

REPORT OF THE  
10<sup>th</sup> MEETING OF THE  
ADVISORY COMMITTEE  
TO ASCOBANS

Bonn, Germany  
9 - 11 April 2003

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

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## **Points for Action**

### **Item 4.2. Abundance Survey Planning (SCANS II)**

The Chairman, as representative of the Advisory Committee on the SCANS Planning Group, will ensure that the minutes of SCANS planning meetings are supplied to the ASCOBANS Secretariat for circulation.

The chairman will ensure that all points concerning SCANS II raised during the Advisory Committee meeting will be passed on to the SCANS Planning Group.

### **Item 5.3.2.2. Direction and Scope of Future PR Work**

The Secretariat will report biennially to the Parties on its promotional and educational activities.

### **Item 6.1 (b) ASCOBANS Participation in CONSSO**

The Chairman will make efforts to have ASCOBANS issues placed on the agendas of the CONSSO Issue Group on Sustainable Shipping, to be held from 23 - 25 September 2003, and of the next CONSSO meeting on 22 October 2003.

### **Item 7.2. Draft Triennial Workplan 2004-2006**

The Secretariat will elaborate a draft Triennial Workplan 2004-2006 for the 4<sup>th</sup> Meeting of the Parties, based on the deliberations of AC 10.



# Report of the 10<sup>th</sup> Meeting of the Advisory Committee to ASCOBANS

## 1 Introduction

Mark Tasker, Chairman of the Advisory Committee, opened the meeting and welcomed the participants to the 10<sup>th</sup> Advisory Committee, the largest such meeting to date. Jochen Flasbarth, Director, Nature Conservation of the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety welcomed delegates to Bonn on behalf of the German Government. He expressed the hope that the view of the Rhine would be inspirational to the Advisory Committee's work on small cetaceans. He noted that important questions related to fisheries and their impact on cetaceans, and bycatch issues were being posed at this meeting. Again, some were related to fisheries and their impact on cetaceans, and bycatch issues. The results of the ASCOBANS Baltic Recovery Plan ("Jastarnia Plan") were important, as was the production of draft resolutions for the 4th Meeting of the Parties to be held in August 2003. Finally, he expressed the wish that the meeting would be a successful one, which would produce results that would be in the best interests of nature conservation.

The Chairman introduced Mr. Arnulf Müller-Helmbrecht, Executive Secretary of CMS, who noted that this 10<sup>th</sup> meeting of the Advisory Committee was the second ASCOBANS meeting to be held in Bonn. It was here, at the 2<sup>nd</sup> Meeting of the Parties in November 1997, that the decision was made to co-locate with CMS. Since 1998, the ASCOBANS Secretariat had been located in Bonn, with the sponsorship and assistance from the Federal Ministry of the Environment, Nature Conservation and Nuclear Safety. He noted that Bonn was situated on the banks of the Rhine, a perfect aquatic setting and, although he had not seen any harbour porpoises in the Rhine, he recalled that a beluga whale was seen in this area more than 30 years ago. He wished the delegates a productive meeting and that they would also have some opportunity to enjoy their visit to the city of Bonn.

In addition, Mr. Müller-Helmbrecht presented a statement by Mr. Klaus Töpfer, the Executive Director of UNEP, in which he sent his best wishes to the meeting and congratulated ASCOBANS on its achievements to date. Mr. Töpfer urged ASCOBANS to continue its commendable work in mitigating the detrimental effects of marine pollution, continuing high bycatch rates, habitat deterioration and anthropogenic disturbance which jeopardize the existence of small cetaceans in the Baltic and North Seas. He noted that this would be an important meeting, since it was the last Advisory Committee meeting prior to the 4<sup>th</sup> ASCOBANS Meeting of the Parties. He also stated that the target of the World Summit on Sustainable Development (WSSD) to significantly reduce biodiversity loss by 2010 was a new factor since the last meeting of the Advisory Committee and one which placed a major responsibility on all Parties to ASCOBANS. A further challenge would be the envisioned extension of the Agreement Area. The Executive Director expressed his pleasure at the fact that ASCOBANS had been able to take advantage of its co-location with the CMS Secretariat and the Secretariats of other Agreements dealing with the conservation of migratory species in Bonn. He wished the meeting well in its deliberations of the important global and regional issues concerning the effective conservation of small cetaceans of the Baltic and North Seas.

The Chairman noted that there were no opening statements by the Parties, but drew attention to the opening statement by WWF (Document 5). He explained that the main task of the Advisory Committee meeting was to prepare the 4<sup>th</sup> Meeting of the Parties, and it was important to review the progress achieved as background for that meeting. The Chairman noted that two long-standing AC members, Palle Uhd Jepsen and Victor Hjørt had left the AC. On behalf of the Advisory Committee and the Secretariat he thanked Palle and Victor for many years of excellent cooperation and wished them all the best for the future.

## **2 Adoption of Rules of Procedure**

The Rules of Procedure (Document 31) were adopted. These were unchanged since the last Advisory Committee meeting.

## **3 Adoption of the Agenda**

The Draft Agenda (Document 1) was adopted. The meeting established three ad hoc working groups to deal with agenda items 7.2 – 8.3 and certain aspects of agenda items 4.2 and 4.3.

## **4 Implementation of the ASCOBANS Triennial Workplan (2002/2003)**

### **4.1 ASCOBANS Baltic Recovery Plan ("Jastarnia Plan") – Implementation**

The Executive Secretary pointed out that the Jastarnia Plan had not yet been formally adopted but it was hoped that this would occur at the 4<sup>th</sup> Meeting of the Parties. Nevertheless, as far as possible, the Secretariat and the chairpersons had taken steps to implement the plan. He presented an updated implementation plan for the Jastarnia Plan, which was based on that developed by the 9<sup>th</sup> Meeting of the Advisory Committee (Hindås, Sweden, 10-12 June 2002) (see Document 6). He stated that

