

# **REPORT OF THE 23<sup>rd</sup> MEETING OF THE ASCOBANS ADVISORY COMMITTEE**

**Le Conquet, France**

**5-7 September 2017**



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



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## REPORT OF THE 23<sup>rd</sup> ASCOBANS ADVISORY COMMITTEE MEETING

### 1. Opening of the Meeting

1. The Chair of the Advisory Committee, Mr. Sami Hassani (France) welcomed participants to the headquarters of the Iroise Marine Natural Park for the 23<sup>rd</sup> meeting of the ASCOBANS Advisory Committee.

#### 1.1 Welcoming Remarks

2. The Chair introduced Ms. Nathalie Sarrabezolles, the President of the Departmental Council of Finistère and President of the Board of the Iroise Marine Natural Park. The Natural Park was the first one in France and the cetaceans present were one of the region's great attractions. The challenge was to balance conservation with human activities to achieve sustainable development and the Park authorities engaged closely with local fishermen and the tourism industry.

3. Ms. Nadia Deckert, Head of International Ocean Protection at the French Ministry of Europe and Foreign Affairs, added her welcome to the participants and especially to the new ASCOBANS coordinator, Ms. Aline Kühl-Stenzel and thanked the Park authorities for hosting the meeting.

4. The Chair also thanked all those that had helped with the preparations of the meeting, especially the Director, Mr. Fabian Boileau and the Deputy Director, Mr. Philippe Le Niliot and held out the prospect of possibly seeing some dolphins off-shore.

5. Ms. Melanie Virtue (Secretariat) added her thanks to the French hosts and confirmed that dolphins had already been sighted. She noted that 2017 was a year of anniversaries, with the Park celebrating 10 years of existence and ASCOBANS having been opened for signature 25 years before. She conveyed the apologies of the Executive Secretary, Mr. Bradnee Chambers, who was unable to attend being busy with the preparations of the CMS COP12, which was taking place in October in Manila, Philippines. Mr. Chambers had recorded a video message which was played to the meeting.

6. Ms. Virtue explained that this was the first Advisory Committee meeting to be held since the new arrangements for national reporting had been adopted at the 8<sup>th</sup> Meeting of Parties in 2006 (Resolution 8.1), whereby each intersessional meeting of the Advisory Committee would focus on a selected few issues rather than covering all the items of the work plan each year. For this meeting the subjects for special attention included underwater noise, ocean energy, unexploded ordnance and marine spatial planning. There would also be a session on Common and White-beaked Dolphins.

#### 1.2 Adoption of the Agenda

7. The Chair presented the provisional agenda ([AC23/Doc.1.2.a](#)) and the provisional annotated agenda and schedule ([AC23/Doc.1.2.b rev.1](#)) and invited comments and suggestions for amendments.

8. Mr. Jan Haelters (Belgium) said that the 2016 National Reports did not cover all areas of activity, but Parties might wish to update the meeting of other developments, and brief oral reports could be given under agenda item 10. Subject to this suggestion, the agenda was adopted.

9. The Chair then sought comments on the Rules of Procedure (ROP; [AC23/Inf.1.2.a](#)). The Secretariat pointed out a recurrent error in the documentation; the correct reference on the cover pages should have been to the ROP adopted at MOP8.

### 1.3 Opening of the Scientific Session

10. Ms. Kühli-Stenzel (ASCOBANS Coordinator) presented document [AC23/Doc.1.3](#), a progress report against the ASCOBANS programme of work, where overall the implementation was well on track following MOP8 in 2016. She invited Ms. Kelly Macleod to present the results of the SCANS-III survey.

## 4. SCANS-III results and its implications for ASCOBANS

11. In her [presentation](#) Ms. Macleod (UK) said that SCANS-III had been led by Phil Hammond and expressed her gratitude to the project's sponsors, whose support had allowed the work to be carried out without funding from the EU LIFE programme for the first time. The SCANS survey was important given the lack of data on cetacean populations and the commitments of Parties to meet their obligations under the EU Habitats Directive. Aerial and ship surveys had been conducted both on the continental shelf and the open sea. Better aerial survey techniques had been employed, but the survey was not perfect. Observers could for example be looking in the wrong direction when animals surfaced, but the methods tried to account for biases wherever possible. Ireland had not participated as separate surveys were being carried out and the data from these exercises would be added in due course.

12. The results of SCANS-III indicated populations in excess of 400,000 for the Harbour Porpoise and Common Dolphin and over 36,000 for White-beaked and White-sided Dolphins in the area surveyed. With a reasonable degree of confidence, shifts in populations between SCANS-II and III had been established and the difference in the total estimate for Harbour Porpoises in the North Sea (500,000 in SCANS-II and 460,000 in SCANS-III) was not significant given the highly mobile nature of the species. The structure of the population in the Danish and Baltic waters was not fully understood, and the trend lines included 2005 SCANS data which showed very low numbers. It was not thought that there had been any major change in population size. There were two estimates from Iberian waters, again showing little change, but here the confidence intervals were wider. There were three estimates for White-beaked Dolphins from the North Sea – all indicating a population in the mid-30,000 range.

13. For Common Dolphins there had been a dramatic change, where estimates showed a huge increase in numbers more than doubling from the previous survey which had indicated a population of 174,000. The numbers had been double-checked and a separate survey in French waters had produced a similar picture for Striped and Common Dolphins.

14. Maps provided by Peter Evans showed clear differences over several months and for year-on-year figures, and it seemed that there might have been an influx of animals from outside the Agreement Area.

15. In conclusion, it appeared that the Harbour Porpoise population in the North Sea was stable, indicating that ASCOBANS was achieving one of its goals. The same applied to Danish waters. There was more cause for concern off Iberia where more surveys were needed to monitor the discrete population there which was suffering from a high rate of bycatch-related strandings. SCANS-III had covered the Norwegian coast, despite the difficulties posed by the geography of the fjords, and it was estimated that there were about 25,000 Harbour Porpoises but bycatch in gillnets was high.
16. Bycatch was not a major concern for White-beaked Dolphins but it was known to happen occasionally. There were known areas of high risk of bycatch for Common Dolphins.
17. The slides comprising Ms. Macleod's presentation can be found [here](#) under "Other documents" on the meetings' webpage, where all powerpoint presentations are available for download.
18. Mr. Haelters (Belgium) suggested cooperating with OSPAR on surveys when opportunities arose.
19. Ms. Maylis Salivas (ACCOBAMS) said that Mr. Simone Panigada, Chair of the ACCOBAMS Scientific Committee, was in contact with Phil Hammond and was considering adapting SCANS for the Mediterranean.
20. Mr. Simmonds (Humane Society International) asked at what frequency SCANS surveys should be undertaken and expressed the hope that future surveys would be supported by the EU's LIFE Programme as they had been in the past. Ms. Macleod said that intervals of every six years would be appropriate to fit the reporting cycles of the Habitats Directive and the Marine Strategy Framework Directive (MSFD).
21. Mr. Peter Evans (Sea Watch Foundation) pointed out the challenge of trying to cover the whole range of the species. He also said that abundance trends were easier to detect in more common species; rarer species also needed to be examined.
22. Regarding the frequency of surveys, Mr. Jeroen Vis (Netherlands) said that OSPAR Parties should exert pressure to have more work done, recognizing that this required funding and organization. He too would welcome SCANS being held every six years.
23. Ms. Geneviève Desportes (NAMMCO) also welcomed the SCANS results and the efforts undertaken along the Norwegian coast. She too advocated a frequency of six years for SCANS surveys and suggested adding the SCANS data to those compiled by NAMMCO. A workshop at the forthcoming marine mammalogy conference was planned to see how various datasets could be combined.
24. Mr. Florian Expert (France) said that bird species had also been surveyed during SCANS and consideration should be given to doing more multi-species surveys.
25. Mr. Jamie Rendell (UK) said that finance would always be a problem, but if a decision were made soon to hold the next SCANS survey in six years, the need for funding could be flagged in advance. Approaches should be made to the Irish authorities to obtain their data, and to persuade Ireland to attend ASCOBANS meetings or even accede to the Agreement. He added that the population density shifts identified between the two surveys might have implications for the designation and management of Marine Protected Areas.

### Action Points and Decisions

- 1) Invite experts from Non-Party range states to attend the 24<sup>th</sup> Meeting of the Advisory Committee to contribute to the relevant agenda items.
- 2) ASCOBANS Parties are encouraged to complete the ICES Noise Register, to contribute to the implementation of the relevant underwater noise mandates under ASCOBANS.

## 5. Review of new information on threats to small cetaceans (reporting cycle 2016 only)

### 5.1 Disturbance

#### 5.1.1 Underwater Noise

26. Mr. Yanis Souami (France), the Chair of the Joint CMS/ACCOBAMS/ASCOBANS Noise Working Group, led the session on underwater noise aiming to review progress and agree on recommendations for policy action. During his [presentation](#) he said that the Joint Working Group conducted most of its deliberations remotely and through email. It had been assigned 53 tasks, of which 20 had been completed. A full report of the working group is available as [AC23/Inf.5.1.1.c](#).

27. A number of questions had arisen in the Joint Working Group's considerations: what goals did the three partners have regarding cetaceans and what indicators should be adopted? What data were needed and how should they be collected and analyzed?

28. There were several instruments and forums dealing with underwater noise, the MSFD and various regional agreements such as OSPAR, HELCOM and the Barcelona and Bucharest Conventions, each with its own group of experts, with great scope for synergies with the Joint Noise Working Group. Each country also had its own national agency dealing with implementation. ASCOBANS provided a specific framework for the agreement area, targeting odontocetes which were known to be particularly sensitive to noise.

29. HELCOM had started studies on impact indicators and efforts were being made to collect data on anthropogenic noise sources. A literature study had been done but given the limited time available this was far from comprehensive. A noise register was being built up under the auspices of ICES. National reports submitted to ACCOBAMS were regularly analyzed but the data provided were not always sufficient for proper conclusions to be drawn.

30. Questions that arose included whether the guidelines published were actually being used by regulators and developers and how their use could be monitored. With regard to cumulative effects, assessment should be made at a larger scale and therefore those bodies with noise registers should be asked to assist by providing data.

31. Ms. Salivas (ACCOBAMS) expressed her satisfaction that the Joint Working Group had been established and was operating well. The Barcelona Convention had indicated its willingness to collaborate and funding was being provided by the Principality of Monaco.

32. Ms. Deckert (France) said that descriptor 11 of the MSFD had brought the issue of noise to the fore. France had adopted an approach addressing ambient noise of low frequencies, impulsive noise (with data for 2017 under the Siren system) and plans for further

measurements in 2018, which would allow the effects on animals and how their behavior changed to be assessed.

33. Mr. Vis (Netherlands) agreed that noise was a complex issue and the field of organizations dealing with it was crowded, and thought should be given to the role of ASCOBANS. There might be areas where the Agreement should take the lead, and others where partnerships should be sought or where ASCOBANS could follow others. First, it should be determined how serious a threat underwater noise was to small cetaceans, and secondly those forums active in this field should be identified. OSPAR already had a working group dealing with cumulative effects, and there was no point duplicating its work.

34. Mr. Souami said one possible role for ASCOBANS was to decide what pilot projects were needed. Post SCANS-III, it was necessary to find out which areas potentially had a large amount of noise.

35. Mr. Simmonds (Humane Society International) noted that the Joint Noise Working Group provided expert advice at little cost to the Parties. He suggested that the Joint Working Group should continue to monitor emerging issues, advise on pilot projects and look at how to develop work on cumulative effects. He noted a review on the emergence of marine noise<sup>1</sup> and an important recent review from the US National Academies of Sciences<sup>2</sup>.

36. Regarding possible pilot projects, Ms. Deckert proposed that once a locality had been identified, Peter Tyack's recommendations ([Inf.5.1.1.a](#)) could be followed according to which a hydrophone system should be set up where cetacean habitats overlap with places where noisy activities were carried out.

37. Ms. Penina Blankett (Finland) said that in the Baltic, the BIAS soundscape map plotted mainly commercial vessels. This was available on the HELCOM website with a layered map. HELCOM also had an expert group dealing with underwater noise, which would be meeting in October 2017. Cetaceans and seals were affected differently by noise as seals frequently hauled out and were above the surface.

38. Mr. Alessio Maglio (SINAY) said that SINAY was looking at measurements and at new mitigating measures in places where they had not previously been used. In the USA, similar measures had been taken in areas frequented by Right Whales.

39. Mr. Evans (Sea Watch Foundation) said that the impulsive noise register was far from complete, so ASCOBANS Parties could help fill the gaps by providing data. The ECS was looking at higher frequency indicators especially in shallower seas (see [Inf.5.1.1.b](#)). With regard to risk mapping, it was known that the greatest threat came from seismic surveys and shipping and the main hotspots were the Channel and southern North Sea as the traffic was densest there.

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<sup>1</sup> M.P. Simmonds et al (2014) marine noise pollution increasing recognition but need for more practical action *Journal of Ocean Technology* 04/2014: 9(1):71-90

<sup>2</sup> NAS 2016 approaches to understanding the cumulative effects of stressors on marine mammals *Nat Ac s of Sciences, Engineering and Medicine* Wash DC doi 10.17226/223479

40. Mr. Haelters (Belgium) said that OSPAR had also been active with two projects, one measuring and assessing ambient noise, and in parallel another project in the adjacent Atlantic. More details were available on the [OSPAR website](#).

41. Mr. Simmonds said that consideration of pilot studies would be a suitable subject for a workshop at the next ECS annual meeting, which was due to be held in 2018 in northern Italy.

42. Regarding ocean energy, Mr. Vis said that there was a multi-country project on the cumulative effects of windfarms being led by the Netherlands as well as some studies on seismic surveys and pile driving. In choosing pilot projects, ASCOBANS should liaise with the working groups of other forums to ensure that the best added value was obtained for the Agreement.

43. Ms. Salivas (ACCOBAMS) agreed and offered subject to agreement of its Scientific Committee that ACCOBAMS could take the lead.

