated. Since compiling the report, some updates had been received from France. Few countries had provided new bycatch estimates primarily because of low levels of monitoring. The workshops on bycatch had produced their own reports so these were not covered in detail.

58. Katarzyna Kaminska (Poland) thanked Mr Evans for the overview but had some comments on the information provided regarding Poland. The role of WWF in the project run by the Hel Marine Station needed to be corrected and how it was funded. Mr Evans said that he would welcome comments but stressed that a draft had been circulated in advance of the meeting. The information in his report had been taken from reports submitted by Parties. Heidrun Frisch (Secretariat) asked that any corrections be notified to the Secretariat during the meeting as the documents could not be changed afterwards.

59. Yvon Morizur (France) hoped to have better information in a few days from the submission on Regulation 812 but this might have to until next year's report to ASCOBANS.

60. Jeroen Vis (Netherlands) said that for the study on gillnet fisheries mentioned by Mr Evans, cameras had been fitted. Fishermen were encouraged to report bycatch and under this programme animals could be landed, which allowed comparison between bycaught animals and stranded ones. Animals were also being tagged to see how the currents affected them. Sole fisheries using small mesh nets and others aiming at sea bass and cod with larger mesh sizes were being monitored and their reward for cooperation was a quota from the Ministry. Technical problems had been encountered with fitting cameras to smaller vessels and overloading the electric circuits and one small vessel, the owner of which had wanted to participate, did not have a cabin, where the equipment could be protected from the weather. No estimate for bycatch had been attempted because of insufficient data.

61. Ms Frisch introduced [AC22/Doc.4.1.b Draft Submission of ASCOBANS Advice on the Requirements of Legislation to Address Monitoring and Mitigation of Small Cetacean Bycatch](#), which contained the draft submission to the European Commission. As instructed by AC21, Geneviève Desportes had been contracted to prepare a workshop in January 2015 which was to elaborate a common ASCOBANS-wide position (see [AC22/Inf.4.1.a](#)). After consultation with the other Working Groups (see [AC22/Inf.4.1.b](#)), some modifications had been made to the recommendations coming from the workshop, with some further changes incorporated in line with the conclusions of the workshop on 'Unacceptable Interactions' in London. All

versions had been circulated to Parties, the latest one seeking clearance for sending the document to the Commission. A request was made by Denmark, however, to defer the submission until the issue had been discussed at this meeting.

62. The European Commission seemed to prefer not to have specific legislation on cetacean monitoring but to include provisions in other instruments. ASCOBANS Parties did not share this view, preferring a dual approach of having higher level crosscutting issues dealt with in a broader framework and a strategic management framework to address bycatch, with different recommendations for each region, as the circumstances in the Baltic, Inner Danish Waters and the Kattegat were different from those in the North Sea and North-East Atlantic.

63. Oliver Schall (Germany) had consulted the German Ministry responsible for fisheries, which shared some of Denmark's concerns. Ms Kaminska (Poland) also shared some of Denmark's concerns. Jeroen Vis (Netherlands) was content with the draft as presented. Jamie Rendell (United Kingdom) was broadly content with the text while sympathizing with some of Denmark's points. He felt that a compromise was within reach. He had doubts about the merits of new legislation which would require a large amount of time and effort. Susanne Viker (Sweden) supported the UK.

64. The Chair suggested setting up a drafting group to meet in the margins of the AC to work on revising the text. An intersessional process was not practical given the deadlines for comments. Maj Munk (Denmark) said that Parties should try to reach agreement during the meeting but if necessary the final steps might have to be done through written procedure. Mark Simmonds (HSI) thought there was still time to reach a compromise and that it was important for ASCOBANS to make its views heard. The text currently on the table might not be perfect but was a reasonable basis.

65. Volunteers to serve on the drafting group were Denmark in the lead, the UK, Germany, Sweden, Poland, the Netherlands, Finland, WDC, the Sea Watch Foundation, NAMMCO, IWC and Sinead Murphy.

66. The drafting group subsequently reported that it had met and made significant progress but the text would need to be circulated to secure final approval because of the quantity of changes made to the draft presented at the start of the meeting. Mr Rendell estimated that the process would last a maximum of two weeks and offered to coordinate a telephone conference should one be necessary. A final draft would be submitted to the Secretariat by 16 October for onward transmission to the European Commission.

Note of the Secretariat: The final submission is available on the [ASCOBANS website](#).

67. Ms Frisch introduced [AC22/Doc.4.1.c](#) *Further Development of Management Procedures for Defining the Threshold of 'Unacceptable Interactions' – Proposed Next Steps* by recalling that a two-step process had been initiated with Jamie Rendell of Defra and Mark Simmonds (HSI) organizing a workshop in London with a second follow-up meeting planned. The report of the London workshop was contained document [AC22/Inf.4.1.c](#) *Report of the Workshop on Further Development of Management Procedures for Defining the Threshold of 'Unacceptable Interactions' – Part I: Developing a Shared Understanding on the Use of Thresholds / Environmental Limits*.

68. With regard to the second workshop, it had been decided to postpone it after the steering group had reviewed the recommendations from the first workshop and had determined that it was appropriate to seek the guidance of the AC on next steps. It recommended new terms of reference which were contained in the document. Thought should be given to reviewing who should participate, being more selective and inward-looking. The workshop should be scheduled to last two days, and review both the 1.7 per cent bycatch removal rate and the target of restoring populations to 80 per cent or more of carrying capacity. A review of how MEAs addressed similar problems should be undertaken (ACAP for instance set conservation

targets rather than thresholds for removal). The AC was asked to review the TOR and establish a steering group if necessary.

69. Greg Donovan (IWC) thought that the TOR were good but the proposed programme seemed rather ambitious for a two-day workshop unless much of the work was done in advance. He suggested splitting the tasks more clearly with more scientific work to inform the decision-makers.

70. Fabian Ritter (WDC) recalled the discussions at the previous AC in Warsaw and welcomed the recommendations from the first workshop, especially as they incorporated societal and “philosophical” questions as well as financial aspects. Any approach based on thresholds should be a tool rather than an ambition and zero bycatch should remain the goal.

71. Mr Simmonds broadly agreed with Mr Ritter. On the point of splitting the workshop, he questioned the benefits of decoupling modelling from the options and the costs. The ambitious TOR brought all the issues together in one package and provided an overview of all the variables about potential biological removal (PBR) and the catch limit algorithm (CLR).

72. Ms Kaminska also urged caution. Participants would need more data to make their recommendations and lessons could be learned from other forums, such as those dealing with birds.

73. Meike Scheidat (Netherlands) said that the issue was an important one and it had taken ASCOBANS a long time to reach this point. She said that modelling could not be developed overnight and agreed that splitting the workshop was a good idea.

74. Mr Rendell supported the TOR but was open to a step-by-step approach and careful consideration of who should be invited to participate. It might be better to leave such decisions to the steering group charged with delivering the meeting.

75. Sinead Murphy (Invited Expert) said that a Technical Workshop with the participation of scientists would require both some financial support and preparatory work. Mr Simmonds suggested the possibility of holding a technical workshop after options had been considered but agreed that the first meeting would need technical input. OSPAR, HELCOM, ACCOBAMS and other forums also had an interest in this issue. Ms Scheidat said that people with technical expertise should attend the options workshop. Mr Donovan, however, said that one should differentiate between those with technical expertise and the political decision-makers; the experts needed to explain the options and their ramifications to those responsible for determining policy.

76. For planning and budgeting purposes Ms Frisch asked for a clear indication of the way ahead and to avoid having too many sessional groups suggesting that details be agreed after the meeting. Mr Simmonds felt that the terms of reference were satisfactory and that the Steering Group should decide the *modus operandi*. Mr Evans said that the Steering Group would need some understanding of the advantages and shortcomings of modelling, particularly for those species where data were scarce. Ms Murphy said that Philip Hammond (SMRU) had agreed to prepare an introductory guide to modelling.

77. Penina Blankett (Finland) said that the HELCOM fish group would be meeting in Warsaw in November and bycatch would be discussed.

78. The Chair called on WDC to speak to document [AC22/Inf.4.1.e](#) *Towards an EU Action Plan on Cetacean Bycatch*. Fiona Read (WDC) said that Europe had been long preoccupied with bycatch and this issue was covered by various pieces of EU legislation and frameworks such as the Habitats Directive, Regulation 812/2004, ACCOBAMS and ASCOBANS. Insufficient monitoring effort meant that it was difficult to make estimates for the level of bycatch and mitigation measures could be improved. There had been discussions over using thresholds. What was needed was a bycatch reduction plan for cetaceans similar to the one for birds.

79. ACCOBAMS was conducting a project and had produced leaflets about reducing the effects of interactions between fisheries and cetaceans.

80. Mr Rendell (United Kingdom) said that Defra had been asked about a plan of action for cetaceans saying that such plans had been elaborated by the FAO for sharks and birds and these had proved to be a catalyst for action and addressing issues. The FAO Plans of Action had been transposed at an EU level and subsequently at national levels and Mr Rendell asked whether others felt that an effective approach would be to take this into the EU to start with.

Action Points and Decisions

- 6) Parties agreed the procedure to finalize the submission of ASCOBANS' position on the requirements of legislation to address monitoring and mitigation of small cetacean bycatch. The final version will be submitted to the Secretariat by 16 October 2015 for forwarding to the European Commission.
- 7) The terms of reference for a second workshop on "Unacceptable Interactions" were agreed in principle as outlined in AC22/Doc.4.1.c. The Steering Group was mandated to decide how best to address the tasks assigned to it. Members of the Steering Group are: Sarah Dolman, Greg Donovan, Peter Evans, Jan Haelters, Katarzyna Kaminska, Kelly Macleod, Sinead Murphy, Iwona Pawliczka, Eunice Pinn, Jamie Rendell, Meike Scheidat, Mark Simmonds.

4.2 Underwater Noise

81. As neither of the co-chairs was present, the Chair, Sami Hassani (France), called on Mark Simmonds (HSI) to present the report contained in [AC22/Doc.4.2 Report of the Joint CMS/ACCOBAMS/ASCOBANS Noise Working Group \(JNWG\)](#) on their behalf.

82. Mr Simmonds explained that the Joint ACCOBAMS/ASCOBANS Working Group on noise had been extended in 2014 and now also included the parent Convention. The JNWG had addressed a number of points on their work plan, including a statement on hotspots of anthropogenic noise in the Adriatic, as a result of request from ACCOBAMS (ASCOBANS Parties should consider what tasks they wanted the Working Group to perform on their behalf). Input was being made into a study being coordinated by the CBD SBSTTA. Recently a landmark agreement had been reached in the USA relating to noise and following a court case, the US navy had undertaken to establish zones without sonar and explosives off San Diego and Hawaii.

83. Yvon Morizur (France) stressed how important it was for ASCOBANS and ACCOBAMS to work together and with OSPAR and with the EU on the MFSD.

84. Greg Donovan (IWC) welcomed Mr Simmonds' report stressing that the IWC also worked on noise issues and would be willing to cooperate with ASCOBANS and the JNWG. He had recently been dealing with grey whales in the Pacific and there had been a recent publication on the responsible use of seismic surveys as well as the guidelines adopted by the IUCN.

85. Penina Blankett (Finland) reminded the meeting of the ongoing BIAS project (Baltic Sea Information on the Acoustic Soundscape). The resulting report was expected to include for example regional implementation tools for handling of underwater sounds.

86. Jeroen Vis (Netherlands) thanked the JNWG but pointed out the momentum achieved under the MFSD Working Group and also within ICES. It was important that ASCOBANS should be in contact with these processes. In the light of criticism the previous year of licences granted to undertake seismic surveys, the Netherlands now had introduced more robust procedures for better liaison and communication. Renewable energy and offshore windfarms were a major issue and a national commission on environmental impacts had been set up. He

also sought clarification whether he had been supposed to respond to a request for information about the Mediterranean. Mr Simmonds said that the co-chairs would be provided with clearer guidance about whom they should approach with requests for information. He was however confident that the Working Group was doing coherent thinking and the membership of the group indicated that many areas of expertise were represented.

87. Frans Peter Lam (Netherlands) said that the interim report from OSPAR was due in 2017 and new targets were being set for the marine strategy linked to the MFSD. The TNO (Toegepast Natuurwetenschappelijk Onderzoek/Organization for Applied Scientific Research) was looking at sonar and policy implications with Norway and St Andrews University in a project sponsored by the US military.

88. Katarzyna Kaminska (Poland) described work being undertaken in Poland regarding underwater noise; some of this work was being coordinated through the National Meteorological Institute at Gdynia.

89. Heidrun Frisch (Secretariat) reiterated that the JNWG was ready to serve ASCOBANS as well as ACCOBAMS, for which it had already responded to a number of specific requests. The Secretariat was willing to relay requests to the Working Group.

90. Peter Evans (Sea Watch Foundation) said that the full proceedings of the 2014 ASCOBANS/ACCOBAMS/ECS Workshop on Noise and Environmental Impact Assessments were now available ([AC22/Inf.4.2.a](#)).

91. Ms Frisch drew attention to information document [AC22/Inf.4.2.b](#) *Terms of Reference: Developing Environmental Impact Assessment Guidelines for Noise-generating Offshore Industries for the CMS Family*. In consultation with the chairs of advisory bodies and the JNWG, terms of reference had been developed for a contract funded through a voluntary contribution from Monaco to CMS for the development of guidelines for the use of CMS, ASCOBANS and ACCOBAMS, as well as any relevant MOUs in the CMS Family. The call for tender would be advertised shortly. She also reminded Parties that a questionnaire had been sent out by CMS on the issue of noise. The deadline for replies was the end of September and the more responses received, the better.

92. Camille Montiglio (ACCOBAMS) hoped that the results of the study into noise hotspots in the ACCOBAMS Agreement Area would be ready for publication by the time of the next ACCOBAMS Scientific Committee in October 2015. The intention was to have a standard protocol across the entire ACCOBAMS area. The outlines of training courses and a framework document would be presented at next ACCOBAMS MOP.

Action Points and Decisions

- 8) The co-chairs of the Joint Noise Working Group were asked to ensure that requests for information were only directed to Parties in the region concerned.

4.3 Negative Effects of Vessels and Other Forms of Disturbance

93. Heidrun Frisch (Secretariat) showed the two related Action Points from the previous meeting on screen. Fabian Ritter (WDC) would report on the work of IWC while the second, dealing with raising awareness among recreational sea users, had been put on hold. She drew attention to CMS Resolution 11.29 on Sustainable Boat-based Marine Wildlife Watching ([AC22/Inf.4.3.a](#)) which applied to a wider range of species than just cetaceans and was aimed also at opportunistic wildlife watching from other vessels and private individuals, not just organized tours.

94. Mr Ritter, who also served as IWC Ship Strike Data Coordinator together with Simone Panigada, gave a presentation explaining the role of the IWC in ensuring that this issue was

on the international agenda. IWC had a ship strikes working group and the Scientific Committee was taking a great deal of interest. International workshops had been held in France in 2010 and in Panama in 2014. Guidance had been issued to yachtsmen participating in the Volvo Ocean Race. Reporting was essential and the database now contained entries concerning approximately 1,200 incidents that had been reported. The main recommendations for mitigation were that every effort should be made to keep vessels and cetaceans apart. Ships should reduce speed, deploy look-outs and make use of the database. Details were included in two information documents tabled at this meeting, [AC22/Inf.4.3.b IWC Ship Strikes Working Group Seventh Progress Report to the Conservation Committee](#), and [AC22/Inf.4.3.c 3rd Progress Report on IWC Ship Strike Data Coordination – May 2015](#).

95. Jamie Rendell (United Kingdom) thanked Mr Ritter for his presentation and confirmed that the UK strongly supported this work from the perspective of both conservation and animal welfare. He asked where ASCOBANS intended to go on this issue. Mr Ritter suggested that ASCOBANS Parties could lobby to secure more support for the IWC database.

96. Yvon Morizur (France) said that there had been no collisions reported the previous year. Within Marine Protected Areas all commercial wildlife watching operations had to be licensed. The Chair, Sami Hassani (France), added that jet skis were prohibited by decree within the Iroise Sea MPA.

97. Greg Donovan (IWC) confirmed that the IWC was willing to collaborate with ASCOBANS on the issue of ship strikes. The IWC was also active with regards to whale watching and would be keen to work with CMS on implementing its Resolution.

98. Camille Montiglio (ACCOBAMS) said that ACCOBAMS Parties had agreed a high quality whale watching certificate. France had adopted it for its operators and they had agreed to a code of conduct. More information was available on the ACCOBAMS website.

Action Points and Decisions

- 9) ASCOBANS encourages reporting of any ship strike incident to the IWC database (accessible at <https://iwf.int/ship-strikes>), promote the database and make use of the IWC PowerPoint presentation on the issue.

4.4 Marine Renewable Energy Technologies

99. Upon request of the Chair, Sami Hassani (France), Heidrun Frisch (Secretariat) introduced the invited expert, Ben Wilson of the Scottish Association for Marine Science (SAMS), explaining that AC21 had requested this additional standing item on the agenda of the AC. The previous year Meike Scheidat (Netherlands) had made a presentation on three types of renewable energy technology and the sector was going through a period of flux.

100. Mr Wilson said that 1MgW machines were small compared with offshore wind turbines but large compared with a cetacean. These machines were usually deployed in large numbers and each unit was relatively inexpensive. They could also be installed quite quickly and were set in place at low tide. Concerns related to paints and lubricants, which could pose a threat of poisoning, and underwater noise. It was not clear whether the noise the machines made acted as a deterrent frightening cetaceans away or whether they attracted inquisitive animals. Collisions could not be ruled out as the blades posed a danger but they rotated more slowly than ships' propellers. The consequences ranged from death through injury to the animals being stunned. Mitigation measures existed, and consideration should be given to positioning turbines at the right depth. Most installations of this type were found in narrow channels in areas with high currents. Modelling could be done to calculate the likelihood of strikes and to see whether cetaceans avoided the turbines, evaded them or were likely to be hit. Visual

triggers were not effective in dark muddy waters, and while turbines made a noise, responses were likely to be minimal and only at close quarters.