- an Advisory Group was currently being established in order to oversee the process of identifying high-risk areas for bycatch mitigation.
- a report had been commissioned to collate data on the distribution and timing of porpoise bycatches in the Baltic and on the distribution and timing of porpoise observations (including strandings) in the Baltic, over approximately the past 50 years. The author of the report, Iwona Kuklik, presented a progress report to AC10 and the report would be finalized by 15 June 2003.
- funding for the collation of data on fishing effort was not yet in place. The Secretariat had however contacted one of the Baltic Sea Parties about the possibility of providing a voluntary contribution to finance this study, and the report was to be commissioned immediately upon the provision of funds. The anticipated date of finalization for this project was December 2003.
- in accordance with the implementation plan, work was in progress on a modelling exercise to investigate pinger function in Baltic conditions, and finalization was expected by 30 June 2003. WWF asked whether in light of the results and in line with stated intent, Sweden had implemented the use of pingers in Swedish waters. Sweden replied that they had run a pilot project in Autumn 2002 and were prepared to reach a decision on the driftnet fishery. There was currently no monitoring of this fishery, but once this was in place they would get the programme under way.
- the Secretariat had sent the Recovery Plan and the implementation plan to the International Baltic Sea Fisheries Commission, HELCOM and other relevant bodies, with a cover letter outlining what was expected from them. In addition, a fully briefed ASCOBANS observer, Karl-Hermann Kock, had attended the meeting of the International Baltic Seas Fishery Commission (IBSFC) in September 2002, where the plan had been presented and discussed. The Chairman of the AC had represented ASCOBANS in a scientific sub-group of the European Commission's Scientific, Technical and Economic Committee for Fisheries, and the Chairman was in contact with the European Commission's DG Fisheries on their bycatch reduction proposals.



- preparations for a review of all experiments to date with alternative gear and fishing practices that might be used to replace the current use of driftnets and bottom-set gillnets in the Baltic were in progress, with finalization contingent on the availability of funds.
- action would be taken upon formal approval of the Jastarnia Plan by the 4<sup>th</sup> Meeting of the Parties to ASCOBANS to initiate communication with competent fishery authorities to ensure that there would be consistency between what was envisaged in the Baltic Recovery Plan with regard to changes in fishing gear and practices, and any measures that were being considered or taken by those authorities.
- Sweden introduced a paper on the range of acoustic pingers in the Baltic and North Sea (Document 47). Sweden stated that it had undertaken a pilot study in 2002 and would take a decision about the implementation of pinger use once monitoring equipment became available. Both the Chairman and WWF welcomed these results and commended Sweden for undertaking research promptly.
- action would be taken upon the formal approval of the Jastarnia Plan by the 4<sup>th</sup> Meeting of the Parties to develop and implement a strategy for encouraging fishermen to support bycatch mitigation measures.
- there was no concrete time line to date for improving effort and protocols for data collection from stranded or incidentally caught harbour porpoises in the Baltic.
- action to initiate an analysis to evaluate the potential for habitat exclusion caused by pinger use in the Baltic was to be taken once the Advisory Group was established and Iwona Kuklik's above-mentioned report was available, i.e. not before the second half of 2003.

WWF noted the urgency of the task to establish the advisory group and suggested that progress should be made at this Advisory Committee meeting. The Executive Secretary responded that ideally two representatives were required from each Baltic Sea state, one concerned with the environment and the other with fisheries. He had already made inquiries and contacted potential candidates, but more time was required. He hoped that the advisory group would be established at the 4<sup>th</sup> Meeting of the Parties. Advice and suggestions from Parties/Range States would be appreciated. In response to an inquiry by WWF, he stated that the participation of NGOs in this advisory group would be welcomed.

The Chairman called for assistance from the Baltic Sea states in order to form the advisory group.

#### **4.2 Abundance survey planning (SCANS II)**

The Chairman introduced a presentation by Kelly Macleod of the Sea Mammal Research Unit on SCANS II, which was summarized in Document 46. The objectives of SCANS II were: 1) to estimate the abundance of cetaceans in European Atlantic waters during summer 2005/2006; 2) to develop and test methods for monitoring cetaceans during periods between absolute abundance estimates and 3) to develop a framework to help assess the effects of bycatch and to provide scientific information to managers to achieve conservation objectives.

Sweden requested clarification as to whether abundance surveys of the Baltic were to be part of SCANS II. Kelly Macleod responded that the methods used in SCANS were not best suited to the estimation of harbour porpoise abundance in the Baltic and would probably not add to information already available. However, acoustic methods were being developed and areas of the Baltic covered during SCANS in 1994 would be surveyed in some capacity during SCANS II.

Mark Tasker commented that the principal objective of an abundance survey was to put conservation in context, but also to develop techniques and long-term monitoring. If SCANS II was to happen, strong support was needed from ASCOBANS, and funding issues would need to be discussed.

Germany stated that Parties needed information from ASCOBANS as to how much money would be required for SCANS II so that this could be included in budgets. The view was expressed that closer information on organizational matters was required from ASCOBANS, and a mechanism was required to inform those governments that would be involved at a later stage. Sweden and Denmark strongly supported the statement by Germany and also supported the importance of carrying out the survey.

Sweden too pointed out that it needed at least a rough indication of its share of the project costs in order to report to their Ministry. In response to Denmark's question as to whether Parties were obliged to contribute funds to the project, the Chairman replied that this was not the case. Kelly Macleod raised the question of how to divide the costs among the countries involved.

In response, the Chairman noted that after the first planning meeting for SCANS II, a short note had been circulated. The second planning meeting had recently taken place, and it had been agreed at that meeting that it was necessary to plan in advance in order to obtain funding. He noted that every nation around the survey area was entitled to a representative in the planning group who could feed back to governments. It was agreed that the minutes of SCANS planning meetings would be available and would be supplied to the ASCOBANS Secretariat for circulation.

Denmark suggested that the budget for SCANS II could be split so that if insufficient money was available to conduct the whole survey, there would at least be sufficient funds to complete the survey in the area previously surveyed in the original SCANS. The Chairman stated that this could be taken into consideration when drafting the resolution for the Meeting of the Parties. However, he noted that by splitting the area, it would not be possible to put bycatches into context with the relevant populations of small cetaceans. Although there was no absolute biological limit, if the area of the survey was split, it would be difficult to ascertain the extent of bycatch. However, it might be of assistance to governments to spread the survey over a two-year period.

The United Kingdom stressed that this was an important project and it was essential to put bycatch in context, particularly for the fishermen affected. It would not welcome restructuring the survey area but expressed a preference for surveying new areas for which there was currently no information if the whole of the projected area could not be covered.

In response to a suggestion that an application could be made for European funding, Kelly Macleod stated that at this stage it was thought that funding under Framework 6 was not appropriate. No suitable possible source of funding had yet been identified within the European Commission.