44. Ms. Kühl-Stenzel introduced the issue of the National Reporting, explaining that the last MOP had decided to switch to a new reporting procedure whereby only relatively few key issues would be considered at each annual Advisory Committee on a rotational basis ([Resolution 8.1](#)). Only once every four-years, from MOP to MOP, would a complete national report cycle take place. The 2016 national reports discussed now in 2017 were focussing on underwater noise, ocean energy, unexploded ordnance and marine spatial planning. This Advisory Committee was requested to review both the format and the information submitted, as well as recommend follow-up action which would then be reviewed again at MOP9 in 2020.

45. Further refinements were needed to the National Report format and consideration should be given to how to carry out the required amendments; a dedicated working group was one possibility. Due to slow progress within the groups tasked with developing the 2016 national report format the revised National Report forms had been sent out in June with a deadline later the same month with the result that by August only six of the ten national reports had been received.

46. Mr. Vis (Netherlands) apologized for the late submission of the Netherlands' National Report but said that it would be sent shortly. He commented that in compiling the report a great deal of time had been spent transferring data from one database to another, and he believed that National Reports were best when the information requested was specific and targeted.

47. Mr. Rendell (UK) said that this was the first time that Parties had reported under the new system and some teething problems were apparent but these could be rectified. He agreed that the report requested information that was already held elsewhere. He supported the idea of establishing a working group to refine the format further. The Chair suggested looking at the reporting requirements for all the disturbance issues together and that, if funds allowed, a consultant could be commissioned to assist.

### 5.1.2 Ocean Energy

48. Mr. Philippe Le Niliot, Deputy Director of the Iroise Natural Marine Park, gave a [presentation](#) on a tidal power development which would involve placing underwater turbines to exploit the currents through the islands at Fromveur Passage within the Park's limits.

49. The Park covered an area of 3,550 km<sup>2</sup> and the trials involved submerged turbines which had since been removed for maintenance. The bathometrics had been examined in a

small underwater valley where 200 turbines were to be sited and it was hoped that the environmental impact would be minor. The benthic fauna included no major protected species but Bottlenose Dolphins did feed and hunt in the affected area. Hydrophones and cameras were being fitted to the equipment to help with monitoring, but they were frequently damaged. Similar installations had been deployed off Alderney in the Channel Islands and the Orkneys in Scotland, but these were of a different scale and had a different mix of species.

50. Mr. Simmonds (Human Society International) said that he would watch developments closely, hoping that the impacts would be minor, noting that the turbines were being placed in areas where fish congregated attracting fishermen and predators. He had found little literature, except for projects of a much smaller scale. It seemed strange that such a large project had attracted so little attention; wind turbines above the surface in the heart of a natural park would have been controversial.

51. Mr. Le Niliot said that this location was the best suited for the project and a political choice had been made to proceed with renewable energy generation to help combat climate change. The area was also noted for high winds, but it had been decided not to develop a wind farm. It was not yet known where the cables would reach the shore. The management board of the Park would be consulted and advice would be given on whether the project should finally go ahead. At the four interim stages so far, approval had been given.

52. Mr. Souami (SINAY) listed the main areas for concern for small cetacean conservation: noise, collisions, barriers to movement and migration and the effects of different types of renewable installations. Oil and gas exploration and extraction were also factors in the North Sea, and should therefore be covered in the 2020 national report format.

53. Mr. Evans (Sea Watch Foundation) was of the opinion that oil and gas should be included and mapping should focus on where noisy activities were being undertaken rather than on the locations of wind farms. Pile driving was a time-bound source of disturbance.

54. Ms. Patricia Brtnik (Germany) said that Germany had implemented a "Sound Protection Concept" for the North Sea (*"Concept for the Protection of Harbour Porpoises from Sound Exposures during the Construction of Offshore Wind Farms in the North Sea"*) and this would be extended to the Baltic. A slight hiatus had occurred with the pending federal elections.

55. Ms. Kühl-Stenzel (ASCOBANS Coordinator) suggested to agree specific questions that Parties would like to see answered through the national reporting process, the report format could then be developed accordingly. This applied to a range of issues and not just noise.

56. Risk-maps for the agreement area were proposed as helpful outputs. Ms. Blankett (Finland) said that for the Baltic, HELCOM had multi-layered maps showing activities and biodiversity hotspots. Ms. Susanne Viker (Sweden) suggested that a marine spatial planning tool might be required and that such a tool existed in Sweden. It was called SYMPHONY and it logged all the threats. Other countries might well have something similar to help with their spatial planning management.

57. Mr. Rendell (UK) said that the Parties needed to know which human activities were affecting cetaceans and advise on what activities needed to be stopped or amended. The Joint Working Group should not take on tasks that were better done by others and it was therefore important to seek opportunities to cooperate with other organizations.

58. Mr. Haelters (Belgium) said that the Belgian National Report was already full of metadata. What was missing were the details of the outcomes of research and projects. Automatic Identification System (AIS) data could be overlaid with cetacean population data,

but obviously only for larger vessels. Under the MSFD Member States were required to respond to descriptor 11 (Energy including underwater noise).

59. Mr. Evans pointed out that there were additional challenges to consider, not least when preparing overlay maps. It was extremely difficult to find the right data across the different regions. There were similar complications with noise, since it was easy to plot where wind farms were situated, for example, but more difficult to identify activities that were producing noise causing disturbance. Metadata existed but needed to be adjusted to suit the purposes of ASCOBANS, possibly through acquiring additional, supplementary data. Some measures were rather crude, such as counting the number of yachts in a marina, the weakness being that this took no account of how active the vessels were. It was also difficult to assess what data were missing.

60. A discussion ensued during which the meeting agreed that the national report should not simply be a compilation of data available elsewhere, but assist to tackle specific questions not addressed by other fora. National authorities should ensure that the data compiled were accurate. National Reports should be more than an account of activities for the archive.

## 5.2 Habitat Change and Degradation

### 5.2.1 Unexploded Ordnance

61. The Chair asked whether either France or Germany which had included details of unexploded ordnance in their reports wished to provide further information. Neither had anything to add.

62. Mr. Haelters (Belgium) said that some of the information requested in the ASCOBANS national reporting format was very detailed and was not covered in their national database. ASCOBANS could ask the OSPAR Secretariat whether it had the information available. The Secretariat pointed out that indeed the format proposed by experts was detailed and feedback was required from Parties as to what was feasible and helpful from a policy perspective, not least given that only two out of ten Parties had filled this part.

## 5.3 Management of Cumulative Effects

### 5.3.1 Marine Spatial Planning

63. Ms. Blankett (Finland) said in her [presentation](#) that the sea was a three dimensional rather than two-dimensional medium and it was becoming more and more crowded, leading to increasing conflicts between different users, and climate change was making things worse, examples being the Great Barrier Reef, the Florida Keys and the Wadden Sea.

64. The waters of the Baltic were busy, with many different activities including extraction, shipping and fishing competing with biodiversity conservation. An ecosystem approach including people was being adopted, based on the 2008 EU roadmap and the Directive 2014/89 establishing a framework for maritime spatial planning, including some key articles on data use and data sharing. Some faults in the Directive had been identified, such as the exclusion of integrated coastal zone management and the failure to mention explicitly biodiversity, pollution or zoning.

65. It had taken some time for HELCOM and VASAB (Vision and Strategies around the Baltic Sea) to understand each other, but there was now a joint HELCOM-VASAB working

group, which dealt with maritime spatial planning and was now following a seven-year roadmap. The result was more informed policy-making to ensure better environmental health.

66. Information had been extracted from the national reports. While France had not replied to this question, but promised to supply the missing information in due course, and the Netherlands had not yet submitted its report, activities were being undertaken in most other ASCOBANS Parties. Maps had been provided by Belgium and Finland; Finland was modelling shipping noise around Helsinki, Germany had several plans on the pipeline both at Federal and State (*Land*) level, Poland was undertaking work in Gdansk Bay, the UK had plans for much of the English coast, and work was progressing in both Sweden, where there would be plans for the West and South coasts and the Gulf of Bothnia.

67. Mr. Vis (Netherlands) said that the Netherlands' new environmental planning system would include the sea, with the environmental, fisheries and energy sectors all covered. The accompanying guidelines included ten points relating to cetacean conservation which were a basis for the type of question that ASCOBANS needed to ask. The questions required simple "yes/no" answers and invited comment on what could be done better. The Netherlands would liaise with Belgium, Germany and the UK.

68. The Chair sought suggestions for the appropriate wording of the questions, the other forums to be approached and potential sources of maps showing hazards.

69. Mr. Evans (Sea Watch Foundation) suggested holding a joint workshop at the ECS to which experts in different aspects of noise could be invited. The gaps where other forums were not active could be identified through devising a matrix showing coverage.

70. Mr. Haelters felt that Parties should have a clear idea of where gaps lay from National Reports. He said that ASCOBANS was in danger of providing its advice too late as windfarms were already being constructed. The aims of any workshop should also go beyond identifying gaps and provide concrete advice.

71. Mr. Evans agreed and thought the workshop should link to the provisions of the MSFD – as this was quite specific in its requirements. The experts invited would be well placed to advise where ACCOBAMS and ASCOBANS could provide added value.

72. Mr. Vis agreed that the idea of holding a workshop had merit but the underwater noise group should be consulted to ensure that there was some added value.

73. Ms. Ida Carlén (Coalition Clean Baltic) agreed on the rationale behind having National Reports. Knowledge on cetacean distribution should be linked to the existence of threats, and useful data on this seemed to be available for the Baltic region on the HELCOM website.

74. Ms. Sara Königson (Sweden) said that OSPAR as well as HELCOM should be asked what information was available and what research was being undertaken.

75. Mr. Rendell (UK) said National Reports helped flag up key issues and areas where more research was needed. When this research was done, the Advisory Committee would be better placed to tell Parties what needed to be done. The Advisory Committee should then determine what role there was for ASCOBANS or whether the Agreement should make use of the work undertaken in other forums.

76. Ms. Kühl-Stenzel read out the relevant questions from the National Report seeking opinions from the meeting of those that had been useful. The first asked to which noise databases Parties were contributing; the second concerned the perceived level of threat from

noise and trends, and the third was about specific events producing noise at sea. The Resolution called for data that were easy to assess and analyze.

77. Mr. Rendell said that the first was easy to answer, gave useful information and should prove to be a springboard to more discussion. Questions should also provoke answers showing Parties whether their efforts were having effect.

78. The Chair added that the National Reports also showed whether the conservation measures agreed were being implemented. Parties needed to see that their objectives were being met.

79. Mr. Vis pointed out that the National Report format was not even one year old, so there was no experience upon which to base the level of detail to be sought. The points being raised were legitimate but it would take time to know what the right questions were. In the short term, it was difficult to provide answers on long-term impacts. He was not sure at this stage whether more or less detail should be requested, but said that the national reports should help identify the direction in which the Agreement was going.

80. Ms. Kühl-Stenzel sought guidance on the best way forward to ensure that the questions were appropriately formulated when Parties were next expected to respond to them in 2020.

81. Mr. Evans said that in the past he had been asked by ASCOBANS to review human threats and determine whether existing knowledge of population trends and threats was advanced enough to determine whether there was a link. He had eventually decided to devise a traffic light scoring system. His investigation raised many questions, as noise rarely resulted directly in deaths (unlike bycatch) but in this process the National Reports had proved to be very useful. He did though find that the third question was too detailed, whereas the second one was a useful one to pose at the international level. Some questions seemed to be aimed at the Parties themselves while others seemed to be less useful.

82. Mr. Rendell (UK) pointed out that considerable time had been spent devising the questions and Parties had also expended much effort in collecting the data to answer them. After all this, it was necessary to ensure that the exercise was worthwhile and that the National Reports were being used. It was important to ask the right question and know in advance what information was being sought and why.

83. The Chair summarized by saying that Mr. Evans found some of the questions helpful while others felt it was too early to decide how the questions should be reformulated. Returning to the essential point of reducing the risks to which cetaceans were exposed from noise, the Chair sought views on the proposal to hold a workshop and produce a map of hotspots within the Agreement Area.

84. Ms. Deckert (France) said that while a workshop seemed to be indispensable, the mapping exercise would be little more than a catalogue.

#### **5.4.5 Other**

85. Mr. Simmonds (Humane Society International) noted that there had been a number of important papers on the threat posed by PCBs to small cetaceans recently published, and that

these included consideration of responses to this threat<sup>3</sup>. He suggested that a future discussion on mitigation measure might be useful given the profound nature of this threat to some populations including but not limited to orcas within the agreement area.

86. The UK strandings network had evidence pointing to the possible extinction of some Orca populations and the use of PCBs in some building sealants should be examined.

87. Mr. Vis (Netherlands) said that OSPAR had found that PCB levels were low in some places but the problem was persistent high levels in animals.

88. Mr. Simmonds said that there should be more attention paid to mitigation. He agreed that PCBs in the sea was less of an issue but the ASCOBANS Agreement Area was a hotspot for PCBs in animals.

89. The Chair said that studies of Striped Dolphins conducted by France in the 1990s had shown high levels of PCBs, in line with more recent work carried out in the UK.

90. Mr. Evans (Sea Watch Foundation) said that prey depletion was also worth examining as this was a factor influencing changes in cetacean distribution changes, with knock-on effects as the cetaceans moved on to new areas.

#### Action Points and Decisions

- 3) Include PCB mitigation on the agenda of the 24<sup>th</sup> Meeting of the Advisory Committee and invite experts on PCBs accordingly, including an expert on the Stockholm Convention.
- 5) At a future meeting of the AC, prior to MOP9 in 2020, include prey depletion and changes in prey quality on the agenda, covering both aspects of fisheries and climate change.

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<sup>3</sup> Law RJ and **Jepson PD** (2017) Europe's insufficient pollutant remediation. *Science* **356**, 148.

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Stuart-Smith, S and **Jepson PD** (2017) Persistent threats need persistent counteraction: responding to PCB pollution in marine mammals. *Marine Policy* **84**: 69-75.