101. In order to assess the risk of collisions properly, sea trials with cameras were necessary as it was impossible to replicate in the laboratory what an animal might do. It would also be difficult to retrieve animals that had collided with turbines because the strong currents would wash them away. The most effective mitigation measure was choosing sites well. Guard rails would clog up. Acoustic deterrents might work but there were doubts about the desirability of adding more noise to the environment.

102. Wave power technology had been developed in tandem but there was now a parting of the ways. Wave power potentially could be more widely deployed but some of the companies involved in development of the technology had gone out of business and others were reducing their commitment. One problem was the mooring ropes which tended to trap discarded nets and these rather than the ropes themselves posed the greatest danger to wildlife. Low oil prices at the moment were also a disincentive to invest in alternative energy.

103. Jeroen Vis (Netherlands) said that his government was very interested in renewable energy and there was a national plan including wind, offshore and tidal power. The industry was looking to develop sites in areas with weaker currents. It was important to learn the lessons on how to reduce conflicts with small cetaceans.

104. Greg Donovan (IWC) said that the IWC website contained some recommendations on marine renewable energy dating from 2012.

105. As this was to be a standing item for the agenda of future meetings, an aspect would have to be chosen for the focus at AC23. It might also be a topic suitable for a resolution at the upcoming MOP. Ms Frisch also pointed out that CMS Resolution 11.27 on Renewable Energy and Migratory Species adopted in November 2014 established a multi-stakeholder task force on energy ([AC22/Inf.4.4](#)). This was relevant to ASCOBANS although initially work would concentrate on other species and other types of energy production. Its remit would however widen in due course.

4.5 Pollution

106. The Chair, Sami Hassani (France), drew the meeting's attention to several information documents made available for this item. Heidrun Frisch (Secretariat) suggested taking discussion on debris and chemical pollution successively.

107. Mark Simmonds (HSI) the chair of the Pollution Working Group suggested that Paul Jepson be invited to make his presentation on PCBs.

108. Paul Jepson (Cetacean Strandings Investigation Programme) presented a synthesis of data regarding PCBs as they affected four species, including the harbour porpoise. Details could be found in [AC22/Inf.8.1.a Project Report: Pollutant exposure in coastal top predators: assessing current levels of exposure and toxic effects](#). There were several types of contaminant, organochlorines, brominated diphenyl ethers, mercury, perfluorinated compounds and butyltins. PCBs were still found in high concentrations in the marine environment and were very toxic. The study had been co-funded by ASCOBANS.

109. The study had also extended into the Mediterranean and North Atlantic and the numbers of animals examined had been 706 harbour porpoises, 131 bottlenose dolphins, 220 striped dolphins and 24 killer whales. Looking at time trends the levels of PCBs underwent a steady decline until reaching a plateau in the late 1990s.

110. As apex predators bottlenose dolphins and killer whales could acquire PCBs which dissolved better in fat than in water. Bans on DDT had been in force since 1970s and on PCBs since the 1980s. Otters and seals had recovered but longer-lived apex predators would take longer, and there was a low likelihood of the species reaching a good environmental status under the MSFD or favourable conservation status under the Habitats Directive. Under the

Stockholm Convention there was a requirement to remove PCBs. Currently, France and Spain had the highest levels, with Germany, the Netherlands and Scandinavia having the lowest.

111. Sinead Murphy (Invited Expert) gave a presentation relating to document [AC22/Inf.4.5.b](#) *Reproductive failure in UK harbour porpoises Phocoena phocoena: legacy of pollutant exposure?* Stranded harbour porpoises in British waters had a low pregnancy rate, including individuals that died as a result of incidental capture (and subsequently stranded). The study had sought to establish whether there was a link with PCB exposure levels. In all, 329 bycaught and stranded females collected over the period 1990-2012 had been examined and the sample had been divided in the categories: immature, pregnant, lactating or resting. Preliminary results suggested that reproductive dysfunction may be related to PCB exposure occurring either through endocrine disrupting effects or via immunosuppression and increased disease risk. 20% of mature females showed evidence of reproductive failure, including foetal and newborn mortality. The underlying state of health was a key factor. A further 16.5% had tumours or infections of reproductive organs that could contribute to breeding failure. A number of these abnormalities had been previously identified as reproductive toxicological endpoints in other mammal species including humans. When all ages were considered 47% of individuals had Σ PCBs concentrations above the threshold for adverse health effects (the level when immune system and endocrine endpoints were affected) in marine mammals, which included 52% of sexually immature females and 53% of resting mature females. Almost half of resting mature females (non-pregnant and non-lactating) had not offloaded their pollutant burdens and where data were available these non-offloading females were previously pregnant which provided further evidence of reproductive failure. Based on direct (from necropsy) and indirect (PCB concentrations) evidence, results suggested that reproductive failure could have occurred in up to 39% or more of mature females sampled.

112. The SCANS surveys had been held too far apart to provide any certainty regarding trends, and the current abundance estimate was approximately 400,000 harbour porpoises in waters of the European continental shelf. If porpoises were recovering from over-exploitation in the past, a higher reproductive rate would be expected in the current study, which was not the case. The existence of a “younger” porpoise population in the region, where most individuals did not live beyond 12-years of age, was not reflective of a population at carrying capacity and was suggestive of other factors being at play.

113. In the discussion after the presentation it was agreed that care should be taken regarding any bias in the sample of specimens subjected to necropsies as some might have been ill and had low blubber reserves. It seemed that harbour porpoise had lower levels of PCB contamination than other species (e.g. killer whales and striped dolphins) but were suffering reproductive failure. Ms Murphy noted that porpoises might be more sensitive to effects of PCB toxicity compared to other species – which had been observed in mink - and this might explain the high occurrence of diseased stranded harbour porpoises in the region.

114. There seemed to be a difference between PCB levels in European populations and the rest of the world. Human population density in Europe, the later entry in force of bans and the fact that rivers feed into three semi-enclosed seas (the Mediterranean, the Black Sea and the Baltic) might be factors.

115. Simon Berrow (Irish Whale and Dolphin Group) said that relatively low levels of contamination appeared to be contributing to reproductive failure in harbour porpoises and asked what the effects were for other species with higher levels.

116. Greg Donovan (IWC) asked whether the evidence was clearer in areas with better sample sizes, such as Iceland and North America. One problem was that PCB levels were much lower in North America so this was less likely to be a priority area for research. There were also so many other variables; European populations seemed to be more prone or exposed to disease.

117. Jeroen Vis (Netherlands) said that there seemed to be many uncertainties and more evidence was being sought. At this stage it seemed unlikely that any concrete measures could be put forward to address the problem.

118. With regard to future action, it was noted that ASCOBANS already had a relevant Resolution in place ([Res.7.4 Impacts of Chemical Pollution on Small Cetaceans](#)), and this could be updated with a new Resolution, either subsuming or complementing the old one. A new resolution could call for more research, stressing that while PCB levels were stable the chemicals were still present in harmful quantities. The MOP would provide a platform to raise the issue and for ASCOBANS to publicize its stance. It was also suggested that Mr Jepson be invited to give another presentation at the MOP. Mark Simmonds (HSI) drew the meeting's attention to a well advanced draft which had been produced in the margins of the meeting, and which, it was agreed, might not need much further work.

Action Points and Decisions

- 10) Parties agreed to develop a draft Resolution on PCBs to complement the existing Resolution on chemical pollution. The members of the drafting group are: Rob Deaville, Sami Hassani, Lonneke IJsseldijk, Paul Jepson, Sinead Murphy, Iwona Pawliczka, Jamie Rendell, Oliver Schall, Mark Simmonds.
- 11) Parties are encouraged to continue to support research on the effects on PCBs on small cetaceans within the Agreement area with a view to allowing assessment at Management Unit level.

119. Ms Frisch introduced the second topic to be addressed under this item, marine debris, by reminding the meeting of the two related Action Points arising from the previous AC. One concerned liaising with other forums (IWC, OSPAR, HELCOM, ACCOBAMS and CMS) and how best to contribute to the work on this issue, and the other was on examining the effectiveness of public awareness campaigns undertaken by Parties on marine debris. CMS had in 2014 passed CMS Resolution 11.30 Management of Marine Debris ([AC22/Inf.4.5.a](#)). The Action Plans of OSPAR ([AC22/Inf.4.5.d](#)) and HELCOM ([AC22/Inf.4.5.e](#)) had been made available to the meeting.

120. Mr Simmonds said that he regularly conducted field work on a remote island off mainland Wales. Even on these remote shores, large quantities of plastic, rope, netting and balloons could be found. Three facets of marine debris had a direct bearing on cetaceans: entanglement; ingestion and micro-debris. The document [AC22/Inf.4.5.f An Update on Research into Marine Debris and Cetaceans](#) had been co-authored by him for submission to the IWC. More investigations were being carried out as awareness of the issue increased and ASCOBANS might facilitate monitoring. [AC22/Inf.4.5.c Some Thoughts on the Consideration of Marine Debris in the Context of the International Whaling Commission](#) also looked at initiatives dealing with marine debris. Mr Simmonds also informed the meeting that the [Global Ghost Gear initiative](#) had recently been launched and this sought to bring together partners from around the world to address lost fishing gear.

121. Mr Vis reported back from OSPAR which had organized a workshop at the start of 2015 and in December it would hold a MSFD-related conference on micro-plastics. "Hot spots" for ghost nets had been identified and a call had been made for OSPAR to cooperate with ASCOBANS on this issue. The North Sea Foundation and the My Beach initiative had provided bags to help clean the beaches, and ghost nets were being recycled to make new fibres.

122. Yvon Morizur (France) said that work was being done to combat litter and assessments were being made of the amount of micro-plastic present in the coastal waters of the Bay of Biscay and the Channel. A new regulation had come into force banning plastic bags.
123. Patricia Brtnik (Germany) said that research on the effects of debris on marine mammals and the occurrence of plastic was being undertaken under a three-year project. An awareness campaign had been led by the Oceanographic Museum and an action week was being undertaken by the youth wing of NABU to clear beaches of litter. Oliver Schall (Germany) added that the conference of the Environment Ministers of the German Länder had called for avoiding or at least reducing the use of micro-plastics. He passed a hardcopy of the position paper of Lower Saxony (in German) to the Secretariat.
124. Penina Blankett (Finland) said that the Ministry of Environment had funded a project collecting information e.g. on marine litter on beaches, underwater marine litter and micro-plastics. Next year the focus would be mainly on litter and micro-plastics on the sea bed and benthos and how these affected higher trophic levels, such as fish, mussels, birds and seals. The outcomes of this project were mostly available in Finnish at the moment.
125. Jamie Rendell (United Kingdom) said that as of 5 October 2015 England would be following the lead of Wales by imposing a levy on single-use plastic bags. There were some exemptions, and details of the scheme were on the Defra webpage. Funds raised from the levy would be invested in various good causes.
126. Mr Donovan said that this was also an issue of interest to his organization and he referred participants to two workshop reports posted on the IWC website. Sarah Smith (IWC) said that consideration was being given as to how to engage with others in tackling this important issue, such as the United Nations General Assembly and the United Nations Environment Assembly.
127. Iwona Pawliczka (Poland) spoke on behalf of WWF Poland, which was absent due to illness of the registered representative, on activities concerning a project on ghost fishing gear. The project, thought to be the largest of its kind, had ended earlier that month and had involved 100 vessels. Nets weighing 240 tonnes had been retrieved from the Polish EEZ.
128. Camille Montiglio (ACCOBAMS) said that some collaborative efforts had been undertaken in the Mediterranean and the “Declaration of Monaco” ([AC22/Inf.4.5.g](#)) had been issued after a conference held in March condemning plastic pollution.
129. Susanne Viker (Sweden) described some projects in Sweden that aimed to clean the beaches, part of a Keep Sweden Tidy campaign. Divers and fishermen had been involved in a campaign against ghost nets and consideration was being given as to how to prevent more abandoned gear entering the sea. A six-minute video was available on YouTube explaining how plastic currents were a marine dilemma for the west coast of Sweden.
130. Fabian Ritter (WDC) said that ghost nets could also have synergistic effects as animals that were chronically entangled in nets were more likely to be hit by vessels. There was also a connection with plastics and contaminants. He pointed out that the socks he was wearing were made of recycled fishing gear and that recycling of ghost gear had become a market niche. High resolution cameras were being used to locate marine debris.
131. Mr Simmonds (HSI) said that it was becoming apparent from the literature that the issue was widespread and was becoming worse, affecting both surface and deeper waters and beaked and sperm whales were ingesting plastics at depth.
132. Peter Evans (Sea Watch Foundation) said that those conducting surveys on cetaceans to the west of Scotland and in the Irish Sea were also reporting on debris they had come across. He suggested that it would make sense to register all such records systematically.
133. Mr Donovan (IWC) confirmed that standardizing protocols for surveys was being pursued, but there was nothing in place yet for aerial work. In general, surveys should try to follow standard procedures unless this would compromise the core purpose of the exercise.

134. Mr Berrow (Irish Whale and Dolphin Group) said that one survey was using similar methods to those used for seabirds, with strips of sea 300 metres wide.

Action Points and Decisions

- 12) Regarding marine debris, ASCOBANS should facilitate information exchange and liaise with other bodies dealing with this issue, as well as continuing to monitor this topic through its pollution working group.
- 13) Standardized protocols on recording marine debris during surveys should be developed and ASCOBANS should cooperate as far as possible with IWC.

4.6 Underwater Unexploded Ordnance

135. Heidrun Frisch (Secretariat) said that AC21 had asked for more information to be made available, and a number of information documents contained related reports. The principal document [AC22/Doc4.6 Underwater Unexploded Ordnance in the ASCOBANS Area](#) was written following consultations with HELCOM SUBMERGED and other experts.

136. Conventional and chemical weapons were a threat to human and animal health and to the environment through leakage and decomposition and explosions when bombs were trawled up or being made safe. Explosions spread the toxins and the sound and shock waves could affect cetaceans. There were some known dump sites but there were many places where ammunition was just discarded and not properly recorded and some ordnance had moved with the currents.

137. A precautionary approach should be adopted as to the choice of removal methods. It was a global issue not confined to the ASCOBANS Area, so it was more appropriate for UNEP to take the lead. The Secretariat was already in contact with UNEP, who had shown interest in the subject to be included in the forthcoming GEO-6 report. The question for the AC to answer was whether this was a suitable subject for a Resolution at the forthcoming MOP.

138. Frans Peter Lam (Netherlands) gave a presentation, explaining that a number of countries were known to have quantities of ordnance dumped off their coasts, and the Netherlands was top of the list. There were an estimated 300,000 items of ordnance, and these were being removed at a rate of 100 per year. There had been a fatality in 2006 when a fisherman was killed. Over the period March 2010 to March 2011, 232 underwater explosions had been reported.

139. In a study, shock waves were being modelled from explosions based on bombs weighing between 25kg and 263kg (the blockbuster bomb found near the Dogger Bank weighed 4,000lbs/1,800kg) with predictions for the likely levels of injury to be sustained by marine mammals and behavioural changes. It was estimated that between 800 and 8,000 animals were suffering permanent injuries. Some form of mitigation was needed; either the animals had to be scared away or alternative methods of disposal found.

140. The presentation concluded with a short video made by the Dutch Ministry of Defence showing the exercise carried out by the Dutch Navy to dispose of an unexploded "blockbuster" bomb dating from the Second World War.

141. Jamie Rendell (United Kingdom) asked how much of the unexploded ordnance was now inert and how much still capable of exploding. The answer was not clear. Until recently little regard was paid to the environmental consequences and only recently has thought been given to moving ordnance to dispose of it safely. The 4,000lb bomb found near the Dogger Bank had to be moved because it was close to a gas pipeline. In the event, it had not exploded but other bombs trawled up in fishing nets might still be dangerous and protecting human life was paramount.

142. Ms Frisch said that HELCOM's information suggested that some types of bomb were becoming less stable over time depending on the explosive they contained.

143. Katarzyna Kaminska (Poland) said that the Baltic was an almost enclosed sea and had two official dump sites. The gases emitted and corrosion of the shell cases were adding to the contaminants in the sea. She supported the idea of submitting a Resolution to the MOP.

144. Mark Simmonds (HSI) asked if there were any developments on mitigating the spread of the shock-wave energy as well as reducing noise. He also noted that the 4,000lb bomb had been taken closer to the Dogger Bank, a known site for harbour porpoises. He asked if the energy could be contained or whether the ordnance could be detonated above the surface. Mr Lam said that all of these options were being examined and new techniques and technologies were being tested. Bubble curtains were being used but were not necessarily effective and were costly because the equipment was destroyed when used. Plastic screens had the advantage of not needing power generators.

145. Fabian Ritter (WDC) recalled a symposium covering the North Sea and Baltic a couple of years ago which had also examined these issues and the related problem of noise from pile driving during the construction of windfarms. Rüdiger Stempel (Coalition Clean Baltic) said that in fact a number of symposia had been held; he also supported Poland's view on tabling a Resolution at the MOP. Patricia Brtnik (Germany) had attended some of these meetings and since that time techniques had been further refined. She added that guidelines rather than strict directives existed and these needed to cover a range of likelihoods.

146. Jeroen Vis (Netherlands) said that the circumstances surrounding the incident with the 4,000lb bomb were unique as it was an exceptionally large device. It was not clear whether the attempts to scare marine mammals by lobbing grenades into the water would have been effective as the range of the shock-wave would have been large had the bomb detonated. The actions taken by the Dutch Navy were based on best judgement under the circumstances and with significant time pressure.