The Vice-Chair noted that in previous discussions between the European Commission (DG Environment and DG Fisheries) and the Chair and Executive Secretary of ASCOBANS, the Commission had been supportive of the SCANS II project, and had suggested that if for example LIFE funding were not available, there might be alternative sources available from the Commission, if the project were on a sufficiently large scale.

The United Kingdom had already written to the European Commission on this issue and read out a response from the Commission, which stated that whilst the Commission was fully supportive of the plans, no Commission money was available from DG Fisheries, but the request had been passed on to DG Environment. The United Kingdom would check whether LIFE funding would be available and inform Kelly Macleod of its conclusions in due course.

The representative of the European Commission, Mr. Placido Hernández Aguilár, stated that he would provide information to the ASCOBANS Secretariat on possible ways of funding SCANS II.

In summing up, the Chairman stated that several Parties were willing to contribute financially to the project, but that the exact modalities of funding still remained unclear. Since no conclusion was reached on this question, the Chairman referred the issue back to the SCANS II steering committee and asked for further clarification on the scale of the contributions required.

WDCS welcomed the project and the progress made and reminded the meeting that all EU members had an obligation to ensure surveillance of small cetaceans under the Habitat Directive. The meeting agreed that a resolution on funding for SCANS II could include reference to Range States, not just Parties to ASCOBANS, since there were five states in the survey area that were not Parties to ASCOBANS.

The European Cetacean Society noted that it was prudent to set priorities and identify targets. The Advisory Committee should be involved more widely and more discussion was required because so many aspects remained to be discussed, e.g. timing. It expressed the view that the Advisory Committee should be involved in planning. The Chairman noted that SCANS II had previously been discussed by the Advisory Committee. He was the representative of the Advisory Committee on the planning group and would ensure that all points raised in discussion would be passed on.

Germany stated that it had previously not been aware that SCANS II was not an ASCOBANS project, and raised the question as to whether it was stipulated by the Agreement that abundance surveys were to be conducted. The Chairman noted that surveys in general were provided for in the ASCOBANS management plan, but ASCOBANS alone could not undertake such an extensive survey.

Belgium noted that there was a seasonal dimension to the SCANS II proposals. During SCANS I no cetaceans had been observed in the southern North Sea. In recent years, however, harbour porpoises had been fairly commonly observed in spring in the southern North Sea. Therefore proposed management measures should not be based solely on the results of SCANS II, which would take place in summer. In response it was noted that the planning meeting for the survey had considered ways to obtain seasonal information between the survey areas.

It was agreed that the Advisory Committee should suggest that SCANS II consider distribution.

The Chairman noted that SCANS II would also be considering deep divers and that there was concern about the impact upon them of sources of noise. The military could be a possible source of funding.

There was broad support for the SCANS II project and for the need to press forward to ensure that it took place. It was noted that the Meeting of the Parties should have before it a firm plan of SCANS II and a resolution would be prepared. This would include a summary of activities to date and of what resources would be needed, and would assist governments in asking for funding.

Germany introduced Document 10, "Summer distribution of Harbour Porpoise". The aim of the study was to determine the spatial distribution of harbour porpoise in the German parts of the North and Baltic Seas. Aerial surveys had been conducted from May to August 2002, and a total of 785 harbour porpoises (488 sightings) were seen. Of special interest were sightings in the eastern part of the survey area in the Mecklenburg Bight. These aerial surveys would continue in 2003 in order to collect more information on temporal and spatial distribution of harbour porpoise and its intra and inter-annual variability in German waters.

Germany also introduced Document 14, "Investigating the habitat use of harbour porpoises in German waters using porpoise detectors (PODs)". The study had taken place in late summer and there were numerous survey points. However, further work was required before the study was complete. The study was continuing and later in the year it was anticipated that there would be results for the "Baltic proper", perhaps in time for the 4<sup>th</sup> Meeting of the Parties. It was hoped that the PODs in the Eastern Baltic would produce information on migration patterns.

The Chairman pointed out that Document 14 provided a good map of the "Baltic proper". He noted that individual surveys could not improve knowledge of how many porpoise populations there were in the Baltic but they could be of assistance in designing overall surveys, such as SCANS II.

Germany introduced a third document (Document 8), "Opportunistic Sightings of Harbour Porpoises (*Phocoena phocoena*) in the Baltic Sea". GSM Gesellschaft zum Schutz der Meeressäugetierte (Society for the Conservation of Marine Mammals) had taken up the model of the Danish programme "Look Out For Whales and Dolphins in Danish Waters" and made an appeal to the (mainly sailing) public in 2002 in order to collect data of sightings in German Baltic waters (as well as in the Baltic in general). The response had been very positive. The programme would continue in 2003 and GSM expected an even wider response due to the positive support it had seen already. The data would be at the disposal of FTZ Forschungs- und Technologiezentrum Westküste (Research and Technology Centre West Coast). A questionnaire had been issued and although the project began late in the season of 2002, GSM had received a good response, with records of 120 sightings, 80 of which were from the Baltic Sea. In order to increase awareness of the sightings programme, a poster and a bookmark had been developed. The programme was to be repeated in 2003.

France introduced Document 42, which reviewed 20 years (1980-2000) of opportunistic cetacean sightings off the French Channel coast between the Franco-Belgian coast and northern Brittany.

IFAW introduced Document 32, "The relative abundance of harbour porpoises from acoustic and visual surveys in German, Danish, Swedish and Polish waters during 2001 and 2002". Acoustic and visual line transect surveys conducted in the western Baltic were among the first systematic boat-based studies ever carried out in some of these waters. Although coverage was extensive, only few harbour porpoises were recorded in the "Baltic proper" in either summer.

### **4.3 Bycatch issues**

A working group was established to deal with this issue. The working group report is attached as Annex 5.

#### **4.3.1 Results of the Intersessional Working Group**

The Chairman noted that there had been a disappointing response from the Parties to his request for comments on the Terms of Reference for the report on bycatch. He suggested that the Advisory Committee should review draft terms of reference for the report on bycatch and the report should be produced in time for MOP4.

#### **4.3.2 Report on bycatch in the Baltic**

Poland introduced Document 39 on bycatch as a potential threat to harbour porpoises in Polish Baltic waters. The study analyzed 62 verified reports obtained in 1990-1999 on the bycatch, strandings and sightings of harbour porpoises in the Polish Baltic. It was pointed out that Puck Bay was a bycatch hotspot. It was noted that already this year four bycatches had been recorded and it was likely they would experience more than five bycaught animals. It was also noted that there was a lot of data on the Baltic, and a map of the data would be obtained in time for the MOP.