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**Jepson, PD**, Deaville R, Barber JL, Aguilar À, Borrell A, Murphy S, Barry J, Brownlow A, Barnett J, Berrow S, Cunningham AA, Davison NJ, ten Doeschate M, Esteban R, Ferreira M, Foote AD, Genov T, Giménez J, Loveridge J, Llavona Á, Martin V, Maxwell DL, Papachlimitzou A, Penrose R, Perkins MW, Smith B, de Stephanis R, Tregenza N, Verborgh P, Fernandez A and Law RJ (2016) PCB pollution still impacts populations of orca and other dolphins in European waters. *Scientific Reports* 6: 18573 doi:10.1038/srep18573

## 2. Species Action Plans

### 2.1 Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan)

91. Ms. Carlén (Coalition Clean Baltic) as the newly elected Chair of the Jastarnia Group reported on the [13<sup>th</sup> Meeting](#) of the Group (20-22 June 2017, Wilhelmshaven), which had included a joint session with the North Sea Group.

92. She said that Mr. Jacob Nabe-Nielsen had given a [presentation on the DEPONS project](#) concerning disturbance effects on the Harbour Porpoise population in the North Sea.

93. She also reported that Mr. Rüdiger Stempel the Executive Secretary of the Common Wadden Sea Secretariat (CWSS) had pointed out that currently Harbour Porpoises were not covered by the trilateral agreement, although they were present in the Wadden Sea. It was suggested that ASCOBANS should write to the CWSS suggesting adding Harbour Porpoises to their remit and proposing more collaboration.

94. As well as discussing both the Belt Sea, Inner Danish Waters and the Kattegat and the Baltic proper simultaneously, the Jastarnia Group would welcome future joint meetings with the North Sea Group. The 13<sup>th</sup> meeting had reviewed a total of 72 action points and had condensed their policy recommendations into a total of 42 action points, as well as a further 13 items for the internal Secretariat to-do list.

95. Progress was slow but was being made, with achievements being the SCANS and SAMBAH surveys, complemented by national monitoring efforts. There was already initial talk of a follow-up to SAMBAH, and if the ten-year periodicity was to be achieved, then planning had to start soon. Progress was also being made on necropsy data, alternative gear and risk assessments. A Natura 2000 site had been designated by Sweden in the Baltic, on the basis of the SAMBAH data.

96. More work was needed on bycatch monitoring and risk reduction and bycatch would have to be eliminated from designated Marine Protected Areas. Cooperation would continue with HELCOM on underwater noise and other cross-cutting issues. The most urgent need was for a coordinator to be recruited to support the implementation of the two harbour porpoise action plans. This had been a recurring issue for many years and was more urgent than ever.

97. Ms. Königson (Sweden) had a comment on one of the Action Points, seeking to revise Action Point 22 on recreational fisheries, to soften the wording regarding banning or limiting the use of those types of fishing gear known to cause bycatch. There being no further comments, the Chair said that the Action Points were adopted subject to the change suggested by Sweden with Action Point 22 reading "With respect to recreational fisheries, Parties should work towards banning or limiting the use of those types of gear known to pose a threat to harbour porpoises." (see [JG13 report](#)).

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

98. This item was taken in conjunction with item 2.1 above.

## 2.2 Conservation Plan for Harbour Porpoises in the North Sea

99. Mr. Evans (Sea Watch Foundation) said that the [6<sup>th</sup> Meeting of the North Sea Group](#) (19-20 June 2017, Wilhelmshaven) had benefited from a joint session with the Jastarnia Group. He presented a review of progress with a table highlighting areas needing more attention. Regrettably, there was no coordinator at the moment (see [AC23/Doc.2.1.c](#)).

100. Bycatch remained the prime concern, but the data presented needed to be revised as some countries had not been present. Feedback was requested on the information presented in the table devised by Ms. Desportes when she was coordinator.

101. SCANS-III had been a major success but less survey work had been carried out at the sub-regional level, nor had much been done on stock structure. Stranding schemes had allowed the health and nutritional status of specimens to be examined.

102. The North Sea Group had fewer Action Points than the Jastarnia Group, and priorities identified were a cost benefit analysis comparing remote monitoring and onboard observer schemes; reviewing the OSPAR bycatch indicator; strandings; the Regulation concerning the conservation of fishery resources and protection of marine ecosystems; liaison with the North Sea Advisory Council; drafting a paper to refute the idea of there being safe seasons for building windfarms; and liaison with the Marine Stewardship Council (MSC) to secure more attention to small cetacean bycatch in the MSC certification scheme.

103. The Meeting endorsed the Action Points arising from the meeting of the North Sea Group.

104. Mr. Simmonds (Humane Society International) was concerned at developments at the EU level, where the review of regulations seemed to be heading for the reintroduction of certain high-risk types of fishing gear in the Baltic and the problem of bycatch being ignored. NGOs were watching developments while it seemed that ASCOBANS was being passive and the deadlines loomed.

105. Mr. Evans urged that National Coordinators raise their concerns with those colleagues dealing with the review in Brussels and at the European Parliament. Mr. Evans said that he had attended an event at European Parliament in the summer along with BirdLife International to discuss technical measures. Some MEPs and high-level representatives from Directorates General had attended and the presentations had been well received, although the audience was self-selected and probably well-disposed to the environmental messages. A discussion ensued, which resulted in the establishment of a small working group drafting an open letter with advice from the AC23 to the European Commission and other relevant stakeholders (Annex 5, sent on 15. September 2017).

106. Ms. Carlén (CCB) raised the issue of the possible reintroduction of drift nets in the Baltic. Since drift nets were banned, fishermen had used other types of gear which had proved just as bad for bycatch. Reference should be made to the letter to the European Commission. Semi-drift nets were part anchored and might not be covered by the definition of "drift net". The Chair said that the gear used in the Mediterranean in Bluefin Tuna fisheries was fixed to the vessel and therefore did not qualify as a drift net. Mr. Vis intervened to say that semi-drift nets would be covered by restrictions applied to gillnets.

107. Ms. Kaminska stressed that semi-drift nets were not used widely and did not cause significant bycatch and essentially the problem had been resolved.

108. Mr. Evans asked whether it was certain that coastal fisheries using semi-drift nets were not causing bycatch.

109. Mr. Rendell suggested that the next meeting of the Advisory Committee should consider the issue of semi-drift nets. The meeting agreed to include the matter as an action point.

110. Mr. Vincent Ridoux (France) said that cross-Channel cooperation on stranding data was seeking to find the cause of Harbour Porpoise deaths. Aerial surveys conducted on alternate months had started to look at seasonal distribution. A special issue of a deep-sea research journal from July had information relevant to ASCOBANS and ACCOBAMS; it also dealt with seals, birds and fish.

111. Ms. Kühl-Stenzel (ASCOBANS Coordinator) said that Ms. Carlén had mentioned the presence of Harbour Porpoises in the Wadden Sea and had suggested writing to the CWSS in advance of its Ministerial Council about possible cooperation.

112. Regarding coordination of the three harbour porpoise action plans, under CMS instruments there was often a lead organization such as an NGO which took the lead to provide technical coordination and thereby provided essential support to make implementation happen on the ground. The North Sea Parties had in the past benefited from a North Sea Coordinator (2011-2015). Unfortunately, the coordinator (Ms. Desportes) had not been replaced. The Jastarnia Group had also identified appointing a coordinator as a priority and had proposed two possible options - appointing a part-time coordinator or setting up a shorter-term consultancy, of say four months. Voluntary contributions to fund such a post had been already received from the Netherlands and the United Kingdom.

113. Ms. Desportes (NAMMCO) said that it had been useful for her as North Sea Group Coordinator to independently review progress and to act as a hub for collecting information. It had also been useful to connect more closely with other processes, such as ICES.

114. Ms. Kühl-Stenzel opened the discussion on the TOR of the Coordinator ([AC23/Doc.2.1.c](#)), reading out descriptions of the various tasks.

115. Ms. Königson added that the Coordinator should act as a liaison point with the bycatch groups operating under various forums and suggested reordering some of the priorities. Ms. Desportes also questioned the priority attached to certain elements, but suggested that collaboration with NAMMCO should be considered.

116. Mr. Evans saw value in working with ICES, although it relied on the data it received from its members. As a result of attending ICES meetings, Ms. Desportes had been able to delve further into Harbour Porpoise bycatch in the North Sea. Ms. Desportes pointed out that ICES was a wider forum covering countries beyond ASCOBANS and some of the documents had a level of detail not right for ASCOBANS.

117. Ms. Kühl-Stenzel sought the Parties' views on the two options which were to wait until enough funds were available to finance a post for the longer term or use the resources currently available for a shorter-term consultancy.

118. Mr. Rendell agreed that it would be ideal to have a coordinator and preferred a more stable, longer-term option. He expressed doubts about whether the coordinator could "represent" the Agreement at other forums. He also noticed some overlaps between the TOR of the Coordinator and those of the Bycatch Working Group. The TOR could also be extended to include fundraising to help make the post more secure.

119. Mr. Vis doubted whether a short-term consultancy would be a good use of resources: as it was necessary for the incumbent to build up knowledge and that knowledge needed to be retained. If Parties really wanted a coordinator, they should provide the requisite funding.

120. The meeting discussed the different options in more depth and agreed that funds currently available under the "Conservation project" budget line should be used to fund a coordinator for one year initially. The originally foreseen voluntary contributions from the Netherlands and the UK would be put into another project, namely the web-accessed database for marine mammals and necropsy data (see agenda item 9). Parties were requested to make voluntary contributions in rotation in order to secure sufficient funds for the coordinator to stay on in the long-term. The TORs were amended by the meeting and agreed (Annex 7).

121. Mr. Simmonds suggested contacting an organization, such as the Sea Watch Foundation, whereby the work could be supervised by Mr. Evans. Ms. Kühl-Stenzel confirmed that there were precedents in the CMS Family for such arrangements.

#### Action Points and Decisions

- 4) Organize two workshops with ACCOBAMS at the ECS in 2018 on stranding schemes and noise impact hotspots.
- 6) Invite a representative of the Marine Stewardship Council to present at AC24 on how ASCOBANS stakeholders could strengthen their engagement with the MSC.
- 12) The Secretariat is to circulate an open letter on EU Technical Regulation to the European Commission, in copy to the National Coordinators and those observers present at AC23.
- 14) AC24 to include a technical discussion on semi-driftnets in the context of bycatch, including a presentation by the Bycatch Working Group.

## 2.4 Draft Conservation Plan for the Common Dolphin

122. In his [presentation](#) Mr. Evans (Sea Watch Foundation) presented a threat matrix and a list of potential conservation actions for inclusion on the draft action plan on short-beaked common dolphins. He recalled that Ms. Sinead Murphy had given a presentation on the Common Dolphin to which a Special Species Session had been dedicated at AC22 in 2015 (see agenda item 3 in the [AC22 report](#)). As a follow-up, a telephone conference had been arranged to start drafting a Short-Beaked Common Dolphin Action Plan, in which the UK and Ireland had participated. Input from France would be desirable. The baseline for the Action Plan was the threat matrix from the ICES working group.

123. Four sub-regions had been identified for the Common Dolphin: the North Sea, the Celtic Sea, the Bay of Biscay and Macaronesia. It would be necessary to improve understanding of the species and define management units. Inter-seasonal variations and prey species would have to be examined, and stakeholders identified. Other issues for consideration included estimates of bycatch rates, required modifications of fishing gear, the health and nutritional status of the animals, hazardous substances to which the species was exposed; changes to the species' range (the Common Dolphin was appearing more frequently in the North Sea); human activities leading to direct mortality and cumulative impacts.

124. France confirmed that it wanted to contribute more and a great deal of work had been done on Common Dolphins, particularly after a series of strandings, to diagnose the causes and develop remedial actions.

125. Mr. Haelters (Belgium) asked if the shift in range could be linked to prey. Common Dolphins had been sighted in the North Sea in the 1930s in pursuit of tuna and this was before climate change had been considered a factor.

126. Mr. Evans said that this was possible and the dolphins might be pursuing anchovies. Sea temperature was only one factor among several, and France and Spain were conducting research in the Bay of Biscay.

127. Ms. Salivas (ACCOBAMS) said that the previous meeting of the ACCOBAMS Scientific Committee had considered an update of the ACCOBAMS Conservation Plan for the Short-beaked Common Dolphin in the Mediterranean Sea, and Mr. Evans' comments were also of interest to the sister Agreement.

128. Mr. Vis (Netherlands) welcomed sight of a draft plan and was especially interested in the areas where there were similarities with the Harbour Porpoise Action Plans. He noted also areas where they differed.

129. Mr. Simmonds (Humane Society International) welcomed the progress made but did not think that the draft was yet in a state where it could be presented to the Advisory Committee for endorsement. He noted that the work was being led by an Irish expert, a fact which might serve as a bridge to the Irish authorities. The Advisory Committee could however encourage further efforts to develop the draft plan.

130. Mr. Evans said that in drafting the plan the focus had been on issues specific or important to the Common Dolphin, but opportunities for synergies had been highlighted when they occurred, notably regarding bycatch mitigation which would benefit many other cetacean species. Opportunities for cooperation with ACCOBAMS, Ireland, Portugal and Spain should also be explored. He also placed on record his gratitude to Ms. Eunice Pinn of the UK's JNCC for her contribution.

131. Ms Deckert (France) sought clarification of the next steps including the timeframe for consultation and specifically if Parties would see a revised written version and would have further opportunities to comment. Mr. Evans recalled [Resolution 8.4](#) from 2016 which called for a minimum review period for Parties of 3 months prior to the AC and said that he would particularly welcome comments from those countries, i.e. France, Portugal and Spain, that had not yet responded.

132. Mr. Simmonds suggested sharing the draft with ASCOBANS and ACCOBAMS Parties over the course of the rest of the year and submitting a revised text for consideration at the 24<sup>th</sup> meeting of the Advisory Committee. Ms. Desportes suggested adding Norway, given that Common Dolphins were being found further north as a result of climate change.

133. Mr. Vis asked how much new work would be involved and how much would implementing the plan cost. Mr. Evans said that the listed actions would be prioritized and could be implemented as resources allowed.