147. Mr Lam concluded by saying that there was debate about whether the chemical contamination was a greater threat than the possibility of ordnance exploding. In conjunction with the EDA, a review was being carried out into the different level of problems in the different countries. A project of three years' duration was being planned with the participation of Germany, the Netherlands, Norway and the UK.

148. The Chair, Sami Hassani (France), asked whether Parties supported the idea of having a Resolution. Poland, the Netherlands and Germany were in favour, France was open to the idea and the UK was in favour but stressed that human safety had to be paramount.

Action Points and Decisions

- 14) Parties agreed to develop a draft Resolution on underwater unexploded ordnance. The members of the drafting group are: Patricia Brtnik, Frans-Peter Lam, Iwona Pawliczka, Fabian Ritter, Mark Simmonds, Rüdiger Stempel.
- 15) ASCOBANS should facilitate information exchange on methods for environmentally-friendly removal of underwater unexploded ordnance and on modelling of effects of explosions on small cetaceans.

4.7 Emerging Issues

149. Heidrun Frisch (Secretariat) presented document [AC22/Doc.4.7](#) *Managing Cumulative Anthropogenic Impacts on the Marine Environment*, which covered both direct and indirect impacts. This was potentially another topic for a Resolution at the MOP.

150. Jeroen Vis (Netherlands) agreed that this was an issue deserving attention and highlighted that some cooperation was taking place across the North Sea, but more transboundary consultations had to take place. The Netherlands was working on a framework on ecological effects, taking into account noise levels and the number of days of disturbance. The aim was to give industry the best possible guidance for their licensed activities (seismic surveys, harbour construction etc.). Modelling was being done to try to reduce the effects on animals (birds and bats were also affected by new wind farms) and there was evidence that a tipping point had been reached for some bird species.

151. The Chair, Sami Hassani (France), sought views on whether a Resolution should be submitted. Some countries were in favour and none was opposed so a drafting group was established.

152. Ms Frisch also mentioned three other CMS Resolutions relevant under this item, which had been tabled as [AC22/Inf.4.7.a](#) *CMS Resolution 11.22: Live Captures of Cetaceans from the Wild for Commercial Purposes*, [AC22/Inf.4.7.b](#) *CMS Resolution 11.23: Conservation Implications of Cetacean Culture*, and [AC22/Inf.4.7.c](#) *CMS Resolution 11.26: Programme of Work on Climate Change and Migratory Species*.

Action Points and Decisions

- 16) Parties agreed to develop a draft Resolution on managing cumulative impacts on small cetaceans. The members of the drafting group are: Penina Blankett, Patricia Brtnik, Fabian Ritter, Jeroen Vis.

5. Review of New Information on other Matters Relevant for Small Cetacean Conservation

5.1 Population Size, Distribution, Structure and Causes of Any Changes

153. Heidrun Frisch (Secretariat) reported that in response to the request that the Secretariat write to the Faroese Authorities regarding the whale hunts, a letter had been sent in July but no reply had been received to date. Geneviève Desportes (NAMMCO) informed the meeting that the response had been sent that very day.

154. Meike Scheidat (Netherlands) gave a presentation on behalf of the Sea Mammal Research Unit on the preparations being undertaken for the SCANS III survey, as reflected in [AC22/Inf.5.1.b](#) *Small Cetaceans in European Atlantic Waters and the North Sea (SCANS-III): Revised Proposal*. She explained that following on from the 1994 SCANS and 2005 SCANS-II, plans for SCANS-III were progressing. The results of such regular large-scale surveys were relevant to the MFSD, the Habitats Directive and ASCOBANS. An application for EU funding had been unsuccessful, but countries were committing to covering costs, so that the survey would be undertaken in July 2016. The area to be covered would depend on the amount of money obtained. Both aerial and ship-based surveys would be undertaken, and these would be integrated with independent Irish survey work. A steering committee was being established with one representative from each of the participating countries.

155. It was still not too late for countries to sign up and contributions in cash or in kind (e.g. through making observers available) were welcome. Some funds would be needed in 2017 to enable the analysis of the findings to be done.

156. Oliver Schall (Germany) said that his ministry wanted to sign the agreement soon and it was hoped that €160,000 could be made available for 2016 and a further €40,000 in 2017.

157. Greg Donovan (IWC) said that he was on the steering committee for the Irish survey team and they were willing to cooperate as much as possible. IWC was in contact with Phil

Hammond at SMRU, and Camille Montiglio (ACCOBAMS) suggested putting him in contact with the Spanish National Focal Point for ACCOBAMS.

158. Simon Berrow (Irish Whale and Dolphin Group) said that there was interest in SCANS-III even though there had not been any direct involvement. Two independent surveys had been commissioned, one to the south-west and the other to the north-west, with both large funding from the Irish Government.

159. Jan Haelters (Belgium) said he would raise at the following week's OSPAR committee meeting whether SCANS-III was likely to contribute to the 2017 intermediate assessment. Ms Scheidat said that this might not be possible as the SCANS-III report was only due to appear in 2017. Peter Evans' (Sea Watch Foundation) understanding however was different and that Mr Hammond had thought this feasible.

Action Points and Decisions

- 17) Parties were urged to provide any financial or in-kind support they could to the SCANS-III project.

5.2 Revised Necropsy Protocol

160. Lonneke IJsseldijk (Netherlands) reported on a workshop held at the ECS Annual Conference in March, which had been led by Thierry Jauniaux of Liège University and there had been in excess of 60 participants. The workshop had been officially supported by ASCOBANS, and its purpose had been to discuss the need for an updated necropsy protocol with experts and facilitate information exchange on new techniques and recent developments. At a follow-up meeting with a smaller group of experts in Inverness, Scotland, UK, it was recognized that standardization was necessary and this might be achieved through a wiki style online resource, with one supervising editor in charge.

161. Ms IJsseldijk said that the next step would be a small workshop of experts to draft protocols for the various aspects which should be covered in the guidance. In order to be able to do this, €10,000-€12,000 was required. She reminded the meeting that for the ECS workshop, none of the funding that had been offered was used. Supporting this work was an opportunity for ASCOBANS to make a tangible contribution towards obtaining a clearer picture of causes of mortality throughout the Agreement Area.

162. Greg Donovan (IWC) said that the IWC was also working on similar issues so there was scope for cooperation. Protocols had been developed in the USA. A tiered approach was preferable to be suitable for developed and non-developed countries depending on their capacity and level of expertise.

163. Camille Montiglio (ACCOBAMS) said that ACCOBAMS also had protocols adding to the scope for inter-agency cooperation.

164. The meeting agreed that standardization of necropsy protocols was essential for ensuring comparable and correct data was collected on causes of mortality. The request for funding was noted and would be considered under agenda item 19.

Action Points and Decisions

- 18) The expert group working on the necropsy protocol should liaise closely with ACCOBAMS and IWC, which was currently undertaking similar work.

5.3 Responses to Hazards

165. Heidrun Frisch (Secretariat) referred to an item in the ASCOBANS Work Plan, for which the previous meeting had agreed two Action Points. Two related information documents had been made available, containing reports of relevant workshops of ACCOBAMS ([AC22/Inf.5.3.a Report of the ACCOBAMS/Pelagos Workshop on Cetacean Live Stranding](#)) and IWC ([AC22/Inf.5.3.b Report of the IWC Workshop on Euthanasia Protocols to Optimize Welfare Concerns for Stranded Cetaceans](#)). A questionnaire had been circulated to Parties on national practice and laws relating to cetacean rescue; responses were required by the end of October. The Secretariat was liaising with and gathering information from ACCOBAMS, the ECS, the IWC and others.

166. Camille Montiglio (ACCOBAMS) said that their workshop had focused on the Pelagos Marine Reserve but some aspects had wider applicability. The report would be considered at the forthcoming ACCOBAMS Scientific Committee meeting.

167. Regarding the guidelines on euthanasia, Greg Donovan (IWC) said more work was required in order to provide advice on mass strandings. These were a problem from the conservation point of view, but strandings also raised welfare issues. Another common risk for cetaceans was entanglement, on which the IWC was carrying out training workshops. One finding with widespread support was that the public should leave entangled animals alone and call in expert help, as the risk of injury to humans and animals was high.

168. Ms Frisch said that she understood the action in the Work Plan to be mainly about providing guidance for local teams and wondered at what extent the response to cetaceans at risk would differ across the Agreement Area. Recalling that Ms IJsseldijk had mentioned a wiki for necropsies, she wondered whether something similar could be developed for strandings with advice not only for how to respond when they occurred but also on how to prevent them.

169. Jan Haelters (Belgium) said that those coordinating stranding teams would welcome clear guidance on how to respond appropriately. Belgium was a small country and had no teams on permanent stand-by, but had had a recent incident where 40 pilot whales had come close to the beach. He asked that all available guidance was made accessible to those in charge of such stranding responses.

170. Jeroen Vis (Netherlands) said that it was impossible to be prepared for all eventualities but it was reasonable to be prepared for likely events. Mass strandings were rare but not totally out of the ordinary. He suggested that a Resolution be prepared calling on Parties to establish and maintain strandings networks.

171. Mark Simmonds (HSI) said that the UK had had a voluntary rescue forum in place since 2000 and further to the work by this forum on best rescue practice, British Divers Marine Life Rescue had published a detailed handbook with guidelines and protocols. He agreed that proper training was essential, and cautioned that care should be taken not to encourage untrained persons to attempt rescues by themselves. He also suggested that the resolution cover best practice in pathology and rescue responses.

172. The Chair, Sami Hassani (France), speaking for France, said that there would be a meeting of the French national strandings network in October and it was expected that guidance would be published in February 2016.

Action Points and Decisions

- 19) Parties agreed to develop a draft Resolution covering best practice regarding necropsy and rescue and to promote effective stranding networks. The members of the drafting group are: Rob Deaville, Lonneke IJsseldijk, Sami Hassani, Sandro Mazzariol, Jamie Rendell, Mark Simmonds.
- 20) ASCOBANS should seek to collaborate closely with ACCOBAMS and IWC on the issue of cetacean rescue and the development of related guidance.
- 21) The AC should monitor the work being undertaken nationally and in other fora relating to best practice regarding cetacean rescue and the Secretariat will make relevant contact information available on the ASCOBANS website.

5.4 Management of Marine Protected Areas

173. This agenda item related to Activity 8 in the Work Plan. There was neither a document nor an Action Point from the previous meeting.

174. Peter Evans (Sea Watch Foundation) reported that the European Commission had organized a meeting on the management of marine SACs in St Malo, France. Mr Evans had led the section dealing with highly mobile species and the difficulties in identifying sites. The report of the meeting had now been published on the Commission's [website](#).

5.5 New Agreement Area

175. Peter Evans (Sea Watch Foundation) presented [AC22/Doc.5.5.a](#) *Intersessional Working Group on Research and Conservation Actions Undertaken in the Extended Agreement Area: Update for the Period September 2014 to August 2015*. The report covered both the extension area and large cetaceans. He had invited all Parties and non-Party Range States in the western part of the Agreement Area to contribute information and all had done so. Some of the data were very new and had not even been submitted to ACCOBAMS or the IWC and more data had been provided on stocks, pollutants and other threats.

176. Mr Evans also drew attention to [AC22/Doc.5.5.b](#) *Support for the Proposal to Expand the Geographical Range of the Listing of White-beaked Dolphin (*Lagenorhynchus albirostris*) on Appendix II of CMS to Cover its Entire Range*. With the extension of the ASCOBANS Agreement Area an incongruence had arisen in the Appendices of the parent Convention, where the white-beaked dolphin appeared on Appendix II but with a geographic restriction limited to the North Sea and Baltic Sea. Two ECS workshops had in recent years considered the conservation status of the species, and had advised that the CMS listing should be amended to cover the species' entire range. The AC was requested to state its support for the possible change to the listing on CMS.

177. Maj Munk (Denmark) said that all ASCOBANS Parties were EU Member States and this was an area of EU and Member State competence. Denmark had been approached about this already in the run-up to CMS COP11, but it was not clear why the change was needed. The species was already covered by ASCOBANS and its IUCN status was Least Concern. The matter did not seem particularly urgent given that the next CMS COP was not due until 2017. Denmark was therefore not ready to support this proposal.

178. Katarzyna Kaminska (Poland) supported the change. Heidrun Frisch (Secretariat) explained that this change, like any other listing on the CMS Appendices, needed to be submitted officially by a CMS Party 150 days before the COP. At this stage, the scientists were merely hoping for a statement of support by the AC in order to help encourage a Party to develop and submit the proposal.

179. Jamie Rendell (United Kingdom) recalled that the CMS COP had discussed criteria for species being proposed for listing on the Appendices. While he saw merits in tidying up the Appendices to ensure consistency between the Convention and its Agreements, he wondered whether expanding the listing on CMS Appendix II to cover the entire range of the species would mean it would no longer meet the criteria and questioned whether this assessment had been made.

180. Mr Evans added that while 'traditional' threats to the species, such as hunting, bycatch and pollutant burdens, did not appear to affect its conservation status seriously, new data on the species concerning its diet and population structure indicated a shift in its distribution possibly linked to the availability of prey or climate change. Climate change was expected to become a significant threat to the species in future.

181. Mark Simmonds (HSI) pointed out another that an expansion of the listing would raise the profile of the species. Parties might welcome an investigation into the expanding range which was possibly the result of climate change.

Action Points and Decisions

- 22) Parties would welcome more information on the case for amending the geographical coverage of the white-beaked dolphin on Appendix II of CMS.

5.6 Large Cetaceans

182. Peter Evans (Sea Watch Foundation) said that there was a large overlap between the topics considered by the extension area and large cetaceans working groups because species such as fin whales occurred more frequently in the extension area and then original Agreement Area.

183. Some other large whales had been seen in larger than normal numbers. Humpback whales were being recorded off Ireland in record numbers and were being observed off Scotland and western Channel. Researchers were looking for the species' breeding grounds which were thought possibly to be off Cabo Verde. A humpback whale seen near Rotterdam had been sighted also off Norway. Discussions had started about population structures and migration routes.

184. Greg Donovan (IWC) said that ID photographs of the whales were being forwarded to the appropriate institutes and academies. Fabian Ritter (WDC) said that two humpbacks - a mother and her calf - had been sighted, and had possibly even overwintered, in the Baltic in 2014/15.

6. Marine Strategy Framework Directive

185. Sinead Murphy (Invited Expert) gave the report on [AC22/Doc.6 Report of the Joint ACCOBAMS/ASCOBANS Working Group on the Marine Strategy Framework Directive \(MSFD\)](#).

186. Jan Haelters (Belgium) provided some background on the MSFD and its objective of achieving good environmental status by 2020. This required a coherent assessment of the current state of the environment, which in turn required coordinated monitoring. Three meetings were being held each year to develop common indicators for marine mammals (seals, cetacean abundance and distribution, but the bycatch indicator had led to conflict with other bodies). Progress was being made on the seal indicator after a workshop held in the United Kingdom in April, but seals were less problematic as they lived in colonies on beaches. OSPAR has asked ICES to prepare a draft assessment as data were needed for the

intermediate report. Coastal bottlenose dolphins and harbour porpoises in the central and southern North Sea would be examined and an assessment of minke whales was undertaken regularly by the IWC. A workshop was being held in the same building as the AC the next day and the ICG-COBAM working group was meeting in Trondheim the following week.

187. Yvon Morizur (France) called for better coordination within each sub-area. The ecosystem approach meant that data had to be collected and this required resources.

188. Ms Murphy noted that development of the common bycatch indicator was on hold and that the two remaining indicators (abundance and distribution) were being combined. Most countries were proposing their own bycatch indicator, though for the majority specific targets had yet to be agreed upon.

189. Mr Haelters said that the ultimate goal was to achieve common ground on biodiversity as with chemicals where all OSPAR States had agreed a joint position on the scope of monitoring of pollutants and methods.

190. Jeroen Vis (Netherlands) said that all of these processes were connected and with all ASCOBANS Parties in the North Sea also being members of OSPAR and EU Member States, coordination should not be difficult. ASCOBANS could easily benefit from the work and momentum achieved in these other forums.

7. Publicity and Outreach

7.1 Reports by the Secretariat, Parties and Partners

191. Heidrun Frisch (Secretariat) presented [AC22/Doc.7 Rev.1](#) *Report of the Secretariat on Outreach and Education Activities*. On the action points arising from the last meeting, she reported that while most had been implemented, the Secretariat had not been able to assess the effectiveness of its outreach work as it lacked the required expertise. She sought guidance from the meeting as to how to proceed.

192. Peter Evans (Sea Watch Foundation) said that the UK had a whale watching week as did Ireland. This was a good way to reach out to more people and it would be desirable for this to become a more international event.

193. Simon Berrow (Irish Whale and Dolphin Group) said that the Irish whale watching week was in its 15th year and had been growing steadily. It was land-based and provided a useful snapshot of the species frequenting Irish waters.

194. Jeroen Vis (Netherlands) said that it would be difficult to set one date for such an event internationally as there were regional differences and the best time to see different species would vary. With regard to the assessment of the Secretariat's outreach work, he did not think that this was something that could be done in-house, but a professional evaluation would cost money.

195. The Chair, Sami Hassani (France), suggested that the evaluation of outreach work might be a suitable subject for a thesis and a specialist technical college could be approached to see if any of their students would be interested in doing it. Supervising a student or an intern would, however, still require some time commitment from the Secretariat. Patricia Brtnik (Germany) suggested making use of online questionnaires, which were quite simple to create.

196. Bert Lenten (CMS Secretariat) said that the target audience needed to be identified. In different cases this might be children, governments or conservationists. Similar issues had arisen with the World Migratory Bird Day campaign and formulating the right messages took considerable staff effort. The parent convention and AEWA were in the process of developing their communication strategies and the issue was on the agenda of the forthcoming CMS Standing Committee. For an MEA as an IGO, it might be more appropriate to concentrate on governments; NGOs were probably better suited at addressing children.