The Executive Secretary noted Recommendation 7.2 "Implementation of Resolution 6.2 on Bycatch", adopted by the Conference of the Parties to CMS at its Seventh meeting in Bonn, 2002.

The Chairman explained that bycatch had been identified at the 7<sup>th</sup> COP as the greatest threat in marine areas for migratory species. This issue had gathered momentum at the Conference of the

Parties to CMS and a Recommendation had resulted. He noted that this Recommendation applied to many marine species, not only small cetaceans.

The United Kingdom introduced its report "UK Small Cetacean Bycatch Response Strategy", which reviewed all information on bycatch in UK waters and UK fisheries. It provided a summary of the abundance and distribution of small cetaceans in UK waters, and outlined international obligations to conserve these species. The report contained recommendations, *i.a.* that pingers should be used in the Celtic Sea and the North Sea. It was also recommended that, preferably in co-operation with other Member States' fisheries, further trial should be carried out on possible mitigation measures including separated grids and acoustic deterrents in pelagic trawl fisheries with an identified bycatch of cetaceans. The report also reaffirmed the UK's commitment to the need for an abundance survey in the area of SCANS and elsewhere around the UK coast. The UK reported that efforts had been made to set targets for cetacean bycatch, and noted that the modelling exercise on the use of pingers balanced the need for protection of the harbour porpoise against the costs of pingers. It was pointed out that the recommendations were open for consultation until 13 June 2003.

The Chairman commended the report as a considerable step forward by a Party.

The Whale and Dolphin Conservation Society also commended the long-awaited UK strategy, but expressed regret that the objectives of the plan were not sufficiently ambitious, since they did not reflect the precautionary objective agreed by MOP3 to reduce bycatch to less than 1% of the best available population estimate.

In response, the United Kingdom acknowledged the concerns expressed by the WDCS but pointed out that it was essential to take into account the interests of the fishing industry. The United Kingdom noted that in the short- to medium-term it would be necessary to see if an approach was workable, before targets were altered. This was an evolving situation where measures to mitigate bycatch would be introduced as they were shown to be effective. On several occasions, the United Kingdom Minister for Fisheries had expressed his commitment to reducing bycatch. The UK also stated that it would welcome any European-wide proposals on reducing bycatch. Indeed, the United Kingdom had always maintained that bycatch was a European problem and might well be dealt with more effectively at a European level. However in absence of such action at the Community level the United Kingdom felt it necessary to proceed at the national level.

#### **4.3.3 Projected report on bycatch in the Agreement area**

This was considered by the working group on bycatch. The Working Group report is attached at Annex 4.

#### **4.3.4 ASCOBANS contribution to CFP reform**

The Chairman welcomed the wording of the new CFP Regulation and stressed that it was now the implementation of the Regulation that was important. Several of the members of the Advisory Committee had worked in the sub-group of STECF on bycatch issues. A meeting of the STECF sub-group had been held in June 2002, immediately after the 9<sup>th</sup> meeting of the Advisory Committee, and the report of this sub-group meeting was now available on the Commission's website. The report of the preceding meeting was also available. The Chair referred to the Commission's outlined proposals on cetacean bycatch considered informally in December 2002. He noted that more formal consultation was due soon on the new CFP proposals.

The representative of the European Commission explained that he was attending the Advisory Committee meeting in order to obtain information for input into the EC policy on bycatch.

WDCS noted that the Commission's outline for possible measures concerning incidental catches of cetaceans did not reflect some of the recommendations from the various sub-groups, for instance the need to identify clear objectives or an overall management framework. They asked whether the ASCOBANS Advisory Committee was able to make some formal input to the Commission's current considerations, or respond to the proposal regulation when it was tabled later in the year.

The Advisory Committee agreed not to formally respond to the recommendations, since individual Parties would certainly do so.

At its 7<sup>th</sup> Meeting in March 2000, the ASCOBANS Advisory Committee had requested that Parties and Range States should collect data on fishing effort. The Chairman noted Document 36 on fisheries statistics submitted by Parties and Range States, and thanked those Parties that had responded to the request.

WWF noted the importance of observer effort and that this was not mentioned in a number of the contributions of statistics. The Chairman acknowledged that this should be more clearly recorded.

France presented a report on observer programmes in the ASCOBANS area in 1994-1996 (Document 43). The French observer noted that it was the wish of the National Directorate of Fisheries to conduct further surveys and more information would be forthcoming. The Institute of the Aquatic Environment would test pingers on pelagic trawlers in the south of the Bay of Biscay, thus meeting a demand of some fishermen. The drift of bycaught carcasses would be studied in the area.

WDCS introduced a paper (Document 19) on cetacean bycatch in pelagic trawl fisheries in the Celtic Sea, Biscay and Channel area. It explained that the purpose of the paper was to highlight and assess the implications of the bycatch problem in these areas. Most information was obtained from strandings data and this indicated growing problems. If strandings were a small proportion of the total number of cetacean deaths, mortality levels were substantial. It stated that information on abundance and population structure of cetaceans in the area were far from complete, but noted that if this was accepted as the best information available, mortality rates were unlikely to be sustainable, particularly with regard to common dolphins which comprised most of the stranded animals. Other species, e.g. the bottlenose dolphin, which had small and discrete populations in the area, could also be at risk. Studies had recorded high bycatch in certain pelagic trawl fisheries, specifically for bass, albacore, mackerel and horse mackerel, but most fisheries in the area had not been monitored. Since the paper was written, new data had revealed that strandings in south-west England had increased, with 264 cetaceans being stranded in three months of 2003, which was nine animals short of the total for 2002. There was also reported to be a high rate of strandings on the Atlantic coasts of France and Ireland. WDCS suggested that ASCOBANS should urge Parties, Ranges States and the European Commission to introduce without delay observer monitoring of all pelagic trawl fleets in the area and to take urgent mitigating action in those fisheries with unacceptable bycatch.

France reported on a planned programme of work under Framework 6 on bycatch reduction. Six nations would be participants if funding were agreed. The project was being reviewed in Brussels. The Chairman expressed concern that not enough was known about bycatch in pelagic trawls, and that an observer programme was needed so that gear was not developed for fisheries with no bycatch. France pointed out that discussions between fishermen and the National Committee of Marine Fisheries (IFREMER and CRMM) were ongoing, and observers would be deployed as soon as possible.