134. The Chair sought confirmation that the meeting could endorse the list of actions (see [presentation](#)). There being no opposition, the list of actions was endorsed.

### 3- Special Species Session: White-beaked Dolphin

#### 3.1 Introduction and Conservation Status

#### 3.2 Recommendations for Research and Conservation Actions

135. Mr. Evans (Sea Watch Foundation) gave a [presentation](#) highlighting the species' distribution and the threats to which it was exposed, underlining what was known about the species as well as where knowledge gaps were.

136. Much work had been done to research body coloration. Newly born White-beaked Dolphins looked very different. Juveniles had white beaks, while adults' beaks were grey. The patterns on the side of their bodies developed as the animals aged.

137. White-beaked Dolphins were found in cold temperate waters of the North-East Atlantic, normally in shallower shelf waters of North-West Europe but also in deeper areas further north. Two studies on population structure had shown low genetic diversity between animals in different areas. Several abundance estimates had been made over different periods indicating 60,000-70,000 in the Barents Sea, 31,000 around Iceland and 36,000 in the North Sea. No significant change had been ascertained since the 1990s.

138. Mr Evans went on to describe: seasonal variations in population densities, illustrated by maps from January, April, July and October; breeding behavior where mating took place between July and October with births following in June to October; statistics for the life cycle of the species including life expectancy; social habits such as group size, which tended to be small (5-10) except when hunting when aggregations reached three figures. Acoustic recording from two free-living specimens indicated that the species had the highest hearing sensitivity of any dolphin. Research undertaken by Ms. Chiara Bertulli showed that the species had fluid social bonds. The diet varied according to locality, with more pelagic prey being taken in the north of the range but haddock and cod were taken in the North Sea.

139. No one threat seemed to be particularly affecting White-beaked Dolphins, but it was possible that not all the facts were apparent. Dead stranded animals had been autopsied and traces of poisons such as selenium, heavy metals and PCBs had been found. Many had been found to have a strange spinal deformity with fused vertebrae.

140. At present, too little was known about the species, its life parameters and the threats it faced. SCANS and other such surveys needed to be able to differentiate between different species. Ms. Desportes (NAMMCO) said that ASCOBANS should ask NAMMCO to share its data on the species.

141. The Chair said Parties should be requested to carry out more monitoring, and the Advisory Committee agreed to review the species again at AC24 in line with Action Point 10. The meeting further agreed to cover Atlantic white-sided dolphins during the special species session at AC24 in 2018.

#### Action Points and Decisions

- 10) The Secretariat is to work with Peter Evans to prepare a data request to Parties and Non-Parties on white-beaked dolphin for presentation at AC24. The Secretariat shall invite relevant organizations to contribute further data to this process.
- 11) Hold a special species session on Atlantic white-sided dolphins at AC24.

## 6. Relevant EU Policy

### 6.1 Common Fisheries Policy

142. Ms. Kühl-Stenzel (Secretariat) briefed the AC23 on an expert workshop on unacceptable interactions (see [AC23/Inf.6.1.a](#) for the full report; 22-23 February 2017, Bonn), which had covered excessive levels of bycatch and bycatch limits/thresholds. The expert workshop had followed on from a previous bycatch workshop in July 2015, which had been hosted by Defra in the UK. The expert workshop had developed TORs for a further follow-up workshop on unacceptable interactions. To date no funds were available to organize such a follow-up workshop and no host had been identified.

143. In February 2017 the experts had recommended that different conservation options be elaborated (see TORs for a second workshop on unacceptable interactions in [AC23/Inf.6.1.a](#)). It was expected that one of these conservation options would be informed by modelling done by Phil Hammond and colleagues at St. Andrews, a further would benefit from work done at the Sea Watch Foundation and finally further insight could be gained by taking note of direct mitigation measures under the CMS Agreement on the Conservation of Albatrosses and Petrels (ACAP). The Advisory Committee was asked to discuss the next steps with a view to arranging a follow-up workshop.

144. Ms. Kühl-Stenzel further reminded the AC that it had been foreseen to establish a Joint ASCOBANS/ACCOBAMS Working Group on Bycatch. Currently, ASCOBANS had a dedicated Working Group, while under ACCOBAMS the issue was dealt with by the Scientific Committee. The February 2017 expert workshop had drafted TORs for the new Joint Group for the AC23 to review.

145. The Chair invited general comments before asking the meeting to examine the proposed TOR for the Joint Working Group, which were contained in the document [AC23/Inf.6.1.a](#).

146. France wished to add that the French studies of strandings data could help both the identification of places where mortality occurred and with estimates of the total mortality from accidental take. The data were derived from observers who reported on specific fisheries.

147. Ms. Kühl-Stenzel presented the draft TOR on screen. These TOR were an amalgamation taking account of the different scopes of ASCOBANS and ACCOBAMS by area and species. The items were examined in detail and a revised text was prepared by the Secretariat in the light of the comments made. Ms. Salivas (ACCOBAMS) said that the changes would have to be transmitted to Chair of the ACCOBAMS Scientific Committee for validation.

### 6.1 continued: contribution from Fiona Read (WDC)

148. Ms. Read presented the NGOs' view of the revision being undertaken of bycatch legislation ([AC23/Inf.6.1.b](#)). Bycatch was known to be a serious problem, and not enough monitoring was being done. The main legislation governing the subject was flawed, and there were now proposals to merge the provisions dealing with bycatch with other legislation.

149. NGOs had carried out a review showing which amendments weakened the legislation and which strengthened it. A letter from experts was being drafted which would be sent within the next two weeks.

150. WDC had also prepared a draft review of implementation of Regulation 812/2004 ([AC23/Inf.6.1.c](#)). Wherever possible the document was based on national reports submitted by Member States. It appeared from the information supplied, that there were grave differences between countries in the level of implementation.

151. Parties were asked to review their respective country information, as errors were likely to occur partly because of the inconsistency of reports over the years from Member States, and provide their comments to WDC by the middle of the following week, as the PECH Committee would be meeting shortly.

152. Ms. Desportes (NAMMCO) recalled from her time as North Sea Group Coordinator that the database on fishing reports would show which Member States were in compliance.

153. Ms. Kaminska (Poland) said that such reviews were valuable and should be presented to each meeting of the Advisory Committee. She would avail herself of the opportunity to comment as she was aware of some inaccuracies.

154. Mr. Rendell (UK) also found the composite report helpful and asked whether Members States currently not in compliance would still be in breach when the new regime took effect.

## 6.2 Marine Strategy Framework Directive (MSFD)

155. Mr. Benjamin Guichard (France) from the newly formed French Biodiversity Agency introduced himself and gave a [presentation](#) on the French MSFD monitoring programme for marine mammals in the North East Atlantic. He explained that the MSFD worked on six-year cycles and that this monitoring programme also covered marine turtles.

156. Resident bottlenose dolphin populations can be found around Molène Island, Sein Island, the Cotentin Peninsula and Channel Islands in the Norman-Breton Gulf. There are also some off-shore populations, mainly along the coast. The *Suivi Aérien de la Mégafaune Marine* (SAMM)<sup>4</sup> study had been conducted in 2011-12. On-board observers on ships owned by Ifremer also count megafauna during annual scientific fisheries campaigns such as [PELGAS](#) in the Bay of Biscay.

157. The location and number of strandings indicated a generally upward trend, with reverse drift analysis showing that bycatch likely to have been the cause behind over 800 Common Dolphins being washed up along the French Biscay coast between January and April 2017.

158. Mr. Haelters (Belgium) asked whether the data from France's aerial survey were compatible with SCANS and surveys from other countries. Mr. Guichard said that France had developed its processes after SCANS-I and had also been involved in SCANS-III, so the protocols were compatible. SAMM had been based on the SCANS protocol with adaptations to gather data on other marine megafauna. Under SCANS-III a comparison was conducted involving watching seabirds and mammals simultaneously, showing no difference between SCANS and SAMM protocols.

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<sup>4</sup> Aerial Monitoring of Marine Megafauna

159. Mr. Simmonds (Humane Society International) welcomed the input from a new agency dealing with the issues of interest to ASCOBANS. He pointed out that the Bottlenose Dolphin population in the area was small and asked what conservation tools the agency was thinking of employing.

160. Marine Protected Areas would be used for coastal populations, as well at the Parc naturel marin d'Iroise and a Natura 2000 Special Area of Conservation. For offshore populations, a very large SAC will be designated in 2017 in the Bay of Biscay.

161. Mr. Vis asked how values had been set for "good environmental status" under the MSFD and for bycatch of Harbour Porpoises. The Netherlands had adopted a 1 per cent bycatch rate but aspired to achieving 0 per cent. He asked what criteria had been adopted by other countries and how values had been agreed.

162. Mr. Haelters (Belgium) said that a region-wide bycatch criterion was needed. Provisionally the 1.7% figure was being used but this was being reviewed. Ms. Macleod (UK) said that the UK had taken the indicator and target from OSPAR.

163. Mr. Evans foresaw many challenges here and suggested that this would be a suitable subject for a future workshop. The European Commission was also reassessing its interpretation of "favourable conservation status" under the Habitats Directive, so there were many uncertainties at present. He pointed out that 1.7 per cent had only ever been applied to Harbour Porpoises and not to other species.

164. Ms. Julia Carlström (Sweden) said that the HELCOM indicator threshold for seals was zero in the Baltic proper and less than one per cent in the Western Baltic.

165. Ms. Kaminska (Poland) agreed that a comparison of national treatment of the criteria was a good idea but stressed that regional differences should be taken into account.

166. Mr. Vis questioned whether the figures for the indicators were scientifically sound, as there would be used for the MSFD which was likely to be in place for some time. Work on indicators at national level should involve local NGOs while taking into consideration regional aspects needing international cooperation.

### **6.3 Habitats Directive**

167. The Chair said that no document had been produced and no speaker had been lined up. He asked Parties whether they had any ASCOBANS-related comments regarding the Habitats Directive. In France, the Natura 2000 sites for Harbour Porpoises and Bottlenose Dolphins were progressing well. Consultations were being held with local people, the Natural History Museum and the maritime prefect. A final decision was expected by the end of the year.

## **7. Cooperation with Other Bodies**

### **7.1 Reports by the Secretariat, Parties and Partners**

168. Ms. Kühl-Stenzel (ASCOBANS Coordinator) introduced document [AC23/Inf.7.1.a](#) detailing reports from meetings of other forums, attended by participants at the Advisory Committee. Feedback had been received from Ms. Desportes on the NAMMCO Symposium on the impact of human disturbance on Arctic marine mammals and Mr. Haelters on the OSPAR Intersessional Correspondence Group on Biodiversity Monitoring and Assessment

(ICG-COBAM). It was pointed out that waiting until the meeting of the Advisory Committee could entail considerable delays in imparting information, so it was suggested that brief reports be sent by email to the Secretariat for more immediate dissemination.

#### **Mark Simmonds – International Whaling Commission Scientific Committee**

169. Mr. Simmonds gave a [presentation](#) with an update on the work under the IWC Scientific Committee, notably on the IWC Bycatch Mitigation Initiative. The new initiative was being advised by an expert panel and had a dedicated Working Group. The post of Coordinator had just been advertised.

170. The IWC also had a new strandings initiative. It was administered in a similar way to the Bycatch Mitigation Initiative, and an advert for the post of coordinator would be published soon. This initiative would deal with responding to live strandings and investigating the causes.

171. An evaluation had been made of a new rule requiring countries exporting seafood to the USA to demonstrate that their fisheries complied with the U.S. Marine Mammal Protection Act (MMPA). Countries would be given a maximum of five years to achieve and document compliance before potential import restrictions came into force.

172. Reports were also received on bycatch of Hector's and Maui's Dolphins, conservation efforts for the Vaquita, fisheries affecting Franciscana Dolphins and Amazon and Ganges River Dolphins, and the wide range of threats facing them such as pollution, oil, noise and climate change.

173. Ms. Salivas (ACCOBAMS) said that ACCOBAMS was proposing a Joint ECS Workshop with ASCOBANS and the IWC on strandings for 2018. The meeting welcomed the idea and passed an action point accordingly.

#### **Action Points and Decisions**

4) Organize two workshops with ACCOBAMS at the ECS in 2018 on stranding schemes and noise impact hotspots.

#### **Penina Blankett and HELCOM**

174. A number of HELCOM meetings had been held and work had progressed on the Harbour Porpoise and indicators for distribution and bycatch. Noise was dealt with by a dedicated Noise Working Group. HELCOM had discussed areas where it could cooperate with ASCOBANS with regard to Harbour Porpoises, building up on the joint database and first steps to harmonize reporting. The Seal Group was meeting in October and the Fish Group in March 2018.

#### **Sara Königson and ICES WGBYC**

175. The recent advice from the ICES Working Group on Bycatch had been published with an overview of Baltic fisheries including a table showing bycatch of birds and marine mammals. ICES was building a bycatch database based on EU Member States' reports.

#### **Jeroen Vis and OSPAR**

176. Intersessional contact groups (ICGs) on species and habitats had met and discussed several species listed under OSPAR including cetaceans. In November 2017, a meeting would

take place at which the roadmap for the Action Plan for the Harbour Porpoise would be discussed. Cooperation between OSPAR and ASCOBANS would help avoid unnecessary duplication. The ICG on the Coordination of Biodiversity Assessment and Monitoring (ACCOBAM) continued to meet regularly and work on marine protected areas was being taken forward.

177. Mr. Vis had just been elected Chairman of the Biodiversity Committee of OSPAR, so while he would be relinquishing responsibility for ASCOBANS, new avenues for working with OSPAR would open.

### **Penina Blankett and CBD COP13**

178. Recommendations had been made on marine noise and debris and these had been posted on the CBD website. Work had been taken forward on ecologically and biologically significant areas (EBSAs) in the Black and Caspian Seas.

179. Related to this, Ms. Macleod (UK) said that the ICES Marine Mammal Group had looked at status and the effects of plastic and noise.