197. Ms Frisch reminded Parties that they had been asked to nominate a national Facebook content manager but no nominations had been received and the only content submitted had related to the International Day of the Baltic Harbour Porpoise. No suggestions had been made for links to relevant websites which the Secretariat could post on the ASCOBANS Kids website.

198. Rüdiger Stempel (CCB) recalled that there was a long-standing recommendation that national focal points responsible for public awareness should be appointed in each Party.

199. Oliver Schall (Germany) mentioned two important dates. The first was the 25th anniversary of ASCOBANS in March 2017 and the second was 18 May 2016 which would be the 50th anniversary of the sighting of a beluga whale in the Rhine (it had passed the parliament building in Bonn on 13 June 1966).

200. Penina Blankett (Finland) said that SAMBAH had been highlighted at the Brussels Green Week, and the Finnish stand had featured the inflatable harbour porpoise borrowed from the Secretariat, a power-point presentation, roll-up information banners and a quiz. The Finnish National Action Plan for Harbour Porpoise, which was ten years old, was under review taking in to account the findings of SAMBAH and a new leaflet in Finnish and Swedish had been produced.

201. Kai Mattsson (Finland) had given a presentation at the facility where he worked on the International Day of the Baltic Harbour Porpoise and had also visited schools, explaining the differences between whales and fish and how long it took debris to degrade in the environment.

202. Fabian Ritter (WDC) said that the exhibition showing the art created for the competition "Die letzten 300" had been open to the public from January to April and had attracted more than 30,000 visitors in Stralsund, Germany, after a very successful inauguration ceremony in January 2015. It was hoped that it would be shown in other locations in Germany later. The Federal Minister had been the patron and Ms Frisch had given a public evening lecture on the day of the opening. The exhibition concept had been prepared by a student at the Dessau Design School, Juliane Fränkel, as part of her thesis.

203. Iwona Pawliczka (Poland) spoke on behalf of WWF Poland and said that a national management plan had been developed and delivered to Ministry of the Environment in 2012. WWF Poland and the Hel Marine Station had prepared a public campaign attracting 100,000 signatures calling for the plan to be implemented. There was a great deal of media interest and one documentary had already been made and was available on the internet and two more were in the pipeline. WWF Poland was also supporting the volunteers of the "Blue Patrol" and 200 people were involved in monitoring the coast every day. The Hel Marine Station had been asked to present data from SAMBAH and BIAS at a maritime expo, the only environmental exhibitor at the event.

204. Camille Montiglio (ACCOBAMS) said that for the first time an exhibition of photographs submitted by ACCOBAMS partners had been held from April to June in a gallery near the Oceanographic Museum in Monaco. The first ACCOBAMS Cetacean Day had involved coordinating all 23 Parties.

205. Marije Siemensma (Netherlands) said that an event focussing on harbour porpoises had been held at a National Park in Scheldt on the border with Belgium. The North Sea Foundation showed how harbour porpoises could be observed from ferries and an app had been developed for naval crews to record cetacean sightings.

206. Ida Carlén (Sweden) said that in December 2014 a conference had been held to mark the conclusion of the SAMBAH project and at a headland in southern Sweden it was possible to observe harbour porpoises (binoculars were provided) and an app had been developed. Mr Evans said that he was aware of two more apps that had been developed, one designed for waterproof tablets suitable for tour operators.

Action Points and Decisions

- 23) Parties are encouraged to consider the feasibility of organizing an annual national whale watch week.
- 24) The Secretariat should look into ways of evaluating the effectiveness of its outreach media and material, for example with the assistance of a student or intern.
- 25) Parties and the Secretariat should give thought to appropriate ways to celebrate the 25th anniversary of the signing of the Agreement (March 2017).
- 26) Thought should be given to appropriate ways to link the 50th anniversary of the sighting of a beluga in the Rhine to the International Day of the Baltic Harbour Porpoise in 2016.

7.2 ASCOBANS Outreach and Education Award 2016

207. Heidrun Frisch (Secretariat) said that one thing to look forward to at the MOP was to present the ASCOBANS Outreach and Education Award. Previous winners were the Hel Marine Station, Petra Deimer, Peter Evans and Mats Amundin. The first call for nominations was being made and the terms of reference were set out in the annex of document [AC22/Doc.7.2](#) *ASCOBANS Outreach and Education Award 2016*. A jury would have to be selected to choose the winner.

Action Points and Decisions

- 27) Advisory Committee members and observers are encouraged to submit nominations for the ASCOBANS outreach and education award to the Secretariat by 31 December 2015.
- 28) The jury for the ASCOBANS outreach and education award 2016 consists of: the AC Chair (Sami Hassani), the Acting Executive Secretary (or his nominee), NGO representatives (Rüdiger Stempel and Peter Evans) and Party representatives (Marije Siemensma and Emma Rundall).

8. Funding of Projects and Activities

8.1 Progress of Projects Supported by ASCOBANS

208. Peter Evans (Sea Watch Foundation) gave an update on the TURSIOPS SEAs project (concerned with coastal bottlenose dolphin populations and their connectivity) which had had a long gestation period and was being developed by a group of 14 partners. Delays had arisen when one of the leading partners dropped out and Peter Evans had stepped in. The project team was looking at the possibility of applying for LIFE funding.

209. Heidrun Frisch (Secretariat) gave details of the progress achieved by projects funded by ASCOBANS, as outlined in [AC22/Doc.8.1](#) *Progress of Projects Supported through ASCOBANS*. Two of the project reports had already been discussed under other agenda items related to the subject matter of the projects. In the case of the project selected for funding by AC21, the start had been postponed but funding should proceed as soon as work commenced.

8.2 Prioritization of Activities Requiring Funding

210. Heidrun Frisch (Secretariat) ran through the list of candidate projects for funding as outlined in [AC22/Doc.8.2 Activities Requiring Funding](#). These were all based on mandates received from past meetings.

211. The previous year it had been agreed not to make a call for external projects in order to leave the limited funding available for activities agreed upon by AC meetings.

212. Penina Blankett (Finland) was not sure that the order in which the projects had been presented reflected their importance. She questioned whether the “Kids’ page” should take precedence over information on fisheries as she thought the Parties could lead on public awareness for children themselves.

213. Jamie Rendell (United Kingdom) said his top priority was the revision of the Harbour Porpoise Plans followed by the coordinator consultancy and then the reporting format. He made a distinction between what was necessary and what was desirable, adding that the report format could be revised in conjunction with the IWC. The strandings guide too could be a joint venture with other forums.

214. Jeroen Vis (Netherlands) said that he would like some indication of how effective the information materials were before committed resources to reprinting them.

215. Maj Munk (Denmark) agreed with the priorities as detailed by the UK and shared the same concerns as the Netherlands regarding reprinting information material.

216. Katarzyna Kaminska (Poland) said her top priority was coordination of the Jastarnia Plan which she thought could be combined with its revision, followed by the national report format, with the fisheries pages of the website before the children’s section.

217. Kai Mattsson (Finland) attached higher importance to outreach material and questioned whether fishermen would visit the fisheries pages.

218. Susanne Viker (Sweden) agreed that information aimed at children was better left to the Parties at national level.

219. Oliver Schall (Germany) said that he could confirm the regular voluntary contribution would again be available next year, with the possibility of some more at the end of this year. The revision of the Plans, the coordinator consultancy and the national reports were his top priorities.

220. Fabian Ritter (WDC) said that mitigation work would be his preference for funding and Rüdiger Stempel (CCB) felt that the Harbour Porpoise Plans which should be ready for the MOP, and the coordinator(s) were the most important. Peter Evans (Sea Watch Foundation) said that the coordinator of the North Sea Plan had acted as a catalyst for other activities and he would therefore place appointing a new coordinator above revision of the Plans. He said that the Jastarnia Plan needed support as well as the North Sea Plan.

221. The Chair, Sami Hassani (France), speaking on behalf of France, identified the revision of the Plans, the consultancy for the coordinator and revision of the national report format as his priorities. He confirmed that France was considering making a voluntary contribution towards the North Sea coordinator in 2016.

222. In response to a question from the floor, Ms Frisch explained how the costings had been reached for the activities, taking into account costs of similar past activities with adjustments for inflation. She further cautioned that the available amount of €49,000 was not absolutely confirmed as it was subject to exchange rate fluctuations between the Euro and the Dollar. She undertook to prioritize the list according to the feedback received. It would be discussed again under agenda item 19 in the Institutional Session.

Action Points and Decisions

- 29) Parties agreed that until further notice there would be no calls for proposals for external projects.

9. Draft Resolutions not Covered Above

223. Heidrun Frisch (Secretariat) recalled discussions earlier which had identified several topics for draft resolutions, such as conservation of common dolphins, management of cumulative impacts, revised Harbour Porpoise Action Plans, necropsies and rescue, PCBs, and underwater ordnance. A resolution on the work plan for the coming intersessional period was also required. She suggested linking its development to the work relating to the national reporting format, which would be discussed in the Institutional Session. Other possible topics were: bycatch taking into account the results of the extensive work on this topic over the last twelve months and marine renewable energy.

224. Jeroen Vis (Netherlands) said that it would be useful to consider the impacts of new technologies and their cumulative effects while Mark Simmonds (HSI) suggested widening the subject to include noise related to construction of installations. Jamie Rendell (United Kingdom) agreed that the work plan and reporting format should be developed in conjunction. He was not opposed to a Resolution on marine renewables provided it brought some added value. Oliver Schall (Germany) commented that CMS already had a comprehensive Resolution on underwater noise and doubted whether much more needed to be added. Meike Scheidat (Netherlands) suggested noise and ship strikes.

225. Mr Simmonds, supported by Peter Evans (Sea Watch Foundation), suggested that an expert presentation might also be arranged at MOP8 to explain why these issues were important, and reiterated his earlier comment that a broader approach should be adopted to elicit as wide a response from as large a spectrum of the ASCOBANS constituency as possible.

Action Points and Decisions

- 30) Parties agreed to develop a draft Resolution on marine renewables. The members of the drafting group are: Fiona Read, Jamie Rendell, Meike Scheidat, Mark Simmonds.
- 31) Parties agreed that further resolutions might be tabled on: bycatch, the harbour porpoise action plans, the common dolphin and the revised reporting format.
- 32) The host of MOP8 and the Secretariat were encouraged to arrange for a keynote presentation on issues (such as cumulative effects and/or marine renewables) related to the Resolutions to be tabled at the meeting.

9.1 Activities of the ASCOBANS Advisory Committee and Work Plan

226. Heidrun Frisch (Secretariat) presented document [AC22/Doc.9.1](#) *Draft Resolution: Activities of the ASCOBANS Advisory Committee and Work Plan* and requested feedback on the annex which included the Work Plan. The Work Plan was based both on the current work plan and the proposed structure of the new reporting format. Changes to this document would also need to be reflected in any further work done on the contents of [AC22/Doc.15.2](#) *Revision of the Annual National Reporting Format*, and vice versa. Early comments were invited so that the draft could be developed in accordance with the Parties' wishes.

227. Jeroen Vis (Netherlands) welcomed the opportunity to review what issues should be reviewed annually or biennially. There seemed to be no hard and fast rule to determine what frequency was appropriate in each case.

228. Jamie Rendell (United Kingdom) said consideration should be given to the best use of the people in the room and their time and it was worth reviewing the frequency of reports and meetings. He welcomed the draft resolution and noted that the priorities in square brackets needed to be determined once the range of actions set out in the resolution was clear. Ms Frisch said that the square bracketed section of the resolution might be used to identify those areas of work where annual reports should continue to be made.

229. Oliver Schall (Germany) agreed with the idea of having comprehensive reports in MOP years and less weighty reports at other times, noting that other CMS instruments had reporting cycles of three or four years.

230. It was agreed to establish an intersessional drafting group to further elaborate the text of the draft resolution.

Action Points and Decisions

- 33) Parties agreed to develop the draft Resolution on the Work Plan for the next intersessional period in conjunction with the development of the new reporting format. The members of the drafting group are: Penina Blankett, Jamie Rendell, Mark Simmonds.

10. Any other Business

231. No item had been proposed for discussion under this point of the agenda at the start of the session, but Mark Simmonds (HSI) said that a draft of the Resolution on pollution had been prepared and despite the fact that Paul Jepson and Rob Deaville (Cetacean Strandings Investigation Programme) had already left, he thought it would be useful to share it with the Committee. The draft based on information provided by Sinéad Murphy (Invited Expert) and Mr Jepson was projected on screen.

232. Maj Munk (Denmark) pointed out that she had no mandate to discuss any details and did not want to compromise Denmark's position in advance of the MOP. Heidrun Frisch (Secretariat) said that she understood the purpose of the exercise to be to establish whether the current draft was consistent with the discussion held at the meeting and no definitive decision would be taken here. Parties would still have the opportunity of suggesting changes before or at the MOP. On the understanding that Parties were not committing themselves at this stage, Ms Munk welcomed the opportunity to review the text.

233. Jeroen Vis (Netherlands) thought that the Secretariat should be requested to work with other MEAs, and here OSPAR would be an obvious candidate.

234. Fabian Ritter (WDC) thought that the draft was good but expressed some scepticism about intrusive methods of testing and sampling.

235. Oliver Schall (Germany) said that PCBs were being dealt with in fora concerned with air and water quality and persistent organic pollutants and the relevant MEAs should be consulted.

11. Adoption of the List of Action Points of the Scientific Session

236. Heidrun Frisch (Secretariat) presented a list summarizing the Action Points arising from the deliberations of the Scientific Session. A number of amendments were proposed from the floor and the Secretariat undertook to make a final editorial revision before circulating the Action Points.

12. Close of the Session

237. The Chair, Sami Hassani (France), declared that the business of the Scientific Session had been completed and he closed the proceedings.

13. Opening of the Institutional Session

238. Penina Blankett (Finland) assumed the Chair for the Institutional Session and asked whether there were any items proposed for discussion under Any Other Institutional Matters (see agenda Item 20).

14. Accession and Agreement Amendment

239. Heidrun Frisch (Secretariat) referred to [AC22/Inf.14](#) *Status of Accession and Acceptance of the Agreement's Amendment* and confirmed that no new Parties had acceded to the Agreement so membership remained at ten. Eight of the ten Parties had ratified the amendment extending the Agreement Area (Belgium and Lithuania were the two that had not). The Secretariat had approached some non-Party Range States such as Ireland and Latvia and these countries and others had been encouraged to participate in the AC. Approaches had also been made to an NGO in Latvia. Parties were asked to use their bilateral contacts to promote ASCOBANS.

240. The Chair, Penina Blankett (Finland), commented that with the next MOP taking place in Finland, representatives from Latvia, Estonia and the Russian Federation might be persuaded to attend given the shorter distance to travel.

241. Emma Rundall (United Kingdom) confirmed that the Isle of Man was interested in participating in ASCOBANS.

Action Points and Decisions

- 34) Parties are urged to assist with the recruitment of non-Party Range States.
- 35) Parties and the Secretariat will encourage the participation of representatives of governments of non-Party Range States in the ASCOBANS Meeting of the Parties (MOP).

15. National Reporting

242. Heidrun Frisch (Secretariat) reminded the meeting of the deadline for receipt of national reports, which the Agreement text set as 31 March. If reports were not received or received late, it made the task of the Secretariat to compile a composite report difficult or impossible, something it was required to do by 30 June. Some reports were late last year but as promised at AC21 it had still proved possible to prepare the compilation by the end of that year. The last report for 2014 had been received shortly before this meeting and the Secretariat undertook to publish the compilation by the end of 2015.

15.1 Reports from Parties

243. The Chair, Penina Blankett (Finland), conducted a tour de table for oral updates from the Parties. The written national reports were available as AC22/Inf.15.1.a to AC22/Inf.15.1.j.

244. Jamie Rendell (United Kingdom) confessed to being one of the offenders. One problem was timing, as the deadlines for reporting under Regulation 812/2004 and the Agreement did not align well.

245. Katarzyna Kaminska (Poland) asked whether Parties could use information in their ASCOBANS National Reports when reporting to HELCOM. As the reports were public documents and recycling the information would save effort, there seemed to be no reason why

not. Ms Kaminska referred to a new fisheries act that would come into force in January 2016 and would require bycatch to be recorded in log books.

246. Kai Mattsson (Finland) reminded the meeting of his presentation at the scientific session on public awareness and an interactive sightings website. On behalf of Finland, the Chair added that a new fisheries act would enter into force in January 2016 and it included a provision requiring bycatch to be reported.

247. Sami Hassani (France) said that a new Marine Protected Area had been designated in France.

248. It was noted that it was desirable to have current national reports available for MOP8. The Secretariat would only be able to produce the compilation in time for that meeting if submissions were made by the deadline.

Action Points and Decisions

- 36) The Secretariat will produce the compilation of National Reports by the end of the year.
- 37) Parties are urged to submit their National Reports on time in advance of MOP8.

15.2 Revision to National Reporting Format

249. Heidrun Frisch (Secretariat) said that the current Work Plan contained an activity requiring the AC to consider a revision of the National Reporting Format. This topic had been discussed at previous AC meetings and AC21 had established a working group which had considered the Parties' reporting needs. A questionnaire had been sent to Parties and chairs of the various working groups under the Advisory Committee. Based on the responses received, the group had developed [AC22/Doc.15.2](#) *Revision of the Annual National Reporting Format*, which contained a summary of the points raised by respondents as well as a proposed outline of a revised reporting format. Already at AC21 a request had been made of voluntary contributions to allow a professional designer to be engaged but no offers had been forthcoming. The Secretariat was in contact with the IWC as it was known that that organization was also reviewing its report format. The currently used formats under ASCOBANS and the IWC had been made available as information documents.