The Chairman noted that the bycatch report should clarify the situation before MOP4. The graph in Document 19 clearly showed that there was a problem for common dolphins in the area. This could not yet be put into population perspective, which reinforced the need for an overall abundance survey.

The UK suggested that the Meeting of the Parties should consider what sort of fisheries data were required and what they would be used for. It commended the WDCS paper and reiterated the need for observers.

#### **4.3.5 ASCOBANS contribution to other relevant fora**

Karl-Hermann Kock had represented ASCOBANS at the meeting of the Baltic Sea Fisheries Commission in Berlin in September 2002 and had presented the Jastarnia Plan. He reported that the IBSFC had focused on assessment work and consequently it had proved difficult to draw attention to the problems harbour porpoises face in the central Baltic. However, the European Commission had expressed support for the ASCOBANS objectives at that meeting. He observed a tendency of scientists at the IBSFC to focus on fisheries to the exclusion of small cetaceans in the Baltic, and it would be necessary to work continuously to draw attention to issues of importance to ASCOBANS.

The Chairman noted that it was good that the European Commission was noting the ecosystem approach in the plan for the CFP. He also suggested that the upcoming meeting between HELCOM and OSPAR in summer 2003 was a possible forum to provide political guidance.

Mark Simmonds, WDCS, pointed out that there had been some recent small cetacean work in OSPAR, with some species of small cetaceans having been included in the recent listing process. He was concerned about the role of ICES and suggested there should be some consultation between OSPAR and ASCOBANS.

The Chairman explained the role of ICES in the listing process of OSPAR. The initial OSPAR list was based on recommendations from individual Parties, in a first attempt by the Parties to fulfill the Texel/Faial criteria for threatened and endangered species. The role of ICES was to review the scientific information underlying the recommendations, rather than to advise on which species ought to be listed.

The Executive Secretary reported that pursuant to HELCOM Resolution 17.2 on the harbour porpoise, HELCOM had adopted a harmonized reporting format in 1999 which was largely identical to that of the ASCOBANS annual reports. However, the reporting periods had not been harmonized and consequently some duplication of effort remained in the reporting process as ASCOBANS Parties reported annually, while HELCOM states did so triennially. He suggested that ASCOBANS continue to require its Parties to report annually, while HELCOM would receive reports only from those HELCOM states that were not ASCOBANS Parties. The possibility of asking these states to report annually to harmonize the reporting rhythm could be explored. ASCOBANS and HELCOM should exchange their respective reports.

The HELCOM observer agreed to bring this up at the upcoming HELCOM HABITAT meeting. The Polish delegate explained that Poland was the lead country for this reporting exercise and that he would contact Ewa W<sup>3</sup>odarczyk of the Polish Secretariat for the Helsinki Convention about this.

#### **4.4 Disturbance to cetaceans by shipping**

Peter Evans of the ECS presented a progress report reviewing the impact of shipping upon cetaceans. He divided the issue into 1) direct physical damage through vessel strikes and 2) sound disturbance from active sonar, seismic testing, recreational activities and other shipping. He placed emphasis upon the threat of ship strikes to baleen whales and large odontocetes from high speed ferries, which are being used increasingly in the region, and physical harm by the use of active sonar recently demonstrated to affect deep-diving cetaceans, particularly beaked whales. He reviewed the findings of the ECS workshop on active sonar in Las Palmas in March 2003. A final report identifying potential areas of conflict would be produced for MOP4.

Germany introduced a report on ship collisions with whales (Document 7). This report had originally been prepared as a contribution to the work of the CMS Scientific Council in its consideration of threats to migratory species, including barriers to migration. It was previously circulated as an information document to the 7<sup>th</sup> COP of CMS in September 2002.

#### **4.5 Report on seismic disturbance and recommendations**

Germany presented a paper which provided improved information on seismic activities (Document 15). This report was an update of the report "Preliminary Information on Seismic Activities" which had been presented at the 9<sup>th</sup> Meeting of the Advisory Committee. Progress had been slower than expected but a database was being developed. Information on seismic activity for the years 1997-2002 were presented in maps. It was hoped that the data would be presented according to the ASCOBANS formats at the next meeting.

The UK reported on progress in implementing Resolution No. 4 to develop a monitoring system that would enable adaptive management of seismic survey activities (Document 30).

The Executive Secretary introduced Document 38, which presented information submitted by the Parties on seismic disturbance. There was little new information since the previous year.

WDCS made a brief presentation about noise concerns, noting the following points:

- The number and extent of noisy activities in the marine environment were increasing and there was an alarming lack of information about the sound produced by individual activities and the extent of the activities themselves.
- Cetaceans might be particularly vulnerable to noise pollution because of their high sensitivity to sound, their extensive use of sound for communication and their reliance on sound as a cue for biologically significant factors in the environment.
- Evidence for the potential for noise to impact cetaceans was mounting. However, it was difficult to assess the significance of particular effects in relation to ultimate impact on reproduction, survival and populations.
- Anthropogenic sources, including military activities (e.g. sonar), seismic operations, vessel noise, anti-predator devices, scientific research and marine wind farms.
- Impacts of noise on cetaceans might be direct or indirect, including hearing damage, masking of communication and environmental cues, behavioural responses and habitat exclusion.
- Of particular concern at this time was the rate of the expansion of offshore wind industry because development was continuing without a sound understanding of the long term impacts that could result. Noise was produced during the construction, operational and decommissioning phases and by associated vessels. At present, very little work had directly focused specifically on the impact that noise produced from wind turbines and whole wind farms had on cetaceans. Data from existing operational wind farms were slowly becoming available and this should be used to better understand and predict the significance of their impact in short and long term. There were currently 13 existing operational wind farms – both off and near-shore - in the Agreement area (<http://home.planet.nl/~windsh/offshore.html>) and at least 16 planned projects ([www.home.planet.nl/%7Ewindsh/offshoreplans.html](http://www.home.planet.nl/%7Ewindsh/offshoreplans.html)) and a number of other project proposals, e.g. another 27 under consideration in German waters (<http://www.bsh.de/Allgemeininfos/Pressemitteilungen/Pressemitteilungen2002/Bilanz2001.pdf>).
- The recent CMS Conference of Parties had passed a resolution calling for more attention to be paid to marine wind farms including comprehensive strategic environmental impact assessments (the full resolution can be found on the CMS website).
- WDCS called on ASCOBANS and CMS to consider marine noise pollution in general and the potential for wind farms in particular as an issue for future focus.