180. Mr. Rendell (UK) said that the US Marine Mammal Protection Act was a major piece of legislation with global implications as the National Oceanographic and Atmospheric Authority (NOAA) listed foreign fisheries with regard to the associated risk of bycatch and questions had been raised about the quality of the data being provided.

### **Ms. Desportes and NAMMCO**

181. Ms. Desportes made a [presentation](#) describing the background history of NAMMCO. Like ASCOBANS, it was concerned with conservation but NAMMCO had a stronger focus on sustainable use, for food and food security.

182. Like ASCOBANS, NAMMCO was 25-years-old, and its members were Iceland, Greenland, the Faroes and Norway. The taxonomic range of NAMMCO extended beyond large and small cetaceans to include seals and walruses.

183. All NAMMCO committees had outside members with representatives from organization such as the USA's National Oceanic and Atmospheric Administration (NOAA) and individual experts such as Simon Northridge.

184. As outlined in a letter to ASCOBANS ([AC23/Inf.7.1.b](#)) NAMMCO was seeking cooperation with ASCOBANS concerning the technical part of a forthcoming harbour porpoise workshop, which covered the joint population in the North Atlantic. ASCOBANS was formally invited to attend the workshop to strengthen collaboration as foreseen in paragraph 3 under the 2017-2020 workplan ([Resolution 8.2](#)). Ms. Desportes further highlighted past work of NAMMCO on harbour porpoises, including a past meeting of the working group ([AC23/Inf.7.1.c](#))

185. Mr. Simmonds (Humane Society International) welcomed Ms. Desportes' presence and noted the different aims of the two organizations, particularly with regard to defining sustainable removals. Whaling and taking of dolphins, and in particular the Faroe Island hunts were sensitive political issues, which complicated the relationship between ASCOBANS and NAMMCO. While he could see areas for cooperation, he had doubts about formalizing the

relationship. With regard to the workshop, he asked why ASCOBANS had to take part as NAMMCO could invite outside experts.

186. Mr. Evans (Sea Watch Foundation) thought that politics and science should be kept separate in the interests of conservation. It made little difference whether a Harbour Porpoise was targeted by fishermen, caught as bycatch or hit by a ship and while he had some sympathy with Mr. Simmonds' views on hunting, he realized that others held different opinions and he saw no problem engaging with others for the sake of conservation. In the North Sea, it was not clear whether the population should be split and collaboration might help understand the parameters, bycatch and genetics better.

187. Ms. Königson (Sweden) noted that ASCOBANS worked with other sectors outside conservation such as fisheries, but asked how the cooperation would materialize. ASCOBANS could, she suggested, send accredited delegates to the NAMMCO workshop. She agreed that science and politics should be kept separate, and the opportunity to acquire more data should be taken.

188. Mr. Rendell (UK) said ASCOBANS should work with others and the workshop concerned a technical issue over which cooperation with NAMMCO should be possible. While appreciating Mr. Simmonds' reservations, he thought ways could be found to contribute without stirring political controversy. Clear parameters and strong TOR would be needed for the workshop, as well an assessment of the resources ASCOBANS could commit. He recognized that the IWC and NAMMCO had found common ground, but thought ASCOBANS might need more time before deciding how best to approach relations with NAMMCO.

189. Ms. Carlström (Sweden) agreed on the need for robust strong TOR and said opportunities to cooperate with others should be taken.

190. Ms. Blankett (Finland) said that the Arctic Council brought different players together to discuss issues of mutual concern such as climate change, retreating sea ice and increasing ship strikes. There was to be a workshop on Marine Protected Areas workshop two weeks after the Advisory Committee meeting in Helsinki.

191. Mr. Vis (Netherlands) agreed that ASCOBANS should work with others on technical issues but there could be political consequences as some people would not like to see ASCOBANS cooperating with NAMMCO. He was reluctant to make a decision without seeking clearance. He thought it unlikely that experts would be forbidden from participating in a scientific event run by NAMMCO but he had doubts about national delegates attending and sending an official representative from ASCOBANS would be a step too far.

192. Ms. Brtnik (Germany) asked how important the workshop would be for ASCOBANS given the likelihood that cooperation with NAMMCO would attract criticism.

193. Ms. Deckert (France) was skeptical about ASCOBANS being able to organize a workshop jointly with NAMMCO as it would be difficult to disconnect completely the scientific and political considerations and the presentational issues surrounding cooperation with NAMMCO.

194. Ms. Lesz (Poland) recalled correspondence being exchanged over the Faroe Islands and ASCOBANS should make its position clear and this would preclude jointly organizing a workshop.

195. Mr. Haelters (Belgium) advocated deferring a decision to the MOP given the political sensitivities.

196. Ms. Desportes said that she had met with similar skepticism from NAMMCO where concerns had been raised about collaboration with ASCOBANS. For this reason, she had stressed the science and conservation elements of the proposed collaboration. NAMMCO and the IWC had worked together on the Fin Whale, and a workshop on the Harbour Porpoise population in the North Sea and bycatch in Norway could produce data of interest to both ASCOBANS and NAMMCO, such as whether there was an overlap between the Norwegian and North Sea populations.

197. The Chair said there were a number of options falling short of formal cooperation, such as ASCOBANS sending an observer to the meeting. Parties should decide whether a position could be adopted at the meeting or only after further consultation. NAMMCO would need a reply within two months. It was also noted that Ms. Desportes had requested a written response to her proposal.

198. Mr. Evans reported back on the development of TOR for the proposed workshop on noise. Objectives would include improving liaison between the various forums and examination of the four main sources: ships, sonar, seismic surveys and piling, as well as the identification of hotspots. A Steering Group would be set up to take forward the arrangements.

#### Action Points and Decisions

13) Parties are invited to send experts or observers to the NAMMCO Working Group on Harbour Porpoises.

## 7.2 Cooperation and Joint Initiatives with CMS

199. Ms. Virtue (Secretariat) presented document [AC23/Inf.7.2](#) and explained that there were eight documents tabled for discussion at the forthcoming CMS COP that were relevant to ASCOBANS. These included items on Important Marine Mammal Areas (IMMAs); marine noise, including guidelines for Environmental Impact Assessments (EIA); aquatic wild meat, which was being treated separately for the time being from terrestrial “bushmeat” as consumption was overwhelmingly for domestic markets and therefore beyond the scope of CITES; live capture of cetaceans, which had already been on the agenda at COP11; recreational in-water interactions (otherwise known as “swim-with” activities); the management of marine debris (consolidating previous Resolutions with the addition of material concerning ghost nets); animal culture (extending the taxonomic remit beyond cetaceans); bycatch; and marine wildlife watching (complementing the separate approach work being done in conjunction with the IWC specifically on whale watching and the draft resolution on “swim-with” activities). All of the documents had been reviewed by the Sessional Committee of the CMS Scientific Council at its second meeting and had been recommended for adoption.

200. Ms. Virtue added that CMS had undertaken a major review process to consolidate Resolutions on the same topic and repealing obsolete provisions.

201. Mr. Vis (Netherlands) said that interesting discussions were being held on the EIA noise guidelines and it was not yet clear what would emerge. He foresaw possible problems if the final proposal guidelines were more than advisory.

202. Mr. Simmonds (Humane Society International) had attended the Sessional Committee which had covered some ground-breaking material. He asked where ASCOBANS could

contribute to the thinking in the parent Convention, noting that at COP12 no further cetacean species had been put forward for inclusion on the CMS Appendices.

203. Ms. Virtue saw many opportunities for ASCOBANS and ACCOBAMS to make input into the COP as both secretariats were represented at the Sessional Committee. Within the CMS Secretariat, CMS and ASCOBANS were connected through the aquatic team. The only aquatic species to have been proposed for listing was the Caspian Seal along with a number of sharks.

204. Ms. Salivas (ACCOBAMS) welcomed the document which had proved useful in preparing advice in advance of the COP.

### 7.3 Dates of Interest

205. Ms. Kühl-Stenzel (Secretariat) ran through the list of meetings contained in document [AC23/Doc.7.3](#) and sought volunteers to attend on behalf of ASCOBANS. Those representing ASCOBANS were asked to send their account of the meeting by email to the Secretariat and to advise when the official reports were posted on-line by the organizers.

### Action Points and Decisions

9) Participants at meetings identified in the Dates of Interest are invited to report by email to the Secretariat immediately after the meeting and when the relevant meeting report is available online. The Secretariat shall circulate this information to the relevant Parties and other stakeholders.

## 8. Publicity and Outreach

206. Ms. Kühl-Stenzel (ASCOBANS Coordinator) presented document [AC23/Doc.7.1](#), a report on the Secretariat's activities relating to publicity and outreach.

207. "The Last 300" exhibition which had been prepared in conjunction with NGO partners OceanCare, WDC and NABU had been on display on the German North Sea island of Sylt; the exhibition was due to move to its next location at the North Sea Akademie in Leck in northern Schleswig-Holstein (Germany) in December.

208. Mr. Peter Evans was finalizing the book outlining the history of the Agreement to mark the 25<sup>th</sup> anniversary of ASCOBANS. The book would also include some personal profiles and reminiscences, as well as up-to-date information from the SCANS-III and SAMBAH projects.

209. The International Day of the Baltic Harbour Porpoise had been held for the 15<sup>th</sup> time, with one feature being the broadcasting of the winning video "Hello little whale" from the Last 300 competition. The video, which was an animation, had been translated into all nine Baltic languages and had attracted a large number of hits especially in Poland and Lithuania.

### 8.1 Reports by the Secretariat, Parties and Partners

210. For Belgium, Mr. Haelters said that a report on strandings had been published based on the work of volunteers along the coast. The first occurrence for 30 years of a Bottlenose

Dolphin stranding in Belgium had been recorded as well as the first Narwhal stranding for 70 years. A large quantity of plastic had been found in the Narwhal's stomach. The first ever Bowhead Whale had been sighted in the Belgian North Sea travelling south from the Arctic. The animal appeared to be entangled. A set of stamps depicting marine mammals had been issued by the Belgian Post Office.

211. Mr. Guichard (France) announced that the Museum of Natural History had produced an [atlas of marine mammals in French waters](#) (mainland and overseas). A new book on the French Red List was due to be published shortly.

212. Mr. Simmonds (Humane Society International) said that a new book on welfare had been published by Mr. Andy Butterworth, with input from a wide range of other contributors.

213. Ms. Macleod (UK) reported that a necropsy had been filmed as part of the Strandings Programme. A similar event was planned for April 2018.

214. Ms. Lesz (Poland) said that Hel Marine Station was embarking on the third instalment of its ghost net project, whereby local fishermen remove ghost nets from the Baltic in a systematic way.

215. Ms. Carlén (CCB) said that there was a newly designated Swedish Natura 2000 SAC for Harbour Porpoises, and CCB was working with the government to develop an Action Plan. The support of fishermen was being sought and social media were being used to raise public awareness. WWF (Sweden) had published a report on mitigation measures.

216. Ms Salivas (ACCOBAMS) said that the Agreement had a new website which had English and French versions. ACCOBAMS and the ECS had also sponsored a student award and the winners had been announced at the ECS annual meeting in Middelfart, Denmark in May 2017.

217. For France, the Chair reported that the Natural Marine Park of the Iroise had produced a booklet on how to avoid disturbing wild animals and what to do when an animal stranded. Mr. Guichard added that the Natural Marine Park was the first of its kind in France, and others had been designated later. All such parks were anxious to communicate with the public about marine mammals. The Océanopolis aquarium in Brest had held an exhibition on ghost nets.

218. Ms. Lonneke IJsseldijk (Netherlands) said that recent strandings had included some less common species such as beaked whales and Striped Dolphins. The Netherlands continued to work with Germany and UK on investigating the recent Sperm Whale strandings and newly installed wind turbines were being monitored.

219. Ms. Brtnik (Germany) said that work with Poland on ghost gear was continuing and articles on this subject had appeared in the press. Noise continued to be a concern. A cinema spot called "Peter Plastic" had been released to highlight the problem of plastic pollution. The national strandings network was strong, and a map charted all incidents. Double the normal number of strandings had been recorded along the coasts of Schleswig-Holstein recently.

220. Ms. Carlström (Sweden) said that the natural history museum held a database on strandings and 20 dead animals were examined each year.

221. Ms. Blankett (Finland) said that the Ministry of Environment was funding the deployment of C-pods for acoustic monitoring of harbour porpoises – and nine clicks had been detected recently. Opportunistic sighting data continued to be collected. Newly enacted legislation required all incidents of bycatch to be reported.

## 9. Funding on Projects and Activities

### 9.1 Progress of Progress Supported by ASCOBANS

222. Ms. Kühl-Stenzel (Secretariat) reported on one project conducted by the Institute of Zoology of the Zoological Society of London for a web-based database on necropsies and strandings. A cost estimate for integrating strandings networks was contained in document [AC23/Inf.9.1.a](#).

223. Ms. IJsseldijk (Netherlands) said that this project had arisen from a workshop held in 2011 and funded by ASCOBANS. From the Netherlands' point of view, it was essential to link up the data from national stranding networks and compare what was happening across the ASCOBANS region. The new dataportal would be very useful in this respect.

224. Mr. Rendell (UK) welcomed the fact that large quantities of data were being assembled in one place and commented that the project represented good value for money as the IOZ/ZSL were providing much of their time for free. It was estimated that the database would handle 3,000 entries per annum.

225. Mr Evans (Sea Watch Foundation) asked whether UK data were already being entered into the POSEIDON database and whether it would be possible to cover the entire Agreement Area including Irish waters, Portugal and Spain (Galicia). Mr. Rendell said that other potential partners had expressed an interest and there was scope to cooperate with ACCOBAMS, too. This activity seemed a suitable candidate for funding under ASCOBANS. Ms. IJsseldijk said that various countries had expressed willingness to collaborate, namely Belgium, Denmark, France, Germany, Ireland, the Netherlands and the United Kingdom.

226. Mr. Evans saw scope for the two groups to liaise to ascertain whether synergies were possible. The Chair suggested that the workshop could examine whether the two databases could be made compatible.