250. The Agreement text required annual reports but did not specify that every aspect of the Agreement's activities needed to be covered in each report and a staggered system could be introduced. Similarly, the Agreement text specified when reports should be submitted, but after the experience of changing from a three-year to a four-year cycle for the MOPs, it appeared that there was some flexibility in interpretation.

251. The Annex of the document contained an outline of what the new format could look like but not the detailed questions or answer options, which needed to be considered separately for each subject depending on the types of analysis planned. The various sections reflected those in the Conservation and Management Plan of the Agreement, in combination with the additional subjects already touched on in the current format, such as an introductory section on national coordinators, relevant institutions etc., as well as sections dealing with changes to legislation, awareness raising, education and others.

252. The AC was requested to provide guidance and comment on the outline draft in the Annex. Ms Frisch reminded the meeting that the recommendation was for the further development of the reporting format to be taken in conjunction with the development of the work plan for the coming period. In order to ensure that the revised format would lend itself to statistical analysis as far as possible, while minimising the effort it would take to fill it in, the

Secretariat still strongly recommended passing it to a professional survey designer once the content was agreed.

253. Sami Hassani (France) suggested that some space should be provided where literature references could be added.

254. The Chair, Penina Blankett (Finland), suggested harmonizing the categories of identified threats e.g. with those contained in the Habitats Directive.

255. Maj Munk (Denmark) suggested cross-referencing to other reports to avoid duplication and harmonize completely rather than having almost identical questions to other report forms. Some prioritization could be introduced for those Resolutions that were still active and for which Parties were expected to provide information regarding implementation. An indication of the uses to which the information provided would be put would be a useful confirmation that the time and effort expended were worthwhile.

256. Oliver Schall (Germany) said that the Agreement required a brief report and Parties should therefore concentrate on the most important issues. A fuller report could be prepared for MOP years.

257. Jamie Rendell (United Kingdom) said that Parties faced numerous reporting obligations and it was desirable to keep the questions to the minimum necessary. The same information could be copied and pasted from the reports to other forums so harmonizing the formats with OSPAR and the Habitats Directives would facilitate this. The proposed section on noise asked for a great deal of information and those responsible for compiling the data might object. He suggested that ASCOBANS liaise with IWC over reporting issues.

258. Peter Evans (Sea Watch Foundation) said that he was familiar with the reports of ASCOBANS, the IWC, ICES, OSPAR and others and said that there were many overlaps. Not every country had prepared a national report every year and the information varied in detail depending on how often reports were due for the different bodies. As each forum also had its own niche, there were often different requirements and the reports were therefore not the same. Mr Evans said that he did use the reports and that they were very useful sources of information but he wondered whether Parties read each other's submissions. He added that greater use of graphics made reports more attractive to the reader and closer alignment of questions to Resolutions would help chart the Agreement's progress towards implementing its policies.

259. Sarah Smith (IWC) agreed with the UK that it would make sense for IWC and ASCOBANS to liaise over revising their National Report formats. Progress reports were submitted to the Scientific Committee online, and text reports were sent to the Conservation Committee in accordance with procedures laid down by Resolution in 2004 and never subsequently revised. Both formats had been made available as information documents. The process needed to be Party-driven. The IWC Scientific Committee had started a review process, whereas the Conservation Committee had not.

260. Jeroen Vis (Netherlands) said that the current system worked but was not ideal. Parties should identify those areas where they needed to make a report. An issue-led system could mean that certain subjects were put on ice when they were not current. The report could be amended with new areas added but this might entail occasionally undertaking a fundamental overhaul of the format.

261. Mr Evans commented that the reports contained a great deal of repetition exacerbated by its annual frequency. He thought that a broader, less frequent report would be preferable. He also noted inconsistencies in how the questions were answered and suggested that clear instructions be issued.

262. Kai Mattsson (Finland) urged more frequent updates of reports with new figures.

263. Ms Frisch said that a variety of ideas had been suggested but no clear picture had yet emerged of how Parties wanted the new format to be. She projected on screen an outline of the main options and parameters, which were: (1) brief annual reports similar to the current

format; (2) a full annual report along the lines of the proposal set out in Annex 1 of AC22/Doc.15.2; (3) one full report per cycle complemented by briefer topic specific reports annually; and (4) one full report per cycle complemented by minimal reports in the other years. She also asked for feedback on the wish some Parties had expressed to change the submission date.

264. Mr Rendell said his preference was for the third option. He also said that the reporting requirements under Regulation 812/2004 might change and it was the deadline for the report under that Regulation that was causing problems for the UK to prepare its report to ASCOBANS on time. Mr Schall and Ms Munk also supported the third option. No member of the Committee spoke in favour of any of the other options.

265. Ms Frisch sought confirmation that the list of standard questions on threats and pressures set out in page 5 of the annex were appropriate.

266. Ms Munk said that they would be in order as long as if they related directly to ASCOBANS Resolutions and shadowed those asked for reports under the Habitats Directive. Mr Rendell confirmed that other reporting requirements had been taken into account when these were developed by the working group, adding that they should elicit good data and appeared to be aligned to Resolutions.

Action Points and Decisions

- 38) The AC recommends to the MOP for final decision that one comprehensive National Report be submitted each cycle, supplemented by briefer, topic-specific annual reports as determined in advance by the Advisory Committee.
- 39) The intersessional working group on the revised reporting format (and Work Plan – see AP33) will continue its work in line with the comments made at AC22. Existing members of the WG were invited to continue being involved.

16. Relations with other Bodies

16.1 Reports by the Secretariat, Parties and Partners

267. Heidrun Frisch (Secretariat) drew attention to [AC22/Inf.16.1.a](#) *Reports from Relevant Meetings Back to ASCOBANS*. She mentioned that the compilation contained also a summary of the most directly relevant Resolutions adopted at CMS COP11 in Quito, Ecuador, in November 2014.

268. The Chair, Penina Blankett (Finland), invited those who had contributed to the compilation to highlight key points.

269. Mark Simmonds (HSI) reported on the IWC Scientific Committee, where two issues with potential synergies with ASCOBANS were climate change and marine debris. The document ([AC22/Inf.16.1.b](#)) explained the extensive work being carried out on small cetaceans including a review of Tursiops species. There was also a grant scheme for projects relating to small cetaceans and the next call for applications would be made in January 2016. A new “task team” had been established to respond to emergencies and advice had been issued regarding the Baltic Harbour porpoise.

16.2 Cooperation and Joint Initiatives with CMS

270. Melanie Virtue (Secretariat) reminded the meeting that the Strategic Plan for Migratory Species had been adopted at CMS COP11 ([AC22/Inf.16.2.a](#) *CMS Resolution 11.02 Strategic Plan for Migratory Species 2015-2023*). ASCOBANS Parties were requested to take note of

two points. The first concerned the identification of sub-targets to be fed into the CMS process. The idea of this was to address previous criticisms that the old CMS Strategic Plan did not take sufficient account of the work of the other CMS instruments. The second concerned the work being undertaken to develop a set of indicators and to draft the “Companion Volume” intended to act as a guide for implementation. The three Harbour Porpoise Plans, the CEPA or other targets could all be fed into the CMS process.

271. It was agreed that the Secretariat should be requested to engage in the process of drafting of indicators and companion volume.

272. Ms Virtue also highlighted [AC22/Inf.16.2.b](#) *CMS Resolution 11.03: Enhancing Synergies and Common Services among CMS Family Instruments*, in response to which [AC22/Inf.16.2.c](#) *Independent Analysis on Common Services and Synergies in the CMS Family* had been produced. The ASCOBANS Secretariat was already integrated into the Secretariat of the parent Convention and was cited in the report as a historic example. The AC Chair, Sami Hassani (France) and Vice-Chair, Penina Blankett (Finland) had been interviewed by the consultants preparing the report.

273. There were no comments from the floor and the documents were duly noted.

Action Points and Decisions

- 40) The Secretariat was requested to continue to engage with the process to develop the “Companion Volume” of the Strategic Plan for Migratory Species.

16.3 Cooperation with European Union Institutions and Other Stakeholders

274. Heidrun Frisch (Secretariat) said that the Secretariat regularly liaised with a wide range of stakeholders including the European Commission, noting that such work was part of the Secretariat’s routine tasks. The focus in the last months had been on bycatch, and this had already been discussed in detail. The Chair, Penina Blankett (Finland), invited Parties and Observers to provide information on the outcomes of their related work with the Commission or other interested organizations.

16.4 Dates of Interest 2015/2016

275. The Meeting examined the list of events presented line by line and participants were asked to indicate whether they would be attending and able to report back to the Parties. The meeting was also asked to suggest additional events for inclusion on the list.

276. The revised list of dates of interest appears as Annex 9 to this report.

Action Points and Decisions

- 41) Various members of the AC agreed to report back to AC23 on the relevant outcomes of meetings of other fora as reflected in Annex 9.

17. Financial and Administrative Issues

17.1 Administrative Issues

277. Heidrun Frisch (Secretariat) pointed out that the Rules of Procedure were quite cumbersome when it came to the admission of observers. All non-governmental organizations

had to request observer status 60 days in advance on each occasion, even if they had regularly attended ASCOBANS meetings. The rules might be reviewed to simplify the procedure while still leaving Parties with some control. The Secretariat had made a proposal as contained in [AC22/Doc.17.1.a](#) *Draft Rules of Procedure for the ASCOBANS Advisory Committee*, under which only new organizations would have to apply as before; regular observers would automatically be put on the list communicated to Parties for a decision.

278. It was agreed that regular attendees could be granted automatic observer status. There was some discussion on how to define “regular” (those organizations that had attended the previous two meetings was suggested but this might be complicated if an organization missed a meeting for any reason). ACCOBAMS had a list of recognized partners while HELCOM maintained a list of approved observers.

279. Bert Lenten (CMS) suggested adopting an approach similar to the one used by HELCOM. This would mean that after initial vetting organizations would have their observer status confirmed. Jeroen Vis (Netherlands) said that there should also be a provision to revoke observer status and to require occasional visitors to reapply.

280. Ms Frisch then presented [AC22/Doc.17.1.b](#) *Report on Administrative Issues 2014-2015*. There had been no changes in ASCOBANS staff but the head of the Administration and Fund Management Unit, Bruce Noronha, had left and had been replaced by Sandra Rücker. A new enterprise resource system was being introduced across UNEP and was taking some time to bed in. The Secretariat apologized for any delays and inconvenience caused but these were beyond its control.

Action Points and Decisions

- 42) The Secretariat will submit to the Meeting of the Parties a draft revision of the Rules of Procedure for the Advisory Committee, amended to facilitate attendance of observers that have regularly been present at AC meetings. The Secretariat will explore a similar arrangement for the MOP.
- 43) Parties accepted all reports on administrative and budgetary matters for 2014 and 2015 presented by the Secretariat.

17.2 Accounts for 2014 and 2015

281. Heidrun Frisch (Secretariat) presented [AC22/Doc.17.2.a](#) *Report on Budgetary Issues 2014*. As usual all Parties had paid their contributions. There had been a surplus in 2014 amounting US\$76,241. Details on expenditures and adjustments were contained in the footnotes to table 2.

282. Turning to [AC22/Doc.17.2.b](#) *Mid-term Report on Budgetary Issues 2015*, which gave the status of the trust fund as at 30 June, Ms Frisch thanked Germany, the Netherlands and the United Kingdom for making voluntary contributions. Some assessed contributions were still outstanding. The surplus at the end of 2014 was now available for use in 2015. At the current exchange rate it equated to €64,804. As €14,938 had been earmarked to support the BALHAB project, €49,900 was at the Parties’ disposal for activities.

Action Points and Decisions

- 43) Parties accepted all reports on administrative and budgetary matters for 2014 and 2015 presented by the Secretariat.

18. Draft Resolutions

18.1 Management of Expenditures between 2012 and 2015

283. The draft Resolution presented followed the same model as previous years ([AC22/Doc.18.1](#) *Draft Resolution: Management of Expenditures between 2012 and 2015*). The 2012 and 2013 accounts had been signed off by UNEP and those for 2014 were likely to be signed off shortly. The 2015 statement might not be ready in time for the MOP; if not, the title would be amended accordingly.

Action Points and Decisions

- 44) Parties endorsed the draft Resolution on the Management of Expenditures for forwarding to MOP8.

18.2 Financial and Administrative Matters for the Forthcoming Financial Period

284. Melanie Virtue (Secretariat) presented two documents, starting with [AC22/Doc.18.2.a](#) *Draft Resolution: Financial and Administrative Matters*, which was based on those submitted to previous MOPs and the most recent CMS budget resolution. The only substantive change was in paragraph 3, which set a maximum of 20 per cent of budget for any one Party, reflecting established practice under the Agreement. There was also wording confirming that the Secretariat arrangements should continue and it was proposed that after eight years, the word *Acting* should be dropped from the title of the Executive Secretary, which seemed redundant after so long a time and could be perceived as undermining the status of the position.

285. Ms Virtue turned to [AC22/Doc.18.2.b](#) *Proposals for the Budget of the Financial Period 2017-2020*. In developing these scenarios, the Secretariat had tried to balance securing the resources required to keep it functional with the economic parameters. Four options had been prepared, two with the current staff time allocations and two with some changes. Two of the options were zero nominal growth scenarios, while two were taking inflation since the adoption of the last budget into account.

286. The budget used standard salary costs for the Bonn duty station, which had been developed for the first time based on the way those for other non-headquarters duty stations such as Geneva were prepared. It should be noted that ASCOBANS was a small organization and its budget contained little leeway to adjust budget lines and the new figures should provide cover for exchange rate fluctuations and costs that would accrue from any future staff moves.

287. At the previous MOP, ASCOBANS Parties had agreed to move to a four-year cycle from a three-year one. This was meant to allow more time and resources to be dedicated to implementation by reducing the need to prepare for meetings. The Secretariat had prepared the proposals accordingly, with a meeting of the Advisory Committee in all non-MOP years.

288. Two of the budget options reduced the time of the P4 to 5 per cent with the coordinator post upgraded to P3. This upgrade reflected the level of responsibility of the current post and the person appointed would be able to remain in post for up to seven years under the new mobility rules.

289. Maj Munk (Denmark) noted that upgrading the P2 post to P3 would be paid for largely by reducing the percentage of the P4's time allocated to ASCOBANS. She asked whether it was foreseen to make any savings in staff travel and sought an explanation of the different amounts allocated to the AC meetings and the MOP in the different options. Denmark had not developed an internal position at the moment but at the MOP the mandate would almost certainly be for the cheapest option, so it would be helpful to have more justifications for budget lines as ammunition for discussions with the finance department. The new more precautionary

allocations for staff posts would with the current incumbents produce surpluses; these could either be reallocated to projects or lead to reduced contributions in later years.

290. Jeroen Vis (Netherlands) said that the financial climate remained unfavourable and Governments had to justify their expenditure. That a zero real growth settlement was likely was no reflection of the good work of the Secretariat and he would welcome an option where the principal factor in determining the budget was the level of service provided by the Secretariat.

291. Jamie Rendell (United Kingdom) concurred. Any increases in the budget would have to be justified. He had no preference regarding which of the options should be worked up for presentation at the MOP. He asked what the implications were for the CMS budget if the percentage time allocation of split staff members was changed and what fixed costs there were in the budget.

292. Heidrun Frisch (Secretariat) explained that a nominal sum was placed in the budget line for the AC and the MOP. The amount allocated was never enough and the shortfall was made good by the host government. The request for further details justifying the budget lines was noted. CMS management had considered the effects on the CMS budget of changing the time allocation of staff and had decided that these could be absorbed.

293. Mr Vis said that if no host government came forward for a particular meeting, the default option was to use the UN premises in Bonn as the default. Allocations needed to be sufficient to cover these cases.

294. There was general consensus that retaining the four-year cycle for MOPs with the AC meeting in the other years should be retained.

Action Points and Decisions

- 45) Parties endorsed the draft Resolution on the budget for the next financial period for forwarding to MOP8.
- 46) Parties advised the Secretariat on explanatory information to be included in the budget options to be presented at MOP8.

19. Project Funding

295. Following the discussions held in the Scientific Session under agenda item 8.2, Heidrun Frisch (Secretariat) presented a list of activities that had been identified as priorities for the use of the funds the Agreement had at its disposal. The three Harbour Porpoise Plans were all due for revision and this was the most important task. The next priorities were contracting a coordinator, revising the National Report format and developing the revised necropsy protocol.

296. Jamie Rendell (United Kingdom) said that it had not been established whether the coordinator(s) could undertake the revision of the Plans. If this was possible, then two priorities could be dealt with simultaneously. Maj Munk (Denmark) asked how long the recruitment process for the coordinators was likely to take and whether following SAMBAH enough information was available upon which to base the next revisions of the Jastarnia Plan. With SCANS-III on the horizon, it might be better to wait with the other two plans. Ida Carlén (Sweden) said that the SAMBAH team was working to complete the results by the end of the year.

297. Peter Evans (Sea Watch Foundation) said it would be more cost effective to combine the coordinator posts. He also asked whether the revisions of the Plans had to be ready by the MOP, given the timing of SAMBAH and SCANS-III. It seemed more sensible to revise the

Plans in the light of information being available rather than trying to match the cycle of the MOP.

298. Ms Frisch said that if the Plans were not revised for adoption by MOP8 in 2016, the next opportunity might be not before 2020, by which time the Plans would be very old. She suggested that the “gap” plan was the least urgent as it was the newest. Regarding consultancies, she recalled that the “gap” plan had been drafted by a group rather than an individual and that the usual arrangement was that a few hours’ work to be done each week over an extended period rather than a shorter full time effort, as would be required for producing revised Plans. Ms Munk said that the revised Plans could be adopted by the AC if the MOP provided a suitable mandate.