## **5 Ongoing Issues**

### **5.1 Pollution, noise pollution, disturbance (except seismic disturbance, cf.4.4)**

#### **5.1.1 High speed ferries**

The Executive Secretary noted that not all Parties had submitted information. He thanked Poland for information that it had recently submitted, which raised to six the number of reporting Parties. He stressed that it was difficult to obtain an overview and establish trends when there was a lack of consecutive submissions, and urged the submission of information on high speed ferries.

The meeting decided that Peter Evans should incorporate information on high speed ferries into his report for presentation at the 4<sup>th</sup> Meeting of the Parties. It was also agreed that the report should include references to sources of information and also suggestions as to what to do with the available information.

#### **5.1.2 Military**

Walter Zimmer from the NATO SACLANT Undersea Research Centre made a presentation on the military use of sonar (see Document 44) in which he first summarized the information on recent beaked whale strandings and the sonar systems involved. In particular he considered the stranding events in Greece 1996, Bahamas 2000, Madeira 2000 and the Canary Islands 2002. Post-mortem analysis of the last three strandings revealed physical traumas, which could be related to the impact of acoustic energy. The publicly available information on the sonar systems involved indicated that in all these strandings the sonar systems emitted sound in the frequency range 2.6 to 8.2 kHz (mid-frequency sonars).

Further, the presentation made clear that sound propagation was an important factor to consider and that it should be modelled carefully when assessing the impact of sound on distant marine life. Special attention should be paid to sound channelling in a surface duct (as for the Bahamas 2000 incident) and in a deep sound channel (as in the Greece 1996 event).

Quantification of the biological significance of sonar impacts and behavioural responses to sonar were important for the development of the risk assessment protocols. The knowledge of marine mammal distribution was paramount for selecting regions suited for naval exercises and where marine mammal presence was low. There were still a variety of open questions with respect to the understanding of the relationship between cause and effect between sonar sound and physical traumas, behavioural reaction and mass strandings, notably of ziphiid whales.

Walter Zimmer emphasized that NATO took the potential impact of sonar systems on marine environment seriously and that NATO forces were required to take all reasonable practicable measures to protect the environment, while fulfilling their military mission.

The Executive Secretary of ACCOBAMS, Dr. Marie-Christine Van Klaveren, reported that the problem of military sonar had been discussed at the first Meeting of the Parties of the Mediterranean Sanctuary. The ACCOBAMS Secretariat and the depository of the Sanctuary had written letters to SACLANT and NATO to raise awareness of the situation in the Mediterranean and of the provisions of ACCOBAMS allowing contracting parties to grant derogations for some scientific research, based on the advice of the Scientific Committee. Dr. Tyack, responsible for such a research project in the Mediterranean, had been asked to present his project to the Scientific Committee of ACCOBAMS for advice.

ECS observed that although animals may be affected behaviourally there was evidence of direct physical trauma occurring before the stranding. There was some indication of chronic effects that did not kill animals but may make individuals more susceptible to sonar later. The challenge was to determine which individuals were in the vicinity at the time of the use of sonar.

WDCS commented that live mass strandings of ziphiid whales were rare events and that many had been correlated with human activities. Noting that military sonar use had become an issue of high public interest world-wide, WDCS welcomed the NATO contributions and hoped the dialogue between ASCOBANS and NATO would continue. Unlike the situation in the US provided by the Marine Mammal Protection Act, there was no public opportunity to debate sonar development in Europe and the WDCS representative echoed the comments made earlier by Peter Evans that marine mammal specialists and the military authorities should liaise to develop mitigation measures, including avoidance of use.

Mark Tasker noted that there were not many beaked whales in the current ASCOBANS area, but if the area were to be extended, the SCANS II survey would be required to find out where they were to be found.

### **5.1.3 Report by the Pollutants Working Group**

A draft review of relevant literature concerning chemical and noise pollution had been prepared by the working group. It was further developed during the meeting and is included as Annex 5.

## **5.2 Post-mortem and stranding schemes**

The Committee took note of Document 9 (Trends in Cetacean Strandings on the British Coastline 1994 – 1999), submitted by the United Kingdom.

France submitted Document 45 (Recording of Cetaceans Strandings in Brittany in 2001). The French observer explained that such a study was carried out each year for the region of Brittany. A study on bycatch and strandings of cetaceans in France along the Channel coast would be compiled from next year on. He pointed out that 18 harbour porpoises were stranded in the year of the study.

Poland explained that no information on post-mortem research was presented to AC10 by Poland as the information provided in the questionnaire for 2002 and submitted to AC9 in Hindås 2002 was still up to date.

The Committee also took note of Document 37 (Information submitted by Parties and Range States in response to post-mortem research questionnaire), submitted by the ASCOBANS Secretariat.

## **5.3 Publicity/PR Issues**

### **5.3.1 Parties/Range States**

Poland introduced Document 40, which described Poland's activities to publicize problems relating to the status and protection of small cetaceans in the Baltic. In recent years an educational and informational campaign targeting the status of the Baltic population of harbour porpoises had been important in ensuring public support for the implementation of conservation measures for these animals. A range of activities had continued, as described in the report for the 8th meeting of the Advisory Committee, and new initiatives had been proposed. Examples of relevant newspaper articles were attached to document AC10/Doc. 40.

The Chairman congratulated Poland on its highly professional initiatives to raise awareness.

## **5.3.2 Secretariat**

### **5.3.2.1 Report on PR activities in 2002/2003**

The Executive Secretary reported on PR activities of the Secretariat since AC9. They included the production of additional copies of leaflets and postcards, the development of ASCOBANS Fact Sheet No. 1, which was intended as the start of an ASCOBANS publication series, the updating of the ASCOBANS website and the production of two copies of an exhibition of the CMS, ASCOBANS and the other CMS Agreement Secretariats. This exhibition was modular and comprised four ASCOBANS panels that could be shown either individually or in conjunction with all or some of the other CMS and Agreement components of the exhibition. The ASCOBANS exhibition "Harbour Porpoise in Distress" has been shown in Latvia, Finland, Estonia and was currently in Hamburg, Germany.

He also presented a draft of a new ASCOBANS logo that was based on the 10<sup>th</sup> anniversary logo and includes the UNEP logo, and asked the Advisory Committee for its comments and approval. According to the Executive Secretary, the new logo would be easier to print and also include the UNEP logo that was missing in the current ASCOBANS logo. WWF suggested the inclusion of the full name of ASCOBANS and contact details or the website address with a new logo since the acronym ASCOBANS was not very well known to the general public.