### 9.2 Prioritization of Activities Requiring Funding

227. Ms. Kühl-Stenzel (Secretariat) presented document [AC23/Doc.9.2](#). Possible candidates for funding included: the revision of the National Report format; revision of the Harbour Porpoise Action Plans for North Sea and Belt; coordination of the Harbour Porpoise Action Plans; development of the children's web pages; reprinting promotional material; and the web-accessed strandings and necropsy database (as discussed above). Given that this was the scientific part of the meeting and the administrative session would consider the financial dimension, the Meeting was asked to concentrate on technical aspects of the proposals.

228. Mr. Evans (Sea Watch Foundation) suggested that appointing a coordinator for the Harbour Porpoise Action Plans would be a major milestone for implementing these important instruments, not least to facilitate the review of progress in implementation.

229. Ms. Carlén (CCB) supported Mr. Evans view regarding the urgent need for a coordinator and pointed out that at the most recent meeting of the Jastarnia Group it had not appeared necessary to update any of the Harbour Porpoise Action Plans this year. She asked if statistics were available to indicate how well used the children's pages were.

230. Ms. Viker (Sweden), Ms. Lesz (Poland) and Ms. Brtnik (Germany) all agreed that the appointment of the coordinator should take precedence over the review of the Action Plans.

231. Mr. Vis (Netherlands) also thought that coordination of the Action Plans was most important. Resources had recently been allocated to the children's pages of the web site and did not think that further work on it was a priority.

232. Mr. Rendell (UK) said that the top two priorities were coordination of the Action Plans and the strandings database given its good value for money. In the form proposed, he thought that the review of National Reports would be too costly.

233. Ms. Kühl-Stenzel said that the statistics for visits to the ASCOBANS website and particular pages could be checked and commented that among the instruments of the CMS Family, ASCOBANS had the highest profile in terms of engaging in outreach activities.

234. Mr. Simmonds (Humane Society International) said that ASCOBANS had a long involvement in education, especially of young people. The public was often not aware that there were dolphins in Europe, and people tended to support conservation more strongly if they thought it as "on their doorstep".

235. Ms. Blankett (Finland) noted that all the material was in English and would therefore be more useful to national authorities to use as a basis for translation into their national language.

236. Ms. Carlén (CCB) agreed that outreach was important but questioned how effective ASCOBANS was as a vehicle.

237. Mr. Evans thought it would be better for ASCOBANS to provide material that NGOs could use in their outreach activities.

238. Ms. Deckert (France) said that the ASCOBANS website contained some very attractive material but it was all in English. It would be interesting to learn the extent to which this material was being used. Links could be added to websites of other organizations.

239. Mr. Vis (Netherlands) recalled that an NGO had made a request for funding for outreach work but had been unsuccessful. He agreed that outreach was important but shared the doubts whether it was a priority for the Agreement.

240. Ms. Virtue (Secretariat) said that ASCOBANS was an intergovernmental body and agreed that NGOs were usually better placed to do outreach work, especially with children. Given the Agreement's limited funds and staff capacity, developing the children's page on the website was less urgent than the database. Even liaising with NGOs over outreach products would take up Secretariat time.

241. Mr. Rendell (UK) said that there were approaches other than spending money. He suggested working with a school. Mr. Evans suggested working with local NGOs and undertook to compile a list of local NGOs and their outreach activities.

## **10. Any Other Business**

242. Ms. Desportes (NAMMCO) expressed her disappointment at the reaction of the Advisory Committee regarding proposed collaboration with NAMMCO on common issues despite the two organizations' different perspectives. ASCOBANS MOP8 had given a misleading signal in including NAMMCO in the list of potential partners under Resolution 8.2.

243. Mr. Vis (Netherlands) understood that Ms. Desportes had expected a more positive response, ASCOBANS Parties could not react immediately to a sensitive request. Mr. Rendell (UK) said that the decision did not mean outright opposition to cooperation but ASCOBANS

Parties wished to ensure that scientific cooperation was not overshadowed by political considerations.

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

244. Ms. Kühl-Stenzel (Secretariat) projected the draft list of action points on screen. These were adopted after discussion and can be found in Annex 6 to this report.

**12. Close of the Scientific Session**

245. The Chair thanked the participants for their positive cooperation, declared the scientific session closed and yielded the chair to Ms. Blankett to preside over the institutional session.

### 13. Opening of the Institutional Session

246. The Chair said that she had not been notified of any additional items to be included in the agenda.

### 14. Accession and Amendment

247. Referring to [AC23/Inf.14](#), Ms. Kühl-Stenzel (Secretariat) said that there had been no changes to the membership of the Agreement, although approaches had been made by the Executive Secretary to some non-Party Range States.

248. Mr. Simmonds (Humane Society International) stressed the importance of attracting participation from Ireland and suggested inviting Irish NGOs involved in cetacean work, as their engagement might lead to greater interest from the Government.

#### Action Points and Decisions

7) At a future meeting of the AC, prior to MOP9 in 2020, include the extension area of ASCOBANS on the agenda and invite experts from Ireland, Portugal and Spain to participate. The item should cover common dolphins and other species occurring in the extension area.

8) Invite experts from Ireland to attend the 24th Meeting of the AC to *inter alia* discuss the population status and a survey of small cetaceans in the Irish and Celtic Seas.

### 15. Continued Revision to National Reporting Format

249. Ms. Kühl-Stenzel (Secretariat) gave a summary on the development of the national report format in 2017 (covering 2016), following on from the discussion under agenda item 5. She doubted whether the process of devising the National Report form could be effectively conducted through email, and thought that if a dedicated meeting was not feasible, key players could use the margins of other events. Another option, if funds permitted, would be to hire a consultant. In any case, it was evident that national reporting was a critically important tool for the agreement in order to assess progress in implementation and to allow the Parties to take informed policy decisions.

250. Other issues to address regarding national reporting were how data should be stored and analyzed and whether the questions in the National Report were appropriate across the Agreement Area or whether regional variations were needed.

251. Mr. Evans (Sea Watch Foundation) doubted whether engaging a consultant was the solution. More thought needed to be given to the questions and how the answers would be used. He found the section on noise rather confusing with too many elements being addressed.

252. Mr. Rendell (UK): agreed and thought that the Agreement had enough internal expertise without the need for a consultant. Devising the national report format might have to be an iterative process, but the UK was willing to host a workshop for preparing the 2018 reporting format (focusing on bycatch resource depletion, marine debris, surveys and the use of bycatches/strandings in line with [Resolution 8.1](#)), preferably later in 2017 or in early 2018. It could look at links to the reports for other forums, including ICES, HELCOM and OSPAR.

253. Mr. Vis (Netherlands) said that he had encountered problems with the report this year hence its late submission. He asked that the workshop be held as soon as possible.

254. Ms. Brtnik (Germany) said that with the working groups meeting in March, it would be useful to have the report format by then.

255. Ms. Virtue (Secretariat) thanked to UK for the offer to host a workshop and asked who would be invited and whether ASCOBANS would be expected to attend or meet any travel costs.

256. Mr. Rendell (UK) said that all Parties would be invited and should be able to cover their own travel costs.

### Action Points and Decisions

15) The UK shall organize a workshop to develop the reporting format for 2017 as foreseen by Resolution 8.1 by January 2018. The Bycatch Working Group shall feed into this process.

## 16. Financial and Administrative Issues

### 16.1 Administrative Issues

257. Ms. Kühl-Stenzel (Secretariat) presented document [AC23/Doc.16.1.a](#), a report on administrative issues 2016-2017. She reported that Ms. Frisch-Nwakanma had left ASCOBANS to assume responsibility for the Indian Ocean South-East Asia Memorandum of Understanding concerning marine turtles (IOSEA), but had kindly continued to support the agreement until Ms. Kühl-Stenzel enter on duty. The Administrative Assistant, Ms. Bettina Reinartz, had also helped in the transitional period by taking on extra duties such as going to Sylt to launch “the Last 300” exhibition and report writing at meetings. The Secretariat had also benefitted from the services of many interns, while the CMS/AEWA Communications Team had helped in the production of the language versions of the “Hello little whale” video. A new CMS Administration and Fund Management Officer had been appointed, who was also responsible for ASCOBANS.

258. Ms. Virtue (Secretariat) announced that unfortunately Ms. Kühl-Stenzel having made such an impressive start, would be leaving the UN after a year at ASCOBANS. The Secretariat would recruit both a temporary and a permanent replacement. However, UN rules precluded the temporary appointee from applying for the permanent position. The Secretariat recognized that changes and uncertainty were not ideal, and the Executive Secretary would seek to make the transitional arrangements as smooth as possible.

259. The Chair said that Ms. Kühl-Stenzel’s departure was regrettable and thanked her for all the work she had done over the past year.

260. Mr. Simmonds (Humane Society International) also thanked the coordinator for all her efforts and asked how long the temporary appointment might last. The Secretariat thought the initial appointment would be for between six months and a year with a maximum duration of two years.

### Action Points and Decisions

- 18) The Secretariat shall circulate the vacancy announcement for a temporary and permanent ASCOBANS Coordinator to Parties for further dissemination.

### 16.2 Accounts for 2016 and 2017

261. Ms. Kühl-Stenzel (Secretariat) presented the budget report for 2016 ([AC23/Doc.16.2.a](#)) and the mid-term budget report for 2017 ([AC23/Doc.16.2.b](#)). She thanked the Parties all of which had paid their subscriptions. At the end of 2016 a balance of €88,000 was carried over. Some re-phasing of money would be undertaken with adjustments made to the expert's travel line and some reimbursement from France relating to the Advisory Committee meetings. There was a sum of €56,918 is available for conservation projects.

262. Mr. Vis (Netherlands) said that the outstanding payment for 2017 would be remitted shortly. The Secretariat had received assurances that Denmark's contribution for 2017 was on its way.

263. Ms. Kühl-Stenzel said that the budget line for the Assistant's post was sufficient to cover the 50 per cent part-time post but was put under strain when overtime was worked. Some savings from previous years allowed for some flexibility, however, also related to the Assistant's post were the overtime rates that were payable when Ms. Reinartz worked full-time, for instance, when she attended the Advisory Committee. There were two options for the Parties to consider (see [AC23/Doc.16.2.b](#)): overtime was either paid €49 per hour for 50-per-cent posts or €33 per hour for 80-per-cent posts. Ms. Reinartz was likely to be called upon to assist in the transition period when Ms. Kühl-Stenzel's successor entered on duty. There were sufficient reserves to allow the Assistant's post to be increased temporarily to 80 per cent which would reduce the need for overtime and would therefore be less expensive. Parties were invited to comment on this financial matter, as was customary during the institutional session of the AC.

264. The "Umoja" finance system operated by UNEP prevented any payments that overdrew budget lines. A solution had been found for the travel lines to allow the Secretariat to attend the Advisory Committee and the costs would be refunded by France in due course. In future, however, hosts would be asked to pay in advance.

265. Regarding the two options for dealing with the Assistant's post and overtime, Mr. Rendell (UK) asked whether the Advisory Committee was competent to make such a decision or whether it should be deferred until the next MOP.

266. Ms. Virtue advised that the role of the Advisory Committee was to oversee the budget between Meetings of the Parties and therefore had discretion to decide the overtime issue. Upgrading the post to 80 per cent would be the cheaper option.

267. Mr. Vis (Netherlands) sought clarification that the issue was specific to the circumstances in which the Secretariat found itself with Ms. Kühl-Stenzel's impending departure or a general staffing problem.

268. Ms. Virtue explained that professional staff such as herself, Ms. Kühl-Stenzel and Ms. Frisch-Nwakanma were expected to do their job regardless of how long it took. General staff such as the Assistant were entitled to overtime. Both Ms. Kühl-Stenzel and Ms. Frisch-

Nwakanma had worked long hours, but with Ms. Kühl-Stenzel being new to the post, Ms. Reinartz had worked additional hours. While Ms. Virtue would help during the transition, it was inevitable that there would be greater calls on the Assistant's time, not least also because Ms. Reinartz had acquired new skills.

269. Mr. Haelters (Belgium) said that in all the 22 years of his involvement in ASCOBANS the question of staffing the Secretariat was a recurrent theme. As the MOP had agreed to a 50 per cent post, the Advisory Committee should respect that decision.

270. Ms. Deckert (France) was unwilling for the Advisory Committee to go counter to the decision of the MOP and suggested that ASCOBANS follow the lead of the IWC and have a written procedure. She pointed out that those attending the Advisory Committee were not the same people as attended the MOP, and there were strict rules concerning agreeing to budgetary changes affecting staff lines.

271. Ms. Lesz (Poland) agreed that it should be MOP decision as staffing was a long-term commitment, but as the next MOP was a long way off, she suggested referring the issue to the forthcoming CMS COP. Although CMS and ASCOBANS had the same Executive Secretary and were governed by the same UN rules, the Secretariat was unsure how CMS Parties could intervene on matters related to ASCOBANS, but the Secretariat could write to National Coordinators.

272. Ms. Virtue stressed that the Advisory Committee had both scientific and administrative functions and had a role in overseeing rephrasing of the budget. There was money available on the appropriate budget line, and two options had been put forward for consideration.

273. Mr. Rendell (UK) agreed with the reservations expressed concerning procedural issues but saw obvious merit in choosing an option that would cost less. The commitment of the Secretariat staff was exemplary and Parties should not take this for granted. After the long discussion at the MOP over staffing, he suggested that an inter-sessional process was needed.

274. Ms. Deckert agreed, saying that a postal consultation should be sufficient to obtain an answer on which of the options to accept.

275. The Chair said that the question of host countries of meetings paying the Secretariat's travel costs in advance should also be raised. Ms. Brtnik, however, said some governments' financial rules might prevent ministries from making such pre-payments.

#### Action Points and Decisions

- 16) The Secretariat shall consult the Parties in writing regarding:
- overtime for the Administrative Assistant ([AC23/Doc.16.2.b](#))
  - the proposed changes to arrangements for hosting future meetings ([AC23/Doc.16.2.b](#))
  - hosting AC24

## 17. Project Funding

276. The Chair reminded the meeting that the scientific session had identified three priorities for funding: the strandings and necropsy database; the coordinator for the three harbour porpoise Action Plans ([AC23/Doc.2.1.c](#)); and the revision of the National Report format (to be considered alongside the offer from the UK to host a workshop). To these was added a workshop on bycatch to be held before the next meeting of the Advisory Committee, with possibly ten delegates needing financial support.