299. Ms Frisch said that the terms of reference for the coordinators had been drawn up on the assumption that the posts would have some sort of security. It would be difficult to attract qualified candidates if they could only be promised month on month extensions if money was available. Frequently having to re-advertise also added to administrative burdens.

300. Jeroen Vis (Netherlands) agreed that the situation was unsatisfactory to all concerned; the Parties had decided that they wanted to have a coordinator but were unwilling or unable to find the requisite resources. Mr Rendell also agreed and suggested that either the funds were found or a different solution be sought to stop the rather circular discussion. Ms Munk suggested creating a budget line for the post adding the post to the budget allowing the option for transferring future surpluses or voluntary contributions to fund it. Bert Lenten (CMS) said that this was possible and AEWA, another CMS instrument based in Bonn, had done this for a post which was being funded by Norway.

301. The Chair, Penina Blankett (Finland), felt that the top priority was the revision of the Jastarnia Plan and proceeded to seek views from Parties on the priority to be attributed to the revision of the necropsy protocols. Mr Vis sought clarification of the procedure being followed as he was not clear whether he was being asked to allocate the funds available or decide whether a project was suitable for support if resources allowed. He thought that the revised necropsy protocols were needed but Oliver Schall (Germany) did not consider them high enough a priority and Mr Evans said that they could be developed in other forums, so while funding would be useful it was probably not essential.

302. Katarzyna Kaminska (Poland) raised again the feasibility of having the coordinators revise the harbour porpoise plans, thus combining two key priorities. Mr Rendell said he would defer to those directly involved in the Jastarnia Plan regarding the priority to attach to it but suggested not pursuing the coordinators until Parties had a clearer idea of what they wanted and how much they were prepared to commit to make the posts viable.

303. The Chair summarized the discussion by saying that it had been agreed to allocate funding for the revision of the Jastarnia Plan. An intersessional process would be established to agree the terms of reference for the coordinators for the three Harbour Porpoise Action Plans.

304. Mark Simmonds (HSI) said that priorities should be identified in case funding from other sources became available.

Action Points and Decisions

- 47) Parties agreed to fund the revision of the Jastarnia Plan.
- 48) An intersessional working group was formed to revise the terms of reference for the coordination of the Harbour Porpoise Action Plans. The members are: Peter Evans, Sami Hassani, Iwona Pawliczka, Jamie Rendell, Rüdiger Stempel, Susanne Viker.
- 49) The Advisory Committee should maintain a clear list of priorities for activities in need of funding to encourage support from voluntary contributions and other sources, which the Secretariat should publish on the website.

20. Any other Institutional Issues

305. There were none.

21. Date and Venue of the 8th Meeting of the Parties and the 23rd Meeting of the Advisory Committee

306. The Chair, Penina Blankett (Finland), announced that MOP8 would be held in Helsinki from 30 August to 1 September 2016.

307. Sami Hassani (France) made a tentative expression of interest to host AC23, probably near Brest.

22. Adoption of the List of Action Points of the Institutional Session

308. Heidrun Frisch (Secretariat) presented a list summarizing the Action Points arising from the deliberations of the Institutional Session. Subject to some amendments to the drafting the list of agreed action points as presented by the Secretariat was adopted.

23. Close of Meeting

309. Following the customary expressions of thanks to the Host Government and all who had contributed to the organization and smooth running of the Meeting, the Chair declared the proceedings to be concluded.

List of Participants

22nd Meeting of the ASCOBANS Advisory Committee The Hague (Netherlands) , 29 September-1 October 2015



Final List



Head of Official Delegation

Belgium

HAELTERS Jan

3de en 23ste Liniregimentsplein, B-8400

Oostende

T: +3259242055

M: +32477259006

E: j.haelters@mumm.ac.be

Denmark

MUNK Maj F.

Haraldsgade 53. DK-2100 Copenhagen Ø

T: +4572542428

M: +45 93 58 79 54

E: mfm@nst.dk

Finland

BLANKETT Penina

Aleksanterinkatu 7,00023 Government

T: +358 295250058

M: +358 295250058

E: penina.blankett@ymparisto.fi

France

HASSANI Sami

Port de Plaisance du Moulin Blanc, 29200 Brest

T: +33298344052

M: +33630126886

F: +33 2 98344069

E: sami.hassani@oceanopolis.com

Germany

SCHALL Oliver

Robert-Schuman-Platz 3, 53175 Bonn

T: +492283052632

F: +492283052684

E: oliver.schall@bmub.bund.de

Netherlands

VIS Jeroen

Bezuidenhoutseweg 73, 2594 AC Den Haag

T: +31703784759

M: +31648131339

E: g.a.j.vis@minez.nl

Poland

KAMINSKA Katarzyna

30 Wspólna Street, Warsaw, 00-930 Warsaw

T: +4822 623 20 99

F: +48 623 2204

E: katarzyna.kaminska@minrol.gov.pl

Sweden

VIKER Susanne

Box 11 930, 404 39 Göteborg

T: +46106986076

M: +46730897967

E: susanne.viker@havochvatten.se

United Kingdom

RENDELL Jamie

Marine Species Conservation Team, Sea
Fisheries and Conservation, Department for
Environment, Food and Rural Affairs, Area 8A,
9 Millbank, c/o 17 Smith Square, London. SW1P
3JR

T: +44207 238 6879

E: jamie.rendell@DEFRA.GSI.GOV.UK

Member of Official Delegation

Denmark

CHRISTENSEN Helle Torp

Nyropsgade 30,DK- 1780 Copenhagen V

T: +45 21759205

M: +45 21759205

E: hetoch@naturerhverv.dk

Finland

MATTSSON Kai

Särkänniemi OY Dolphinarium, Saarenmaantie
167, 36200 Tampere

T: +358407654077

M: +358407654077

E: kai.mattsson@sarkanniemi.fi

France

MORIZUR Yvon

CS10070, 29280 PLOUZANE

T: +33298485002

M: +33688868853

E: yvon.morizur@ifremer.fr

Germany

BRTNIK Patricia

Katharinenberg 14-20; 18439 Stralsund

T: +49 3830186158

E: Patricia.Brtnik@meeresmuseum.de

Netherlands

IJSSELDIJK Lonneke

Yalelaan 1, 3584 CL Utrecht

T: +31642301855

M: +31642301855

E: l.l.ijsseldijk@uu.nl

LAM Frans-Peter

Oude Waalsdorperweg 63, 2597 AK, Den Haag

T: +31610553122

M: +31610553122

E: frans-peter.lam@tno.nl

SCHEIDAT Meike

Postbus 68, 1970 AB IJmuiden

T: +31 317487108

E: meike.scheidat@wur.nl

SIEMENSMA Marije

Bosstraat 123, 3971XC, Driebergen

T: +31616830430

E: m.siemensma@msandc.nl

Poland

PAWLICZKA Iwona

Morska 2, Hel 84-150

T: +48586751316

M: +48601855505

F: +48 58 6750 420

E: iwona.pvp@ug.edu.pl

Sweden

CARLÉN Ida

Löjtnantsgatan 25, SE-115 50 Stockholm

T: +46852230243

M: +46703133067

E: ida.carlen@aquabiota.se

United Kingdom

BERGLAND Lindis

Inverdee House, Baxter Street, AB11 9QA ,
Aberdeen

T: +44 1224 266561

E: lindis.berglund@jncc.gov.uk

PINN Eunice

Inverdee House, Baxter Street, Aberdeen, AB11
9QA

T: +44 1224266580

E: eunice.pinn@jncc.gov.uk

RUNDALL Emma

Sea Fisheries and Conservation , Department
for Environment, Food and Rural Affairs Area
8A, 9 Millbank, c/o 17 Smith Square, London.

T: +44 20 72383351

E: emma.rundall@defra.gsi.gov.uk

Observer, Intergovernmental Organization

ACCOBAMS

MONTIGLIO Camille

2 Terrasses de Fontvieille, 98000 Monaco
Monaco

T: +377 9898 2078

E: cmontiglio@accobams.net

International Whaling Commission

DONOVAN Greg

The Red House, 135 Station Road, Impington,
Cambridge, CB24 9NP
United Kingdom

T: +44 1233 233971

E: greg.donovan@iwc.int

SMITH Sarah

The Red House, 135 Station Road, Impington,
Cambridge, CB24 9NP UK
United Kingdom

T: +44 1233 233971

E: sarah.smith@iwc.int

NAMMCO

DESSPORTES Geneviève
PO Box 6453, N-9294 Tromsø
Norway
T: +47 77687372
M: +47 95021228
E: genevieve@nammco.no

Observer, Non-governmental Organization

Cetacean Strandings Investigation Programme

DEAVILLE Robert
Institute of Zoology, Regents Park, London
United Kingdom
T: +442074496672
E: rob.deaville@ioz.ac.uk

JEPSON Paul
Regents Park, London, NW1 4RY
United Kingdom
T: +44207 449 6691
E: paul.jepson@ioz.ac.uk

Coalition Clean Baltic / Jastarnia Group Chair

STREMPEL Rüdiger
Östra Ågatan 53, 753 22 Uppsala,
Sweden
T: + 49 228 90967559
M: + 49 171 71982148
E: rudiger.strempel@hotmail.com

Humane Society International

SIMMONDS Mark
c/o HSI-UK, 5 Underwood Street, London, N1
7LY
United Kingdom
T: + 44 7809643000
E: mark.simmonds@sciencegyre.co.uk

Irish Whale and Dolphin Group

BERROW Simon

Merchants Quay, Kilrush, Co Clare
Ireland

T: + 353 65 9080500

M: + 353 86 8545450

E: simon.berrow@iwdg.ie

Sea Watch Foundation / ECS / WG Chair

EVANS Peter

Ewyn y Don, Bull Bay, Amlwch, Anglesey LL68
9SD

United Kingdom

T: + 44 1407 832892

M: +49 776 5566102

F: + 44 1407 832892

E: peter.evans@bangor.ac.uk

Whale and Dolphin Conservation, WDC

READ Fiona

Scottish Dolphin Centre, Spey Bay, Moray, IV32
7PJ

United Kingdom

T: +44 791 869 3023

M: +44 791 869 3023

E: fiona.read@whales.org

RITTER Fabian

Implerstr. 55, 81371 Munich
Germany

T: +49 1577344 82 74

E: fabian.ritter@whales.org

Invited Experts

Invited Expert (GMIT)

MURPHY Sinead

Dublin Road, Galway, H91 T8NW
Ireland

T: +

E: sinead.noirin.murphy@gmail.com

Invited Expert (SAMS)

WILSON Ben
SAMS, Oban, Argyll, PA37 1QA
United Kingdom
T: +44 1631559346
M: +44497978007922
E: ben.wilson@sams.ac.uk

Secretariat

Secretariat

FRISCH Heidrun
UN Campus, Platz der Vereinten Nationen 1,
53113 Bonn
Germany
T: +4922881524 18
M: +4917623475124
E: heidrun.frisch@ascobans.org

REINARTZ Bettina
UN-Campus, Platz der Vereinten Nationen 1,
53113 Bonn
Germany
T: +49 228 81524 16
E: Bettina.Reinartz@ascobans.org

VAGG Robert
UN Campus, Platz der Vereinten Nationen 1,
53113 Bonn
Germany
T: +492288152476
E: robert.vagg@cms.int

VIRTUE Melanie
UN Campus, Platz der Vereinten Nationen 1,
53113 Bonn
Germany
T: +492288152462
E: melanie.virtue@cms.int

UNEP/CMS Secretariat

LENTEN Bert

UN Campus, Platz der Vereinten Nationen 1,
53113 Bonn

Germany

T: +49 228 815 2406

E: bert.lenten@cms.int

Agenda

1. Opening of the Meeting
 - 1.1 Welcoming Remarks
 - 1.2 Adoption of the Agenda
 - 1.3 Opening of the **Scientific Session**
2. Implementation of the Harbour Porpoise Action Plans
 - 2.1 Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan)
 - 2.2 Conservation Plan for Harbour Porpoises in the North Sea
 - 2.3 Conservation Plan for the Harbour Porpoise Population in the Western Baltic, the Belt Sea and the Kattegat
3. Special Species Session: Common Dolphin
 - 3.1 Introduction and Conservation Status
 - 3.2 Draft Conservation Plan
4. Review of New Information on Threats to Small Cetaceans
 - 4.1 Bycatch
 - 4.2 Underwater Noise
 - 4.3 Negative Effects of Vessels and Other Forms of Disturbance
 - 4.4 Marine Renewable Energy Technologies
 - 4.5 Pollution
 - 4.6 Underwater Unexploded Ordnance
 - 4.7 Emerging Issues
5. Review of New Information on other Matters Relevant for Small Cetacean Conservation
 - 5.1 Population Size, Distribution, Structure and Causes of Any Changes
 - 5.2 Revised Necropsy Protocol
 - 5.3 Responses to Hazards
 - 5.4 Management of Marine Protected Areas
 - 5.5 New Agreement Area
 - 5.6 Large Cetaceans
6. Marine Strategy Framework Directive
7. Publicity and Outreach
 - 7.1 Reports by the Secretariat, Parties and Partners
 - 7.2 ASCOBANS Outreach and Education Award 2016
8. Funding of Projects and Activities
 - 8.1 Progress of Projects Supported by ASCOBANS
 - 8.2 Prioritization of Activities Requiring Funding
9. Draft Resolutions not Covered Above
 - 9.1 Activities of the ASCOBANS Advisory Committee and Work Plan

10. Any other Business
 11. Adoption of the List of Action Points of the Scientific Session
 12. Close of the Session
-
13. Opening of the **Institutional Session**
 14. Accession and Agreement Amendment
 15. National Reporting
 - 15.1 Reports from Parties
 - 15.2 Revision to National Reporting Format
 16. Relations with other Bodies
 - 16.1 Reports by the Secretariat, Parties and Partners
 - 16.2 Cooperation and Joint Initiatives with CMS
 - 16.3 Cooperation with European Union Institutions and Other Stakeholders
 - 16.4 Dates of Interest 2015/2016
 17. Financial and Administrative Issues
 - 17.1 Administrative Issues
 - 17.2 Accounts for 2014 and 2015
 18. Draft Resolutions
 - 18.1 Management of Expenditures between 2012 and 2015
 - 18.2 Financial and Administrative Matters for the Forthcoming Financial Period
 19. Project Funding
 20. Any other Institutional Issues
 21. Date and Venue of the 8th Meeting of the Parties and the 23rd Meeting of the Advisory Committee
 22. Adoption of the List of Action Points of the Institutional Session
 23. Close of Meeting

List of Documents

| No. | Document Title | Submitted by | Distributed |
|--------------------|--|------------------------------------|-------------|
| Doc.1.2.a | Provisional Agenda | Secretariat | 13/05/15 |
| Doc.1.2.b Rev.1 | Provisional Annotated Agenda and Schedule | Secretariat | 23/09/15 |
| Doc.1.3 Rev.1 | ASCOBANS Work Plan 2013-2016 – Progress | Secretariat | 23/09/15 |
| Doc.2.1 | Report of the 11 th Meeting of the Jastarnia Group | Jastarnia Group | 30/07/15 |
| Doc.2.2 | Report of the 4 th Meeting of the North Sea Group | North Sea Group | 30/07/15 |
| Doc.4.1.a Rev.3 | Report of the Bycatch Working Group | Bycatch Working Group | 30/09/15 |
| Doc.4.1.b | Draft Submission of ASCOBANS Advice on the Requirements of Legislation to Address Monitoring and Mitigation of Small Cetacean Bycatch | Secretariat | 27/08/15 |
| Doc.4.1.c | Further Development of Management Procedures for Defining the Threshold of 'Unacceptable Interactions' – Proposed Next Steps | Secretariat / Steering Group | 27/08/15 |
| Doc.4.2 | Report of the Joint CMS/ACCOBAMS/ASCOBANS Noise Working Group | Noise Working Group | 26/08/15 |
| Doc.4.6 | Underwater Unexploded Ordnance in the ASCOBANS Area | Secretariat | 28/08/15 |
| Doc.4.7 | Managing Cumulative Anthropogenic Impacts on the Marine Environment | Secretariat | 17/08/15 |
| Doc.5.5.a | Intersessional Working Group on Research and Conservation Actions Undertaken in the Extended Agreement Area: Update for the Period September 2014 to August 2015 | Extension Area Working Group | 28/08/15 |
| Doc.5.5.b | Support for the Proposal to Expand the Geographical Range of the Listing of White-beaked Dolphin (<i>Lagenorhynchus albirostris</i>) on Appendix II of CMS to Cover its Entire Range | Chair Extension Area Working Group | 28/08/15 |
| Doc.6 | Report of the Joint ACCOBAMS/ASCOBANS Working Group on the Marine Strategy Framework Directive (MSFD) | MSFD Working Group | 31/08/15 |
| Doc.7.1 Rev.1 | Report of the Secretariat on Outreach and Education Activities | Secretariat | 08/09/15 |
| Doc.7.2 | ASCOBANS Outreach and Education Award 2016 | Secretariat | 18/08/15 |
| Doc.8.1 | Progress of Projects Supported through ASCOBANS | Secretariat | 28/08/15 |
| Doc.8.2 | Activities Requiring Funding | Secretariat | 26/08/15 |

| No. | Document Title | Submitted by | Distributed |
|-------------------|---|--|-------------|
| Doc.9.1 | Draft Resolution: Activities of the ASCOBANS Advisory Committee and Work Plan | Secretariat | 26/08/15 |
| Doc.15.2 | Revision of the Annual National Reporting Format | Secretariat / Intersessional Group | 27/08/15 |
| Doc.16.4 Rev.1 | Draft List of Dates of Interest to ASCOBANS in 2015/2016 | Secretariat | 23/09/15 |
| Doc.17.1.a | Draft Rules of Procedure for the ASCOBANS Advisory Committee | Secretariat | 07/08/15 |
| Doc.17.1.b | Report on Administrative Issues 2014-2015 | Secretariat | 20/08/15 |
| Doc.17.2.a | Report on Budgetary Issues 2014 | Secretariat | 28/08/15 |
| Doc.17.2.b | Mid-Term Report on Budgetary Issues 2015 | Secretariat | 28/08/15 |
| Doc.18.1 | Draft Resolution: Management of Expenditures between 2012 and 2015 | Secretariat | 28/08/15 |
| Doc.18.2.a | Draft Resolution: Financial and Administrative Matters | Secretariat | 28/08/15 |
| Doc.18.2.b | Proposals for the Budget of the Financial Period 2017-2020 | Secretariat | 29/08/15 |