The Secretariat was currently engaged in preparations for the International Day of the Baltic Harbour Porpoise. This would involve events at various venues around the Baltic, such as the Lithuanian Sea Museum in Klaipėda and Hel Marine Station in Poland. The co-organization of a capacity-building workshop for decision-makers in Central and Eastern European countries together with other Agreement Secretariats (AEWA, ACCOBAMS, EUROBATS) was currently under discussion.

### **5.3.2.2 Secretariat paper on direction and scope of future PR work (Draft Resolution No. 2)**

The Executive Secretary presented Document 11 (Future Scope and direction of ASCOBANS PR activities) that included an overview on the Secretariats activities in the last triennium as well as suggestions for the future. He pointed out that ASCOBANS now had the basic tools needed and would increasingly be able to concentrate on putting these to use within the framework of a coherent PR strategy for the coming years. It would, however, be necessary to focus in particular on certain target groups without neglecting the general public. Cooperation between the Secretariat and Parties, Range States and also NGOs would be needed.

The United Kingdom suggested focussing on key decision-makers in (potential) accession countries, especially in the area of the North-East Atlantic, the European Commission and the IBISFC. In response, the Executive Secretary pointed out that key decision-makers were already addressed in the planned capacity-building workshop which, if successfully conducted in Central and Eastern Europe, would be repeated in Western and Southwestern Europe or the Mediterranean area. Further activities geared specifically to Western European "accession" states should, however, presumably only be undertaken in the event of an extension of the Agreement area.

The United Kingdom proposed that the Secretariat should in future report more often to the Parties on actions it was taking regarding educational and promotional activities. This would ensure that the Parties were aware of the Secretariat's activities throughout the year and also prevent any duplication of effort. The Meeting agreed that the Secretariat should report at least biennially on this issue, and a paragraph to that effect was inserted in the draft resolution.

Mark Simmonds, WDCS, called for an increased outreach effort. As an example he suggested that ASCOBANS and/or CMS could give consideration to supporting seminars about cetacean conservation in potential future Parties.

The Chairman commented that delegates from potential accession countries should be encouraged to attend the next MOP. The Executive Secretary pointed out that CMS and its Agreement Secretariats mutually promoted each other and sought and maintained contacts with delegates of Parties and potential accession countries. The support by the Parties in those efforts would be also appreciated.

#### **5.4 National legislation/protected areas**

Parties did not report any relevant developments.

#### **5.5 Accessions of Range States; extension of Agreement area**

The Executive Secretary stated that Estonia and Lithuania were in the process of accession. He reported that he had received a message from the Estonian Ministry of the Environment stating that it had made good progress in preparing national legislation in compliance with the principles laid down in the ASCOBANS Agreement. The instrument of ratification would hopefully be sent to the depositary in the following months. The Secretariat had been informed that Lithuania too was in the process of acceding and the Lithuanian Parliament would deal with this shortly. He expressed the hope that both countries might deposit their instruments of ratification before the upcoming MOP.

The French observer reported that the accession of France to ASCOBANS had recently been discussed again with the recently appointed person at the Ministry of Foreign Affairs.

The United Kingdom reported that it was in the process of ratifying the ASCOBANS Agreement on behalf of the State of Jersey.

The United Kingdom presented Document 17 (Draft Resolution No. 4: Extension of the ASCOBANS Agreement Area).

The question of adapting the name of the Agreement to the expected new situation was discussed. The Executive Secretary highlighted the need to retain the ASCOBANS acronym as it had become more widely known in recent years. The United Kingdom proposed changing the name to Agreement on the Conservation of Small Cetaceans of the Baltic, North-East Atlantic and North Sea. This met with approval.

Denmark also raised the question as to the position of potential future range states regarding the projected extension and the possibility of acceding to ASCOBANS. The Executive Secretary answered that Portugal currently planned to accede only to ACCOBAMS. The respective Ministers of Ireland and Spain had received letters from the ASCOBANS Executive Secretary outlining the planned extension of the ASCOBANS Agreement area and inquiring as to their position on accession. No response had been received to date.

Karl-Hermann Kock of the German delegation asked the plenary if surveys outside the ASCOBANS Agreement area could be supported. The Chairman responded that he had no objections to such an approach, and that such support had been given by ASCOBANS in the past. Mark Simmonds, WDCS, added that these activities could also raise awareness in potential future Parties such as Ireland.

The Executive Secretary of ACCOBAMS welcomed the extension of conservation measures for cetaceans in the Atlantic area. She raised concerns as to the overlap between the extended ASCOBANS area and the ACCOBAMS area which would result if the extension was effected as proposed in Draft Resolution No. 4 (Document 17). While legally such an overlap was possible and a country would be a Party to two overlapping Agreements, only the more stringent of these Agreements would apply in this case. She proposed an appropriate amendment to Draft Resolution

No. 4 to avoid any possible confusion between the ACCOBAMS and ASCOBANS Agreement areas since Portugal would be a Range State of both Agreements.

The United Kingdom delegate stressed that the extended area should neither include the waters of the Faeroe Islands nor overlap the Agreement area of ACCOBAMS.

The Chairman came to the conclusion that Parties welcomed the British proposal in general and that changes should be made in the wording of the Draft Resolution to avoid overlap and confusion with ACCOBAMS. He also stated that further proposals for a new Agreement name from Parties were welcome.

## **5.6 Cooperation with ACCOBAMS**

The Executive Secretary of ACCOBAMS provided a brief general overview on ACCOBAMS and its future activities. Giuseppe Notarbartolo di Sciara, Chairman of the ACCOBAMS Scientific Committee, pointed out potential areas of cooperation between the Agreements. These included the issues of noise, bycatch mitigation, population surveys and capacity-building. He welcomed the participation of the Vice-Chairman of the ASCOBANS Advisory Committee in the ACCOBAMS Scientific Committee, and reported on the establishment of strong collaboration with NGOs such as WDCCS, ASMS, IUCN and IFAW.

The Vice-Chairman reported briefly on his participation in the ACCOBAMS Scientific Committee. He characterized the work plan of ACCOBAMS as very ambitious and impressive given the variety of issues it addressed and welcomed cooperation with ACCOBAMS. The Scientific Committee of ACCOBAMS welcomed the cooperation with ASCOBANS and expressed the wish for future mutual cooperation. Further cooperation was envisaged.