277. Mr. Rendell (UK) said that he would seek funding internally for the workshop and would be able to provide a meeting room and refreshments. A small allocation to help pay for sponsored delegates would, however, be appreciated.

278. Mr. Evans (Sea Watch Foundation) assumed that the workshop referred to by Mr. Rendell would deal only with the bycatch aspects of the national reports. The issues to be reported on at future meetings of the Advisory Committee could be examined later.

279. The Chair suggested earmarking a token sum to support the workshop. This sum could be increased if resources allowed.

280. The meeting agreed that no funds would be made available for further development of the children's page on the website or for the revisions of the Conservation Plans.

281. Mr. Vis (Netherlands) suggested that the two voluntary contributions received for the Coordinator for the North Sea Plan that had not been spent might be better used to pay for the web-accessed database for marine mammal stranding and necropsy data ([AC23/Inf.9.1.a](#)). The Coordinator post needed secure funding over the long term, and one possible solution would be to establish a rota with each Party contributing in turn.

282. Mr. Rendell (UK) said that Parties continually called for a Coordinator for the Harbour Porpoise Action Plans without ever finding the means to finance one. The constant repetition without progress was becoming tiresome. He said that he would be prepared to allow the voluntary contribution already given to be diverted to the database, just like the Netherlands. He urged Parties to work on a plan with a five-year perspective in advance of the 24<sup>th</sup> meeting of the Advisory Committee.

283. Ms. Virtue (Secretariat) said that with the UK and Netherlands' contributions diverted to the database, more thought should be given to the Coordinator post, which could be given to an individual or to an institution such as the Sea Watch Foundation (see previous discussion under agenda item 2.2). Ms. Desportes' last contract had been €25,000 per annum (part-time) with a maximum of €8,000 for travel.

284. Mr. Vis said that a clearer plan was needed for how the post could be continued sustainably after the next meeting of the Advisory Committee. He wanted to see a costed plan and asked about transparency and competition, as organizations other than Sea Watch Foundation might be interested in and capable of doing the work.

285. Mr. Evans (Sea Watch Foundation) said that TOR already existed and confirmed that based on similar terms to those enjoyed by Ms. Desportes, the Sea Watch Foundation would be able to deliver the work, suggesting that either Ms. Carlén representing the Jastarnia Group or he himself as Chair of the North Sea Group might attend meetings of other forums rather than the person working day-to-day as coordinator.

286. Mr. Rendell (UK) said that a firm figure was needed so that the Advisory Committee could decide exactly what it was funding.

287. Ms. Iwona Pawlicka (Poland) agreed that the existing TOR could serve as a basis and sought assurances that there were sufficient funds available.

288. Following a break, Ms. Virtue arranged for all the proposals for using the excess funds to be projected on screen.

289. For the National Reporting Workshop, a sum of €2,000 was allocated for 2017 and €5,000 for 2018. The post of Coordinator for the Harbour Porpoise Action Plans was allocated €25,000 and the strandings database would receive the diverted voluntary contributions from the Netherlands and the UK. The other workshops with ten participants would need an estimated €15,000-€20,000.

290. Mr. Rendell asked to see the TOR for the other workshops. Ms. Kühl-Stenzel (Secretariat) referred to the [report of the 2017 expert workshop on unacceptable interactions and bycatch](#) which had drafted TORs for a follow-up workshop (see Annex 4).

291. Mr. Vis said that an option was needed for the venue. Depending on the timing and duration, he could tentatively offer to host it in the Netherlands. Mr. Evans suggested a duration of between two and two and a half days, in the late summer or early autumn of 2018 with 20 participants.

292. Mr. Vis said that the Coordinator post had been discussed by the Advisory Committee and he was content regarding the question of transparency. He still had doubts about the sustainability of the post and suggested that devising a plan for longer-term funding be added to the TOR.

293. Ms. Carlén (CCB) suggested that the meeting recommend to Parties that they start planning how to fund the coordinator post in the long-term.

294. After some debate Ms. Virtue summarized that the initial contract for harbour porpoise coordination would run for one year (funded out of the budget line for conservation projects with €25,000). For this initial period the contract would be given to the Seawatch Foundation, so that at peak periods a larger team and greater expertise would be available, in addition to the Chairs of the North Sea and Jastarnia Groups. The Secretariat and the new Coordinator would devise a project plan to be funded by the Parties and would present this to the next meeting of the Advisory Committee (see Action Point 17). Parties were requested to make available voluntary contributions to fund the Coordinator beyond 2018 in the rotational system originally proposed by the Netherlands, whereby each country contributes financially. The TOR would be adjusted to take account of the points raised on the discussion and the maximum proportion of the budget to be spent on travel would be formalized. There was general agreement to proceed, as summarized.

#### **Action Points and Decisions**

17) The Coordinator of the Harbour Porpoise Action Plans in cooperation with the Secretariat shall prepare a project plan for AC24, including deliverables and a process for cost sharing amongst all Parties.

## **18. Election of Chair/Vice-Chair**

295. Ms. Blankett (Finland) and Mr. Hassani (France) left the meeting room for this item and Ms. Virtue (Secretariat) presided.

296. Ms. Virtue apologized for a misunderstanding that had arisen and assured the meeting that Mr. Hassani was prepared to continue as Chair. He had only wanted to avoid creating the impression that he was monopolizing the position or deter other candidates from coming forward.

297. Mr. Vis (Netherlands) said that while it was good to have fresh blood, there was also a benefit from having experienced officers. Thought should be given to arranging a smooth succession in due course.

298. Mr. Rendell (UK) said that he would be content for the incumbents to continue. Sweden, Poland, Germany, France and Belgium concurred.

299. Ms. Virtue declared Mr. Hassani and Ms. Blankett to be re-elected. Both expressed their gratitude for the confidence shown in them, but Ms. Blankett announced that this would be her final term of office.

## **19. Any Other Institutional Issues**

300. No issues were raised under this agenda item.

## **20. Date and Venue of the 24<sup>th</sup> Meeting of the Advisory Committee**

301. The Chair said that no Party had offered to host the next meeting, which would be arranged to avoid clashes as far as possible with other events such as the CBD COP, the IWC and the ACCOBAMS Scientific Committee. Provisionally the dates 25-27 September 2018 seemed most suitable. The Secretariat would notify Parties as soon as the dates were fixed and would continue to seek a host.

## **21. Adoption of the List of Action Points of the Institutional Session**

302. Subject to a series of minor amendments and a lengthy discussion about the definition and deployment of semi-drift nets, the Action Points from the Institutional Session were adopted by the meeting. These Action Points are attached to the meeting report at Annex 6.

## **22. Close of Meeting**

303. After the customary expression of thanks to the hosts and all those that had contributed to the organization and smooth running of the meeting, including the interpreters and the report writer, the Chair declared the institutional session of the meeting closed at 18:51.

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## Agenda

1. Opening of the Meeting
  - 1.1 Welcoming Remarks
  - 1.2 Adoption of the Agenda
  - 1.3 Opening of the **Scientific Session**
2. Species 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
  - 2.4 Draft Conservation Plan for the Common Dolphin
3. Special Species Session: White-beaked dolphin
  - 3.1 Introduction and Conservation Status
  - 3.2 Recommendations for Research and Conservation Actions
4. SCANS-III results and its implications for ASCOBANS
5. Review of New Information on Threats to Small Cetaceans (reporting cycle 2016 only)
  - 5.1 Disturbance
    - 5.1.1 Underwater Noise
    - 5.1.2 Ocean Energy
  - 5.2 Habitat Change and Degradation
    - 5.2.1 Unexploded Ordnance
  - 5.3 Management of Cumulative Impacts
    - 5.3.1 Marine Spatial Planning
  - 5.4 Other
6. Relevant EU Policy
  - 6.1 Common Fisheries Policy
  - 6.2 Marine Strategy Framework Directive
  - 6.3 Habitats Directive
7. Cooperation with other Bodies
  - 7.1 Reports by the Secretariat, Parties and Partners
  - 7.2 Cooperation and Joint Initiatives with CMS
  - 7.3 Dates of Interest 2017/2018

8. Publicity and Outreach
  - 8.1 Reports by the Secretariat, Parties and Partners
9. Funding of Projects and Activities
  - 9.1 Progress of Projects Supported by ASCOBANS
  - 9.2 Prioritization of Activities Requiring Funding
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. Continued Revision to National Reporting Format
16. Financial and Administrative Issues
  - 16.1 Administrative Issues
  - 16.2 Accounts for 2016 and 2017
17. Project Funding
18. Election of Chair/Vice-Chair
19. Any other Institutional Issues
20. Date and Venue of the 24<sup>th</sup> Meeting of the Advisory Committee
21. Adoption of the List of Action Points of the Institutional Session
22. Close of Meeting

### List of Documents

No.	Document Title	Submitted by	Distributed
Doc.1.2.a	Provisional Agenda	Secretariat	24/05/17
Doc.1.2.b	Provisional Annotated Agenda	Secretariat	04/08/17
Doc.1.3	ASCOBANS Work Plan 2017-2020 – Progress	Secretariat	04/08/17
Doc.2.1.a	Report of the 12 <sup>th</sup> Meeting of the Jastarnia Group	Jastarnia Group	28/07/17
Doc.2.1.b	Report of the 13 <sup>th</sup> Meeting of the Jastarnia Group	Jastarnia Group	09/08/17
Doc.2.1.c	Draft Terms of Reference for a Coordinator of Harbour Porpoise Action Plans	Jastarnia/North Sea Groups	09/08/17
Doc.2.2.a	Report of the 6 <sup>th</sup> Meeting of the North Sea Group	North Sea Group	09/08/17
Doc.7.1	Report of the Secretariat on Outreach and Education Activities	Secretariat	10/08/17
Doc.7.3	Draft List of Dates of Interest to ASCOBANS in 2017/2018	Secretariat	01/08/17
Doc.9.1	Progress Projects	Secretariat	11/08/17
Doc.9.2	Activities Requiring Funding	Secretariat	28/08/17
Doc.15.1.a	National Reporting Format for ASCOBANS 2016	Secretariat	28/07/17
Doc.15.1.b	National Reporting – Supporting Tables	Secretariat	02/08/17
Doc.16.1.a	Report on Administrative Issues 2016-2017	Secretariat	01/08/17
Doc.16.2.a	Report on Budgetary Issues 2016	Secretariat	29/08/17
Doc.16.2.b	Mid-Term Report on Budgetary Issues 2017	Secretariat	29/08/17

### Information Documents

No.	Document Title	Submitted by	Distributed
Inf.1.2.a	Rules of Procedure for the ASCOBANS Advisory Committee	Secretariat	04/07/17
Inf.1.2.b	List of Documents	Secretariat	31/08/17
Inf.3.1.a	White-beaked dolphin review (2008)	Secretariat	13/07/17
Inf.3.1.b	White-beaked dolphin review (2016) - <i>Lagenorhynchus albirostris</i> (Cetacea: Delphinidae)	Secretariat	31/07/17

No.	Document Title	Submitted by	Distributed
Inf.4.a	Estimates of cetacean abundance in European Atlantic waters in summer 2016 from the SCANS-III aerial and shipboard surveys	JNCC	28/07/17
Inf.5.1.1.a	Comments on ASCOBANS monitoring and reporting process with regards to underwater noise affecting cetaceans	Peter Tyack	28/07/17
Inf.5.1.1.c	Report of the Joint CMS/ACCOBAMS/ASCOBANS Noise Working Group (Joint NWG)	WG	22/08/17
Inf.5.1.1.d	Marine Noise_cms_cop12_doc.24.2.2_marine-noise_e_n	CMS	23/08/17
Inf.5.1.1.e	Technical Support Information to the CMS Family Guidelines on Environmental Impact Assessment for Marine Noise-Generating Activities	CMS	23/08/17
Inf.5.1.1.f	Contribution to the noise section of the ASCOBANS national reporting format	Geoff Prideaux	31/08/17
Inf.6.1.a	Report on Expert Workshop “Unacceptable Interactions” and Bycatch	Secretariat	28/07/17
Inf.6.1.b	What future for cetacean bycatch in European waters? Views on the current legislative process to revise & update EU bycatch measures and suggested solutions to reduce bycatch	WDC	02/08/17
Inf.6.1.c	Cetacean bycatch monitoring and mitigation under EC Regulation 812/2004 in the Northeast Atlantic, North Sea and Baltic Sea – Interim Report Cetacean	WDC	29/08/17
Inf.7.1.a	Reports from Relevant Meetings Back to ASCOBANS	Secretariat	31/08/17
Inf.7.1.b	Letter from NAMMCO regarding 2018 stock assessment of harbour porpoises in the North Atlantic	NAMMCO	01/08/17
Inf.7.1.c	Final Report NAMMCO WG	NAMMCO	04/08/17
Inf.7.2	Overview of relevant CMS COP12 documents	Secretariat	01/08/17
Inf.9.1.a	Project Report: Necropsy Protocol	Secretariat / ZSL	01/08/17
Inf.14	Status of Accession and Acceptance of the Agreement’s Amendment	Secretariat	11/08/17

No.	Document Title	Submitted by	Distributed
Inf.15.1.a	2016 Annual National Report: Belgium	Belgium	01/08/17
Inf.15.b	2016 Annual National Report: Denmark	Denmark	-
Inf.15.c	2016 Annual National Report: Finland	Finland	01/08/17
Inf.15.d	2016 Annual National Report: France	France	09/08/17
Inf.15.e	2016 Annual National Report: Germany	Germany	02/08/17
Inf.15.f	2016 Annual National Report: Lithuania	Lithuania	-
Inf.15.g	2016 Annual National Report: Netherlands	Netherlands	-
Inf.15.h	2016 Annual National Report: Poland	Poland	02/08/17
Inf.15.i	2016 Annual National Report: Sweden	Sweden	-
Inf.15.j	2016 Annual National Report: United Kingdom	United Kingdom	08/08/17

## Rules of Procedure for the ASCOBANS Advisory Committee

### PART I

#### DELEGATES, OBSERVERS, SECRETARIAT

##### Rule 1: Delegates

- (1) A Party to the Agreement (hereafter referred to as a "Party")<sup>5</sup> 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, Regional Economic Integration Organizations bordering on the waters concerned, and other bodies referred to in Article 6.2.1 of the Agreement may be represented at the meeting by observers.
- (2) Any other body or individual qualified in cetacean conservation and management referred to in Article 6.2.2 of the Agreement desiring to be represented at the meeting by observers shall inform the Secretariat at least 60 days prior to the opening of the meeting, unless previously approved for participation.<sup>6</sup> The Secretariat shall inform the Parties of the new requests received within five days of receipt. The observers shall be entitled to be present unless at least one-third of the Parties have opposed their application in writing at least 30 days before the meeting.
- (3) Observers shall have the right to participate but not to vote.