Information Documents

| No. | Document Title | Submitted by | Distributed |
|--------------------|--|--------------|-------------|
| Inf.1.2.a | Rules of Procedure for the ASCOBANS Advisory Committee | Secretariat | 29/07/15 |
| Inf.1.2.b Rev.1 | List of Documents | Secretariat | 23/09/15 |
| Inf.3.1 | The short-beaked common dolphin (<i>Delphinus delphis</i>) in the north-east Atlantic: distribution, ecology, management and conservation status | Secretariat | 28/08/15 |
| Inf.4.1.a | Report of the ASCOBANS Expert Workshop on the Requirements of Legislation to Address Monitoring and Mitigation of Small Cetacean Bycatch | Secretariat | 30/07/15 |
| Inf.4.1.b | Working Group Comments on the Report of the ASCOBANS Expert Workshop on the Requirements of Legislation to Address Monitoring and Mitigation of Small Cetacean Bycatch | Secretariat | 30/07/15 |
| Inf.4.1.c | Report of the Workshop on Further Development of Management Procedures for Defining the Threshold of 'Unacceptable Interactions' – Part I: Developing a Shared Understanding on the Use of Thresholds / Environmental Limits | Secretariat | 20/08/15 |
| Inf.4.1.d | ICES 2015: Report of the Working Group on Bycatch of Protected Species (WGBYC) | Secretariat | 30/07/15 |
| Inf.4.1.e | Towards an EU Action Plan on Cetacean Bycatch | WDC | 28/08/15 |

| No. | Document Title | Submitted by | Distributed |
|-----------|---|--------------|-------------|
| Inf.4.1.f | Commission Delegated Regulation (EU) No 1014/2014 of 22 July 2014 supplementing Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council with regards to the content and construction of a common monitoring and evaluation system for the operations funded under the European Maritime and Fisheries Fund | France | 22/09/15 |
| Inf.4.1.g | ICES Advice 2015: Bycatch of small cetaceans and other marine animals – Review of national reports under Council Regulation (EC) No. 812/2004 and other published documents | France | 22/09/15 |
| Inf.4.2.a | Special Publication from the ASCOBANS/ACCOBAMS/ECS Workshop on Noise and Environmental Impact Assessments | ECS | 28/08/15 |
| Inf.4.2.b | Terms of Reference: Developing Environmental Impact Assessment Guidelines for Noise-generating Offshore Industries for the CMS Family | Secretariat | 26/08/15 |
| Inf.4.2.c | Increasing the Effort to Reduce Marine Noise: a focus on pile driving for offshore wind farms | WDC | 26/08/15 |
| Inf.4.3.a | CMS Resolution 11.29: Sustainable Boat-Based Marine Wildlife Watching | Secretariat | 31/07/15 |
| Inf.4.3.b | IWC Ship Strikes Working Group Seventh Progress Report to the Conservation Committee | IWC | 28/08/15 |
| Inf.4.3.c | 3 rd Progress Report on IWC Ship Strike Data Coordination – May 2015 | IWC | 28/08/15 |
| Inf.4.4 | CMS Resolution 11.27: Renewable Energy and Migratory Species | Secretariat | 31/07/15 |
| Inf.4.5.a | CMS Resolution 11.30: Management of Marine Debris | Secretariat | 31/07/15 |
| Inf.4.5.b | Reproductive failure in UK harbour porpoises <i>Phocoena phocoena</i> : legacy of pollutant exposure? | Secretariat | 05/08/15 |
| Inf.4.5.c | Some thoughts on the consideration of marine debris in the context of the International Whaling Commission | IWC | 17/08/15 |
| Inf.4.5.d | Regional Action Plan for Prevention and Management of Marine Litter in the North-East Atlantic | Secretariat | 17/08/15 |
| Inf.4.5.e | HELCOM Recommendation 36/1 Regional Action Plan on Marine Litter (RAP ML) | Secretariat | 17/08/15 |
| Inf.4.5.f | An update on research into marine debris and cetaceans | IWC | 28/08/15 |

| No. | Document Title | Submitted by | Distributed |
|-----------|---|---|-------------|
| Inf.4.5.g | Declaration of Monaco on Action Against Plastic Pollution in the Mediterranean Sea | ACCOBAMS | 28/08/15 |
| Inf.4.6.a | Outcome of the Second Meeting of the HELCOM Expert Group on Environmental Risks of Hazardous Submerged Objects (SUBMERGED 2-2015) | Secretariat | 28/08/15 |
| Inf.4.6.b | HELCOM: Chemical Munitions Dumped in the Baltic Sea | Secretariat | 28/08/15 |
| Inf.4.6.c | OSPAR Recommendation 2010/20 on an OSPAR framework for reporting encounters with conventional and chemical munitions in the OSPAR Maritime Area | Secretariat | 28/08/15 |
| Inf.4.6.d | Risk Management for Unexploded Ordnance (UXO) in the Marine Environment | Secretariat | 28/08/15 |
| Inf.4.6.e | Underwater Unexploded Ordnance – Methods for a Cetacean-friendly Removal of Explosives as Alternatives to Blasting | Secretariat | 28/08/15 |
| Inf.4.6.f | Investigation into the long-finned pilot whale mass stranding event, Kyle of Durness, 22 nd July 2011 | CSIP | 22/09/15 |
| Inf.4.7.a | CMS Resolution 11.22: Live Captures of Cetaceans from the Wild for Commercial Purposes | Secretariat | 31/07/15 |
| Inf.4.7.b | CMS Resolution 11.23: Conservation Implications of Cetacean Culture | Secretariat | 31/07/15 |
| Inf.4.7.c | CMS Resolution 11.26: Programme of Work on Climate Change and Migratory Species | Secretariat | 31/07/15 |
| Inf.4.7.d | Practical management of cumulative anthropogenic impacts with working marine examples | Secretariat | 17/08/15 |
| Inf.5.1.a | ICES 2015: Report of the Working Group on Marine Mammal Ecology (WGMME) | Secretariat | 03/08/15 |
| Inf.5.1.b | Small Cetaceans in European Atlantic waters and the North Sea (SCANS-III): Revised Proposal | St. Andrews University | 09/09/15 |
| Inf.5.3.a | Report of the ACCOBAMS/Pelagos Workshop on Cetacean Live Stranding | ACCOBAMS | 20/08/15 |
| Inf.5.3.b | Report of the IWC Workshop on Euthanasia Protocols to Optimize Welfare Concerns for Stranded Cetaceans | IWC | 28/08/15 |
| Inf.5.5 | Intersessional Working Group on Research and Conservation Actions Undertaken in the Extended Agreement Area: Report From Madeira | Extension Area Working Group | 07/09/15 |
| Inf.8.1.a | Project Report: Pollutant exposure in coastal top predators: assessing current levels of exposure and toxic effects | Secretariat / ZSL | 03/08/15 |
| Inf.8.1.b | Project Report: Preparations for SCANS-III | Secretariat / University of St. Andrews | 05/08/15 |

| No. | Document Title | Submitted by | Distributed |
|------------|--|-------------------|-------------|
| Inf.8.1.c | Project Report: Approaches to an Impact Indicator in the Light of Descriptor 11 (MSFD) | Secretariat / WDC | 05/08/15 |
| Inf.14 | Status of Accession and Acceptance of the Agreement's Amendment | Secretariat | 06/08/15 |
| Inf.15.1.a | 2014 Annual National Report: Belgium | Belgium | 03/08/15 |
| Inf.15.1.b | 2014 Annual National Report: Denmark | Denmark | 03/08/15 |
| Inf.15.1.c | 2014 Annual National Report: Finland | Finland | 03/08/15 |
| Inf.15.1.d | 2014 Annual National Report: France | France | 03/08/15 |
| Inf.15.1.e | 2014 Annual National Report: Germany | Germany | 03/08/15 |
| Inf.15.1.f | 2014 Annual National Report: Lithuania | Lithuania | 03/08/15 |
| Inf.15.1.g | 2014 Annual National Report: Netherlands | Netherlands | 03/08/15 |
| Inf.15.1.h | 2014 Annual National Report: Poland | Poland | 03/08/15 |
| Inf.15.1.i | 2014 Annual National Report: Sweden | Sweden | 22/09/15 |
| Inf.15.1.j | 2014 Annual National Report: United Kingdom | United Kingdom | 03/08/15 |
| Inf.15.2.a | Current National Reporting Format for ASCOBANS | Secretariat | 27/08/15 |
| Inf.15.2.b | IWC Voluntary National Reports on Cetacean Conservation | IWC | 28/08/15 |
| Inf.15.2.c | IWC National Progress Reports Worksheets | IWC | 28/08/15 |
| Inf.16.1.a | Reports from Relevant Meetings Back to ASCOBANS | Secretariat | 22/09/15 |
| Inf.16.1.b | IWC Report of the Scientific Committee, San Diego, 2015 (SC66a) | IWC | 28/08/15 |
| Inf.16.2.a | CMS Resolution 11.02: Strategic Plan for Migratory Species 2015-2023 | Secretariat | 05/08/15 |
| Inf.16.2.b | CMS Resolution 11.03: Enhancing Synergies and Common Services among CMS Family Instruments | Secretariat | 06/08/15 |
| Inf.16.2.c | Independent Analysis on Common Services and Synergies in the CMS Family | Secretariat | 22/09/15 |

Rules of Procedure for the ASCOBANS Advisory Committee

as adopted by the 19th Meeting, Galway, Ireland, 20-22 March 2012

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 be represented at the meeting by a delegation consisting of a Committee Member and Alternate, when appropriate and such Advisers as the Party may deem necessary.
- (2) The Committee Member shall exercise the voting rights of that Party. In the absence of the Committee Member, the Alternate or an Adviser may be appointed by the Committee Member to act as a substitute over the full range of the Committee Member's functions.
- (3) The appointed Committee Member or alternate shall be available for consultation intersessionally.
- (4) Seating limitations may require that no more than four delegates of any Party be present at a session of the Advisory Committee or any working group established by it in accordance with Rule 18.

Rule 2: Observers

- (1) All non-Party Range States and Regional Economic Integration Organizations bordering on the waters concerned, as well as organizations listed in Footnote 3 may be represented at the meeting by observers who shall have the right to participate but not to vote.^{2 3}
- (2) Any other body or individual qualified in cetacean conservation and management which has informed the Secretariat not less than 60 days before the meeting of its desire to be represented at the meeting by observers, shall be entitled to be present unless at least one-third of the Parties have opposed their application at least 30 days before the meeting.⁴ Once admitted, these observers shall have the right to participate but not to vote.

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 Organization which has deposited with the United Nations Headquarters its consent to be bound by the Agreement

² See Agreement, paragraph 6.2.1

³ The United Nations, acting as the Depository to this Agreement; the Secretariats, insofar as they are not included under Rule 3, and technical advisory bodies of the Convention on the Conservation of Migratory Species of Wild Animals and its daughter Agreements and Memoranda of Understanding; the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention); The Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR); the Common Secretariat for the Co-operation on the Protection of the Wadden Sea (CWSS); the North-East Atlantic Fisheries Commission (NEAFC); the International Whaling Commission (IWC); the Baltic Marine Environment Protection Commission (HELCOM); the International Council for the Exploration of the Sea (ICES); the International Union for the Conservation of Nature (IUCN); the North Atlantic Marine Mammal Commission (NAMMCO); the European Cetacean Society (ECS); the Inter-American Tropical Tuna Commission (IATTC)

⁴ See Agreement, paragraphs 6.2.2

- (3) Seating limitations may require that no more than two observers from any non-Party Range State or body be present at a session of the Advisory Committee or of any working group established by it in accordance with Rule 18.

Rule 3: Secretariat

Unless otherwise instructed by the Parties, the Secretariat shall service and act as secretariat for the meeting. Secretariat services are provided through the UNEP/CMS Secretariat.

PART II OFFICERS

Rule 4: Chairpersons

- (1) The Chairperson of the Advisory Committee shall hold office until the end of the first meeting of the Advisory Committee following each Meeting of Parties.
- (2) 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 5: 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 OF DEBATE

Rule 6: 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 Organization, or from any other body, may speak on any subject matter;
 - (c) the closure of the list of speakers;
 - (d) the adjournment or the closure of the debate on the particular subject under discussion;
 - (e) the suspension or adjournment of any session; and
 - (f) the establishment of drafting groups on specific issues.

Rule 7: 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 Committee Member, adviser or observer to request elucidation on a particular point in that speech.

Rule 8: Procedural Motions

- (1) During the discussion of any matter, a Committee Member may raise 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 raising 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 9: 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 Committee Members, advisers or observers may speak on any subject matter. 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.

Rule 10: Submission of Documents

As a general rule, documents intended for discussion at the meeting shall be submitted to the Secretariat at least 35 days before the meeting, who shall circulate them to all Parties at least 30 days before the meeting.

PART IV VOTING

Rule 11: Methods of Voting

- (1) Without prejudice to the provisions of Rule 1, Paragraph 2, each Committee Member shall have one vote.
- (2) The Committee shall normally vote by show of hands, 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, which may include ballot by email or fax.
- (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, email or fax 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) Except where otherwise provided for under the provisions of the Agreement or these Rules, 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 be the working language of the Committee meeting and working groups.

Rule 14: Other Languages

- (1) An individual may speak in a language other than English, 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 open to the public, except that in exceptional circumstances the Meeting may decide, by a two-thirds majority of Parties present and voting, that any single session 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 such 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 groups 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 18: Procedure

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

PART VIII FINAL PROVISIONS

Rule 20: Omissions

In matters not covered by the present Rules, the Rules of Procedure as adopted by the last regular Meeting of the Parties shall be applied *mutatis mutandis*.

Rule 21: Amendments to the Rules of Procedure

- (1) The Committee shall, by three-quarter majority, establish its own Rules of Procedure.
- (2) These rules may be amended by the Committee as required. They will remain in force until and unless an amendment is called for and adopted.

Action Points of the 11th Meeting of the Jastarnia Group

Jastarnia Plan

Bycatch Reduction

- 1) ASCOBANS should urge relevant authorities to investigate ways of limiting part-time and recreational set-net fisheries. – Priority: High to medium, depending on area
- 2) Parties should step up action to reduce fishing effort involving gear known to cause high porpoise bycatch rates as required under the Jastarnia Plan, and to provide information documenting the magnitude and location of such effort to ICES. The Secretariat should request the ICES WGBYC to present the information to the Jastarnia Group. – Priority: High
- 3) In order to achieve favourable conservation status for Baltic harbour porpoises as required under the Habitats Directive, Parties should make concerted efforts to eliminate bycatch especially in current and future Natura 2000 sites (SACs) where harbour porpoises form part of the selection criteria. In these areas, this could be achieved by replacing set nets and introducing alternative gear that is considered less harmful. – Priority: High
- 4) A small drafting group should develop briefing notes on ASCOBANS positions regarding bycatch, insofar as possible based on any drafts that the North Sea Coordinator may prepare for fora in that area. These should be used by anyone representing ASCOBANS at Baltic RACs and other meetings of relevant EU and Baltic Sea bodies in order to maintain a consistent and appropriate approach. – Priority: Medium
- 5) The Secretariat should produce a synopsis of bycatch-related regulations of relevance to individual fishermen, especially with regard to legal sanctions for bycatch and incentives for those delivering carcasses with a view to using the carcasses obtained for porpoise conservation research, irrespective of whether such incentives are laid down in national legislation. Funding should be made available for a consultant to carry out this task on behalf of the Secretariat, based on Terms of Reference agreed by JG10 (see Annex 5). – Priority: Medium
- 6) Parties should undertake or continue efforts to test and implement pots, traps and other porpoise-friendly gear. Parties are encouraged to report on related initiatives or research even where the intention is not primarily the conservation of marine mammals. – Priority: High
- 7) Noting that Regulation 812/2004 in its current form is not protecting harbour porpoises in the Baltic Sea sufficiently and while measures to be addressed in the Common Fisheries Policy (CFP) are still being defined, Baltic Sea Range States should implement comprehensively the bycatch mitigation measures laid down in Recommendations 1-4 of the Jastarnia Plan. – Priority: High

Research and Monitoring

- 8) The Advisory Committee should encourage Parties to explore the possibility of a joint monitoring effort and to promote the collection of data at the sub-regional and local levels based on the methods adopted by SAMBAH. Progress should be reviewed in 2016. – Priority: High
- 9) Baltic Parties are urged to continue to submit, as they become available, all results on genetic, morphological and other biological research dealing with the stock identity of Baltic porpoises, including results from ongoing relevant studies. – Priority: Medium

- 10) ASCOBANS and the Parties should explore the possibility of co-funding and/or otherwise supporting dedicated follow-up studies for SAMBAH, among other things with a view to assessing trends. – Priority: High
- 11) Parties should consider supporting any projects relevant for achieving the aims of the Jastarnia Plan. – Priority: High
- 12) Parties and NGOs are requested to ensure that the results of all relevant projects are made available to ASCOBANS. – Priority: High
- 13) The Secretariat should ask Parties to provide information as to the definitions of the term ‘fisheries’, rules and regulations applicable to the various types of fisheries in their national legislation, as well as related statistics. This information should be provided in time for the next JG meeting. – Priority: Low
- 14) Parties should continue to collect data on the extent of ghost nets in their waters, including net types and locations. Regular assessments should then be made of the total quantities of nets lost or discarded, taking account of the distribution of different types of fisheries. – Priority: Medium
- 15) Taking into consideration the future requirements under the MSFD, Parties should continue to implement measures to prevent the loss of fishing gear, and mitigation measures for ghost nets, such as regular clean-ups, provision of disposal containers at ports, deposit systems, mandatory reporting of lost gear, marking of nets etc. Wherever possible fishing communities and other relevant stakeholders should be actively involved. A review of progress should be conducted by JG12. – Priority: High

Public Awareness

- 16) Each country is encouraged to designate one website for reporting of sightings and strandings by the public. The URLs should be made available for use on the ASCOBANS website. There should be an exchange of information between these databases as appropriate. GIS referenced data should be submitted to HELCOM regularly. – Priority: High
- 17) National focal points for public awareness should be established. – Priority: Medium

Cross-Cutting Issues

- 18) In light of the positive experience with the North Sea Coordinator, the Jastarnia Group recommends that the Advisory Committee ensure that the appointment of a Baltic Sea Coordinator, or a joint coordinator for both regions, possibly attached to the Secretariat, is considered by the next MOP. – Priority: High
- 19) Coordinating Authorities of the countries hosting the Group’s meetings are asked to ensure the attendance of an expert on the CFP at the respective meetings of the Group. The Secretariat should recall this recommendation to the Coordinating Authority of the host country in good time before the meeting. – Priority: High
- 20) Parties are encouraged to use SAMBAH results for harbour porpoise conservation in the Baltic Sea. – Priority: High
- 21) In view of the SAMBAH results and the requirement for regular reviews and updates of both the Jastarnia Plan and the Gap Area Plan, an urgent revision of both plans is needed with the aim of presenting drafts for adoption by MOP8 in 2016. Parties are urged to provide the necessary funding. – Priority: High

Western Baltic, Belt Seas and Kattegat Plan

Mitigation of Bycatch

- 22) A request should be made to the Bycatch Working Group to advise whether the revised MSC assessment standards meet ASCOBANS' requirements. – Priority: High
- 23) The Secretariat should invite a MSC representative to next Jastarnia Group meeting. – Priority: High
- 24) Parties are strongly encouraged to take all necessary steps to develop as soon as possible agreements to implement immediately the use of pingers in gillnet fishery associated with bycatch irrespective of vessel size or type, as provided for in the Plan, and to enforce the use of pingers. – Priority: High

Population Status

- 25) Noting activities that have already taken place in 2012, Parties are strongly encouraged to continue to undertake and cooperate on inter-SCANS surveys of the Western Baltic (gap area) harbour porpoise population and evaluate trends in population density and abundance. – Priority: High
- 26) Parties are strongly encouraged to lend their support to the projected SCANS III survey and secure the necessary funding. – Priority: High
- 27) Parties are strongly encouraged to coordinate and standardize their monitoring efforts and determine the number of stranded or bycaught animals to be collected for necropsies in the Western Baltic, the Belt Sea and the Kattegat. For this purpose, ASCOBANS is requested to establish a coordination group comprised of the scientists involved, whose names should be notified to the Secretariat by 1 May 2015. The first meeting of this group could take place in conjunction with JG12. – Priority: High

Habitat Quality

- 28) Parties should promote research on the consequences of impacts on prey communities for harbour porpoises. – Priority: Medium
- 29) The Secretariat should ask Jacob Nabe-Nielsen of Aarhus University, the leader of the project "Disturbance Effects on the Harbour Porpoise Population in the North Sea" (DEPONS), to attend the next meeting of the Jastarnia Group as an invited expert.

Action Points of the 5th Meeting of the North Sea Group

- 1) The NSSG reiterates the need for resources to employ a coordinator for the North Sea Harbour Porpoise Conservation Plan.
- 2) A workshop at ECS in conjunction with ASCOBANS (and ACCOBAMS) is proposed, addressing issues relating to the management that provide better synergies with the various existing European legislative frameworks. Terms of Reference have been prepared for consideration by the AC (see Annex 1).
- 3) There is a need for much more extensive monitoring coverage than exists at present mainly for the fishing fleets suspected of causing porpoise bycatch. Areas to specially consider include the eastern Channel and southernmost North Sea where porpoise have returned in recent years after an absence thought to result from historical bycatch issues. Densities in this region of the North Sea have been reported in recent years as high compared to other parts of the North Sea, in late winter to early summer.
- 4) The circumstances surrounding bycatch events should be examined in more detail to better understand factors affecting observed variation in bycatch levels. This should utilise information from various sources, including, for example, REM or observer monitoring results, survey results, and telemetry studies.
- 5) The recording of fishing effort needs to be more precise, using the number of hauls in addition to days at sea, and allowing for spatial (ICES divisions) and temporal (monthly/quarterly) stratification.
- 6) There should be more precise differentiation of gear types when reporting effort and bycatch; gillnet-tangle nets (GNS), trammel nets (GTR) and driftnet (GDN) in particular should be reported separately.
- 7) Attention should be paid to recreational fisheries where there is suspected bycatch, as well as to vessels of 12 metres length and below.
- 8) The existing Data Collection Framework (DCF) schemes cannot be relied upon for estimates of bycatch; monitoring should be fit for purpose with direct monitoring recommended either through dedicated observer schemes or remote electronic monitoring (REM). In the development of the new DCF under the multi-annual Union programme for data collection (EU MAP), the dedicated monitoring of protected species should be specifically identified.
- 9) There is a need for stronger involvement of relevant fishing organisations. To improve dialogue in each North Sea country, an overview should be compiled of the fishermen's organisations most appropriate for stakeholder engagement. Those should then be approached on a national level to determine the best ways to develop a better dialogue.
- 10) A list of relevant projects that have included stakeholder engagement (and where there may be transferable lessons learned when engaging with fishing communities) should be compiled.
- 11) All Member States should ensure that annual reports on Regulation 812/2004 are available to the public with the appropriate web links provided in their national reports to ASCOBANS.
- 12) All member states should ensure that they provide their effort and bycatch data to the ICES Working Group on Bycatch (WGBYC) in time for their meeting, using the required format. At present, the Working Group's annual bycatch estimates frequently have to work with incomplete monitoring data.
- 13) Liaison between the North Sea Group and the Noise Working Group should be encouraged in order to advance work on "policy and management" strategies.

- 14) Cross-border collaboration is recommended to synthesise different lines of evidence to compare spatio-temporal trends in porpoise distribution across the North Sea.
- 15) The North Sea harbour porpoise conservation work plan and progress to date needs to be disseminated and explained to a wider audience including stakeholders; it requires greater promotion to interested parties.

**Terms of Reference for a
Joint ECS/ASCOBANS/ACCOBAMS Workshop on
Conserving Europe's Cetaceans through Synergy-building between the
Relevant Legislative Frameworks**

Rationale

Cetacean conservation in Europe is both mandated and mediated via a number of legal requirements and Agreement obligations, including inter alia ASCOBANS, ACCOBAMS, OSPAR, CFP (and other fisheries measures) and the Habitats and Species, Marine Spatial Planning and Marine Strategy Framework Directives. Overlaps between these frameworks have not been critically assessed and this workshop will seek to explore this and identify scientifically sound synergies in order to take forward cetacean conservation in an integrated and effective manner.

The overarching aim of the Habitats & Species Directive is to achieve favourable conservation status for all listed species and habitats. This includes strict protection measures throughout European waters for all cetaceans and, where suitable sites can be identified, requires EU Member States to establish marine protected areas (Natura 2000 sites) for certain marine mammal species. However, there are challenges to spatial management for highly mobile species such as marine mammals, and this workshop will attempt to address ways to integrate both issue-based and area-based conservation measures.

Proposed Participants

- Representatives from the European Commission
- OSPAR leads on indicator M4 and M6
- ASCOBANS, ACCOBAMS and CMS Representatives
- Marine Mammal Scientists
- Policy Implementation Experts/managers
- Appropriate Experts in International Law

Draft Agenda

- 1) Review of legal requirements, implementation, compliance and identification of key overlaps
- 2) Review of actions being progressed under different auspices
- 3) Review of approaches to protecting cetaceans by reduction of stressors, marine spatial planning and/or protected areas
 - a) Interpretation of key threats and mitigations (i.e. Fisheries-related, marine noise and chemical pollution, habitat-related) - management measures and challenges
 - b) Cumulative concerns - management measures and challenges
- c) Data gaps and challenges
- 4) Examination of the best ways to integrate area-based and issue-based conservation measures
- 5) Recommendations –
- 6) Identification and enhancement of synergies
 - a) Messages to relevant fora

Terms of Reference for the Steering Group to Develop a Conservation Plan for the Common Dolphin

The Steering Group will

- 1) Develop a draft Common Dolphin Conservation Plan taking into account the latest knowledge of population structure, status, distribution, and major threats (as detailed in AC22/Inf.3.1)
 - i. taking into account work ongoing in other fora including ACCOBAMS and the IWC Scientific Committee
 - ii. identifying concerns and issues that are unique to the common dolphin and also identifying those which affect other small cetaceans and develop advice accordingly
- 2) Prepare recommendations for conservation action for consideration by the MOP in 2016, if feasible
- 3) Report on progress to MOP8 and provide a finalized plan to the 23rd Meeting of the Advisory Committee for discussion and endorsement

Dates of Interest to ASCOBANS in 2015/2016

| Date | Organizer | Title | Venue | Participation/ Report |
|--------------------|-----------|---|------------------------|--------------------------|
| 6-9 October 2015 | OSPAR | Intersessional Correspondence Group on Biodiversity Monitoring and Assessment (ICG-COBAM) (www.ospar.org) | Trondheim, Norway | Jan Haelters |
| 12-16 October 2015 | IMO | 37 th Consultative Meeting of Contracting Parties (London Convention 1972) and 10 th Meeting of Contracting Parties (London Protocol 1996) (www.imo.org) | London, United Kingdom | IWC |
| 12-13 October 2015 | CMS | Strategic Plan Working Group Meeting (www.cms.int) | Bonn, Germany | Secretariat |
| 13-15 October 2015 | OSPAR | Intersessional Correspondence Group on Marine Protected Areas (ICG-MPA) (www.ospar.org) | Lisbon, Portugal | |
| 13-15 October 2015 | NAMMCO | Symposium: Impact of Human Disturbance on Arctic Marine Mammals (www.nammco.no) | Copenhagen, Denmark | IWC |
| 14-15 October 2015 | HELCOM | 3 rd Meeting of the Expert Group on Environmental Risks of Hazardous Submerged Objects (SUBMERGED 3-2015) (www.helcom.fi) | Gothenburg, Sweden | |
| 14-15 October 2015 | CMS | 44 th Meeting of the Standing Committee (StC44) | Bonn, Germany | Secretariat |
| 20-22 October 2015 | ACCOBAMS | 10 th Meeting of the ACCOBAMS Scientific Committee (SC10) (www.accobams.org) | Nice, France | Secretariat |

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|---------------------|-------------------------------|---|-----------------------------------|-----------------|
| 26-30 October 2015 | World Cetacean Alliance (WCA) | World Whale Conference (26-27 Oct.), Whale Heritage Sites Summit (28-30 Oct.) (http://worldcetaceanalliance.org/2015-conference/) | Horta, Azores | |
| 28-29 October 2015 | HELCOM | 1 st Workshop of the HELCOM Intersessional Group for MSFD Programmes of Measures (GEAR IG PoM WS 1-2015) (www.helcom.fi) | Warsaw, Poland | Penina Blankett |
| 4-6 November 2015 | OSPAR | Intersessional Correspondence Group on Marine Litter (ICG-ML) (www.ospar.org) | Lerwick, Shetland, United Kingdom | |
| 2-5 November 2015 | CBD | Nineteenth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA-19) (www.cbd.int) | Montreal, Canada | |
| 9-13 November 2015 | HELCOM | 3 rd Meeting of the Group on the State of the Environment and Nature Conservation (STATE&CONSERVATION 3-2015) (www.helcom.fi) | Helsinki, Finland | Penina Blankett |
| 9-13 November 2015 | NAMMCO | 22 nd Scientific Committee Meeting (www.nammco.no) | Tórshavn, Faroe Islands | |
| 26-27 November 2015 | HELCOM | 3 rd Meeting of Group on Ecosystem-based Sustainable Fisheries (FISH 3-2015) (www.helcom.fi) | Warsaw, Poland | |
| 1-3 December 2015 | OSPAR | Intersessional Correspondence Group on Biodiversity Monitoring and Assessment (ICG-COBAM) (www.ospar.org) | London, United Kingdom | |
| 2-4 December 2015 | HELCOM | 9 th Meeting of ad hoc Seal Expert Group (SEAL 9-2015) (www.helcom.fi) | Germany | Susanne Viker |

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| 9-10 December 2015 | OSPAR & Ministry of Infrastructure and the Environment of the Netherlands | Microplastics Conference – Closing the plastic value chain: measures for reducing microplastic emissions (www.ospar.org) | Rotterdam, Netherlands | Jeroen Vis |
| 13-18 December 2015 | Society for Marine Mammalogy | 21 st Biennial Conference on the Biology of Marine Mammals: Bridging the Past Toward the Future (www.marinemammalscience.org) | San Francisco, CA, USA | Fiona Read |
| 11-15 January 2016 | CITES | 66 th Meeting of the Standing Committee (www.cites.org) | Geneva, Switzerland | Maj Munk & Secretariat |
| 19-21 January 2016 | OSPAR | Intersessional Correspondence Group on the implementation follow up of measures for the protection and conservation of species and habitats (ICG-POSH) (www.ospar.org) | Trondheim, Norway | Jeroen Vis |
| February 2016 | ICES | Working Group on Bycatch of Protected Species (WGBYC) (www.ices.dk) | tbd | UK |
| 8-11 February 2016 | ICES | Working Group on Marine Mammal Ecology (WGMME) (www.ices.dk) | Madrid, Spain | UK |
| 9 February 2016 | NAMMCO | Meeting of NAMMCO Management Committees for Cetaceans and for Seals and Walruses (www.nammco.no) | Oslo, Norway | |
| 10-11 February 2016 | NAMMCO | 24 th Meeting of the NAMMCO Council (www.nammco.no) | Oslo, Norway | |

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| 21-26 February 2016 | AGU, ASLO and TOS | 2016 Ocean Sciences Meeting (incl. sessions: The Emerging Science of Marine Debris: From Assessment to Knowledge that Informs Solutions Advances in the ecology, behavior, physiology, or conservation of marine top predators) (http://osm.agu.org/2016/) | New Orleans, LA, USA | |
| 29 February - 4 March 2016 | OSPAR | Biodiversity Committee (BDC) (www.ospar.org) | Gothenburg, Sweden | Jeroen Vis |
| 12-14 April 2016 | ASCOBANS | 12 th Meeting of the Jastarnia Group (www.ascobans.org) | Hel, Poland | |
| 12-16 March 2016 | ECS | 30 th Annual Conference of the European Cetacean Society "Into the Deep - Research and Conservation on Oceanic Marine Mammals" (incl. workshops on 12 and 13 March) (http://europeancetaceansociety.eu/conference/30th-annual-conference-funchal-madeira) | Funchal, Madeira, Portugal | Secretariat |
| 10-11 March 2016 | OSPAR | Intersessional Correspondence Group on Marine Strategy Framework Directive (ICG-MSFD(1) 2016) (www.ospar.org) | Paris, France | |
| 18-22 April 2016 | IMO | 69 th Session of the Marine Environment Protection Committee (MEPC) (www.imo.org) | London, United Kingdom | IWC |
| 25-29 April 2016 | CBD | Twentieth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA-20) (www.cbd.int) | Montreal, Canada | Secretariat? Finland? |
| 23-27 May 2016 | UNEP | Second session of the United Nations Environment Assembly (UNEA-2) (www.unep.org) | Nairobi, Kenya | Secretariat |
| 4-20 June 2016 | IWC | Scientific Committee Meeting (SC66B) (www.iwc.int) | Bled, Slovenia | Mark Simmonds |

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| [20-24 June 2016] [27 June - 1 July 2016] | OSPAR | OSPAR Commission (www.ospar.org) | [Spain] | Jeroen Vis |
| 30 August – 1 September 2016 | ASCOBANS | 8 th Meeting of the Parties (MOP8) (www.ascobans.org) | Helsinki, Finland | |
| 1-10 September 2016 | IUCN | World Conservation Congress (http://iucnworldconservationcongress.org/) | Honolulu, Hawai'i, USA | |
| 24 September - 5 October 2016 | CITES | 17 th Meeting of the Conference of the Parties (COP17) (www.cites.int) | Johannesburg, South Africa | |
| 20-28 October 2016 | IWC | 66 th Meeting of the International Whaling Commission (IWC66) (www.iwc.int) | Portorož, Slovenia | |
| November 2016 | NAMMCO | 23 rd Meeting of the NAMMCO Scientific Committee (www.nammco.no) | Copenhagen, Denmark | |
| 13-17 November 2016 | ICMMPA | 4th International Conference on Marine Mammal Protected Areas (ICMMPA-4) (http://icmmpa.org/) | Puerto Vallarta, Jalisco, México | |
| 22-25 November 2016 | ACCOBAMS | 6 th Meeting of the ACCOBAMS Parties (MOP6) (www.accobams.org) | Monaco | Secretariat |
| 4-17 December 2016 | CBD | Thirteenth meeting of the Conference of the Parties to the Convention on Biological Diversity (COP13) (www.cbd.int) | Cancun, Mexico | Finland & Denmark |