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<sup>5</sup> 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

<sup>6</sup> The Secretariat shall maintain a list of approved bodies, available at <http://www.ascobans.org/en/page/approved-observer-organizations-mop-and-ac-meetings>. This list shall include bodies referred to in Article 6.2.1 of the Agreement, as well as any that have been admitted as observers to at least three meetings of the Advisory Committee or Meeting of the Parties. The list of approved observers can be amended at the written request of at least one-third of the Parties up to 60 days before the meeting.

- (4) 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.



Convention on the Conservation of Migratory Species  
of Wild Animals

Agreement on the Conservation of Small Cetaceans  
of the Baltic, North East Atlantic, Irish and North Seas  
*Joint Secretariat provided by the United Nations Environment Programme*



**Advice from the ASCOBANS Advisory Committee at its 23<sup>rd</sup> session on  
Reducing marine mammal & turtle bycatch in EU fisheries through an effective new  
regulation on Technical Conservation Measures**

Bonn, 15 September 2017

To Whom It May Concern,

The current EU cetacean bycatch legislation is due to be repealed and replaced by the [Regulation on the Conservation of Fishery Resources and the Protection of Marine Ecosystems through Technical Measures \(2016/0074\(COD\)\)](#). This provides an opportunity to ensure more effective monitoring and reduction of bycatch. However, as it stands, amendments to the Commission's proposal, found in [this report](#), are set to weaken existing EU measures.

This proposal is currently being considered by the European Parliament with a vote due to take place on the 25 September 2017. As the Advisory Committee to the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS), we are concerned that the following amendments, if adopted, would significantly weaken the existing legislation and threaten the conservation status of small cetaceans. The following amendments should not be adopted:

- 1) **Amendment 66 and 440** which proposes the removal of the ban on driftnets in the Baltic Sea.  
**Rationale:** Scientific assessments show that bycatch in gillnets, including driftnets, adversely affects the critically endangered population of Baltic Sea harbour porpoises. The Advisory Committee recommends that the driftnet ban be upheld.
- 2) **Amendments 198, 556, 663/667, 664/665,705** which proposes the removal of all bycatch monitoring and mitigation measures in South Western Waters.  
**Rationale:** There are high densities of cetaceans in these areas and evidence of high bycatch rates, with some species are likely to suffer unsustainable population level effects as a result of bycatch. The Advisory Committee recommends that these measures remain in force.

The Advisory Committee considers that strong and effective protection for cetaceans would be delivered through this legislation by:

- Including a mandatory obligation for Member States to have dedicated, independent and scientifically robust monitoring and reporting, irrespective of vessel size, to accurately understand bycatch levels and the conservation and welfare impacts. This should include the requirement to put mitigation measures in place where necessary to minimise, and where possible eliminate, bycatch in **Article 12, Annexes V to XI, Part D.**

Sincerely,

The ASCOBANS Advisory Committee

## List of Action Points

### Scientific and Institutional Session

Action
1. Invite experts from Non-Party range states to attend the 24 <sup>th</sup> Meeting of the Advisory Committee to contribute to the relevant agenda items.
2. ASCOBANS Parties are encouraged to complete the ICES Noise Register, to contribute to the implementation of the relevant underwater noise mandates under ASCOBANS.
3. Include PCB mitigation on the agenda of the 24 <sup>th</sup> Meeting of the Advisory Committee and invite experts on PCBs accordingly, including an expert on the Stockholm Convention.
4. Organize two workshops with ACCOBAMS at the ECS in 2018 on stranding schemes and noise impact hotspots, in line with the Terms of Reference developed for the latter at AC23 (Annex 8).
5. At a future meeting of the AC, prior to MOP9 in 2020, include prey depletion and changes in prey quality on the agenda, covering both aspects of fisheries and climate change.
6. Invite a representative of the Marine Stewardship Council to present at AC24 on how ASCOBANS stakeholders could strengthen their engagement with the MSC.
7. At a future meeting of the AC, prior to MOP9 in 2020, include the extension area of ASCOBANS on the agenda and invite experts from Ireland, Portugal and Spain to participate. The item should cover common dolphins and other species occurring in the extension area.
8. Invite experts from Ireland to attend the 24 <sup>th</sup> Meeting of the AC to <i>inter alia</i> discuss the population status and a survey of small cetaceans in the Irish and Celtic Seas.
9. Participants at meetings identified in the Dates of Interest are invited to report by email to the Secretariat immediately after the meeting and when the relevant meeting report is available online. The Secretariat shall circulate this information to the relevant Parties and other stakeholders.
10. The Secretariat is to work with Peter Evans to prepare a data request to Parties and Non-Parties on white-beaked dolphin for presentation at AC24. The Secretariat shall invite relevant organizations to contribute further data to this process.
11. Hold a special species session on Atlantic white-sided dolphins at AC24.
12. The Secretariat is to circulate an open letter on EU Technical Regulation to the European Commission, in copy to the National Coordinators and those observers present at AC23.
13. Parties are invited to send experts or observers to the NAMMCO Working Group on Harbour Porpoises.
14. AC24 to include a technical discussion on semi-driftnets in the context of bycatch, including a presentation by the Bycatch Working Group.
15. The UK shall organize a workshop to develop the reporting format for 2017 as foreseen by Resolution 8.1 by January 2018. The Bycatch Working Group shall feed into this process.
16. The Secretariat shall consult the Parties in writing regarding: <ul style="list-style-type: none"> <li>- overtime for the Administrative Assistant (AC23/Doc.16.2.b)</li> <li>- the proposed changes to arrangements for hosting future meetings (AC23/Doc.16.2.b)</li> <li>- hosting AC24.</li> </ul>

17. The Coordinator of the Harbour Porpoise Action Plans in cooperation with the Secretariat shall prepare a project plan for AC24, including deliverables and a process for cost sharing amongst all Parties.
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18. The Secretariat shall circulate the vacancy announcement for a temporary and permanent ASCOBANS Coordinator to Parties for further dissemination.
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## Terms of Reference for a Coordinator of Harbour Porpoise Action Plans

### 1. Background

As outlined in the ASCOBANS [Conservation Plan for Harbour Porpoises in the North Sea](#), “Experience has shown that in order to be effective, Conservation Plans must have a recognised, full-time co-ordinator. This is particularly true where effective conservation requires action (including legislative action) by a number of stakeholders including: intergovernmental and national authorities, scientists from several disciplines, representatives from industry, local communities, and interested NGOs. The scale of work required by this Plan exceeds the resources available within the (part-time) ASCOBANS Secretariat.”

This is equally true with respect to the Baltic and Belt Sea areas and the ambitious [Recovery Plan for Baltic Harbour Porpoises](#) (Jastarnia Plan) and [Conservation Plan for the Harbour Porpoise Population in the Western Baltic, the Belt Sea and the Kattegat](#) (WBBK) under ASCOBANS. A Coordinator for the three ASCOBANS Action Plans on Harbour Porpoises (i.e. covering the North, Belt and Baltic Seas) should therefore be appointed, not least to maximise synergies amongst the different plans.

### 2. Terms of Reference

#### a) Qualifications

The co-ordinator should have a background in marine nature conservation as well as experience and a proven understanding of the political and legal context and of scientific issues concerning harbour porpoise conservation in the North, Belt and Baltic Seas. He or she should be an effective communicator, able to establish and maintain relations with and to represent ASCOBANS positions vis-à-vis the various stakeholders.

#### b) Tasks

Reporting to the Jastarnia and North Sea Group, the Coordinator would, in particular, have to perform the following tasks:

- 1) Provide technical support at meetings of the Regional Coordination Group which will develop the regional implementation of the Data Collection Framework (DCF), assuming this is practically feasible;
- 2) Review progress under the North Sea, Jastarnia and WBBK Plans and make proposals for amending the Action Points in advance of the meetings of the Groups;
- 3) Review latest available information on harbour porpoise bycatch from the fleets operating in the North, Belt and Baltic Seas;
- 4) Collate regional information on life history parameters (e.g. age structure, age at sexual maturity, reproductive information) for harbour porpoises in the areas covered by the three plans, ensuring synergies with other fora;
- 5) Provide technical support at the ICES WGBYC annual meetings and other relevant fora (e.g. the North Sea Advisory Council, Baltic Sea Advisory Council, HELCOM, OSPAR);
- 6) Provide advice on appropriate funding mechanisms for the long-term implementation of the three action plans and support fundraising efforts;

- 7) Coordinate efforts to deliver the action plans, identifying synergies and opportunities for efficiency savings.

c) Working hours and travel budget

It is expected that the Coordinator would require an initial one month phase of full time work and the work would then average 2.5 days per week. Up to Euro 8,000 can be used for travel per annum.

## **Terms of Reference for a Joint Bycatch Working Group of ACCOBAMS and ASCOBANS**

### **Joint Bycatch Working Group composition**

This Working Group will be comprised of members and observers of the scientific and advisory bodies of ACCOBAMS and ASCOBANS. The current ASCOBANS Bycatch Working Group will cease to exist once the Joint Working Group is established. In the interest of generating the best possible advice for Parties, the working group may decide that it is necessary to add additional group members. External experts (including those from non-Party Range States) may be added with the agreement of the Secretariats and the Co-Chairs.

The Group will nominate and elect two Co-Chairs from among the members, advisers as well as observers of the advisory bodies of ACCOBAMS and ASCOBANS. The combined expertise of the Co-Chairs should cover the ACCOBAMS and ASCOBANS areas. In line with the practice in many other working groups, the Co-Chairs will serve for a term of three years, after which an election will be called. The Co-Chairs are eligible for re-election.

### **Joint Bycatch Working Group *modus operandi***

The Working Group will generally operate by using the “ASCOBANS Advisory Committee Workspace” ([workspace.ascobans.org](http://workspace.ascobans.org)) for its discussions. Where appropriate (and funding permitting) face-to-face meetings may take place and some tasks may be contracted out.

### **Joint Bycatch Working Group tasks**

The Working Group will address the mandates of relevant Resolutions of the two organizations, such as [ACCOBAMS Res 2.12](#), [ACCOBAMS Res 2.13](#), [ACCOBAMS Res 2.21](#), [ACCOBAMS Res A/3.1](#), [ACCOBAMS Res 3.8](#), [ACCOBAMS Res 4.9](#), [ACCOBAMS Res 6.16](#), [ASCOBANS Res.8.5](#), [ASCOBANS Res.5.5](#) and [ASCOBANS Res.3.3](#), as well as any relevant Resolutions still to be passed. It will present reports on progress and new information relevant to the respective region to each meeting of the ACCOBAMS Scientific Committee and ASCOBANS Advisory Committee, as appropriate. In providing its advice, the working group will liaise as necessary with other relevant bodies and fora, including working groups of the two Agreements, the CMS Bycatch Councilor, the ICES Working Group on Bycatch of Protected Species, the IWC Scientific Committee, the IWC bycatch initiative, HELCOM, OSPAR, FOMLR - Advisory Group on the Environmental Aspects of the Management of Fisheries and other Marine Living Resources (Black Sea Commission), NAMMCO, Regional Fisheries Management Organizations (RFMOs) and NGOs active in the field.

With respect to the areas and species covered by the agreements, the working group is asked to:

- 1) collate and prepare an overview of scientific information<sup>7</sup> relevant to bycatch of affected cetacean species,
- 2) review available information on IUU (Illegal, Unreported and Unregulated) fishing, recreational fishing, identification of bycatch risk areas, fishing techniques and gears applied in both agreement areas related to bycatch;
- 3) contribute to the assessment process of the EU-MSFD criteria and/or UNEP-MAP EcAp, and associated targets;
- 4) review and provide updates on bycatch mitigation measures currently available or under development and their effectiveness, using existing sources;
- 5) prepare an overview of national and international legislation and other measures relevant to the monitoring and management of cetacean bycatch, and include an overview of actions taken to deliver on ACCOBAMS and ASCOBANS obligations;
- 6) prepare, as appropriate, and in coordination with ICES WGBYC, advice on:
  - a. target setting including potential conservation and user objectives<sup>8</sup>, in accordance with the policies of the two Agreements;
  - b. monitoring cetacean bycatch and fishing operations;
- 7) provide technical support as required to facilitate dialogue with relevant bodies that have certification schemes, such as the Marine Stewardship Council (MSC), by actively contributing to the assessment of relevant fisheries with respect to cetacean bycatch;
- 8) comment on requests for information or advice received through the Secretariats;
- 9) report back to ACCOBAMS Scientific Committee and ASCOBANS Advisory Committee meetings, and where appropriate provide input intersessionally to other relevant meetings or working groups under the two agreements.

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<sup>7</sup> Related to abundance and management units, including population dynamics.

<sup>8</sup> See for example Hall, M.A. and Donovan, G.P. 2001. Environmentalists, Fishermen, Cetaceans and Fish: Is There a Balance and Can Science Help to Find it? Chapter 14, pp. 491-521 In: Marine mammals: biology and conservation Eds PGH Evans and J.A Raga. Kluwer Academic/Plenum Publishers, New York.