## **6. Other issues**

### **6.1 North Sea cooperation**

#### **6.1 (a) Projected recovery plan for harbour porpoises (update)**

Germany stated that, following the Fifth North Sea Conference in 2002, and on the basis of a resolution of the conference, it believed that a recovery plan for harbour porpoises in the North Sea should be developed without delay. It noted that the problem of distribution of harbour porpoises in the North Sea was not a homogenous one, and consequently the plan should focus on the southern North Sea and English Channel/Manche in particular. Although work on the recovery plan should commence soon, this should not happen before the results of SCANS II were available. Germany expressed the view that ASCOBANS was the appropriate body to develop a recovery plan for the North Sea and preparations should start as soon as possible.

Denmark warned against duplication of effort, since it was aware that Norway was developing a strategy on bycatch of small cetaceans and that the European Commission was developing a proposal for a council regulation for bycatch reduction. Denmark noted that the Jastarnia Plan had not yet been implemented by any Party. The development of a recovery plan for the North Sea should not lead to the postponement of national measures. Any recovery plan should take account of existing activities and would need to consider timing and outcomes.

The Chair agreed that recovery plans should not delay national activities and noted that the activities mentioned by Denmark should be taken into account when developing the plan. He also observed that it would be beneficial to draft a plan for the North Sea equivalent to the Jastarnia Plan in order to prevent fishermen from feeling that they had been discriminated against and to make it clear that harbour porpoises were under pressure from other factors than fishing alone. He

noted that Poland had reported on relevant activities towards implementing the Jastarnia Plan despite the fact that it had yet to be adopted by Meeting of the Parties.

The meeting agreed that the elaboration of a recovery plan for harbour porpoises in the North Sea would require the involvement of other regional players.

Germany acknowledged the concerns relating to duplication of effort and stressed that a defined plan was necessary but that it welcomed comments from Member States on the matter. It intended to submit a draft proposal to the 4th Meeting of the Parties and to focus on the details of the plan following the MOP.

WWF suggested that an advisory group similar to the group being established for the Jastarnia Plan might be required, but considered this would take time to set up and that it would be useful to start this process as soon as possible. Denmark stated that it preferred to have the scientific evidence in place before the advisory group commenced work.

The Chairman thanked Germany for its offer and financial assistance. He noted that it would be helpful to draft a process timetable for writing the recovery plan, that stakeholders needed to be fully involved, and that CONSSO needed to be consulted before work was started.

## **6.1 (b) ASCOBANS participation in CONSSO**

With respect to the recent CONSSO Issue Group on Sustainable Shipping, the Chairman noted that points of particular concern to ASCOBANS were noise and collisions. The issue group meeting had, however, focussed on the traditional OSPAR issues and concerns. The next meeting of the issue group was to be held on 23-25 September 2003 and the next CONSSO meeting on 22 October 2003. It was agreed that the Chairman would make efforts to have ASCOBANS issues placed on the agendas of these meetings, and it was noted that it would be useful to receive support from any Parties and NGOs that would be participating in these meetings.

## **7. 4<sup>th</sup> Meeting of the Parties**

### **7.1 Preparations for MOP 4**

The Executive Secretary reported that the MOP would be held from 18-22 August 2003 in Esbjerg, Denmark. The Secretariat planned to travel to the venue in order to make final arrangements. Invitations to the delegates would be dispatched in the week following AC10.

WWF pointed out that action on several points in the Jastarnia Plan would not be taken until the Plan was formally endorsed by MOP 4 and inquired as to what procedure was envisaged for this endorsement, and hoped that given the urgency of the situation there would be no delay in this process. She also expressed the hope that in line with stated intentions Parties would in the meantime continue to implement the plan as a matter of urgency. The Netherlands supported the remark by WWF and expressed the view that a speedy implementation of the Jastarnia Plan would be desirable. It had taken a long time to develop it and involved many stakeholders in the area. Implementation was urgently needed given the deplorable status of the harbour porpoise in the Baltic and furthermore it would be a clear sign that ASCOBANS actually might achieve some of its priority objectives. The Chairman pointed out that Draft Resolution 8 contained a passage endorsing the plan.

## **7.2 Draft Triennial Workplan 2004 - 2006**

The Secretariat was asked to draft a document for MOP4 based on the deliberations of AC10.

## **7.3 Draft Resolutions for MOP4**

The draft resolutions were considered both in the working groups and in plenary. For details of the discussions of individual Draft Resolutions cf. Agenda items 5.3.2.2, 5.5 and 8.1.2. The outcome of the deliberations is attached as Annexes 7 - 14.

Regarding Draft Resolution No. 1, Gerhard Adams, Germany, introduced the Headquarters Agreement between the Federal Republic of Germany, UNEP and CMS. This Agreement allowed for its application to the Secretariats co-located with the CMS Secretariat in Bonn. The Headquarters Agreement, which was based on the Headquarters Agreement between the German Federal Ministry of the Environment and UNV, had already been endorsed by CMS and AEWA.

Denmark asked for both the UNV Headquarters Agreement and the CMS Headquarters Agreement to be distributed during the forthcoming MOP.

The Chairman concluded that the Advisory Committee approved the Draft Resolution on the Headquarters Agreement (Document 12), endorsing the Headquarters Agreement for ASCOBANS.

Regarding Draft Resolution No. 4 the Advisory Committee noted that the exact coordinates of the area proposed for the extension of the Agreement Area should be thoroughly reviewed before the resolution was submitted to the 4<sup>th</sup> Meeting of the Parties.

## **8 Business Session**

### **8.1 Budgetary issues**

#### **8.1.1 Report on Budget for 2002**

The Executive Secretary presented Document 35 (Draft Financial Statement for Budget Year 2002) to the Working Group. He pointed out that this document was only a preliminary paper. The final version was expected to be sent to the Secretariat by the end of April 2003. He highlighted in particular that ASCOBANS had accumulated reserves and fund balances of 168,684 US Dollars as at 31 December 2002 thanks to substantial savings, mainly in the personnel budget lines.

Denmark asked why there had been an excess of income over expenditure of 32,864 US Dollars in 2002 and where cuts and increases had occurred. The Executive Secretary replied that savings had been made in particular on the personnel budget lines. There had also been savings in certain other budget lines, such as for instance the consulting budget line. This budget line had not been exhausted as several projects had not been realized or had been funded from other sources.

In response to Belgium's question as to whether there had been any shift in budget lines during the current triennium, the Executive Secretary replied that there had only been small shifts in line with United Nations financial regulations.

#### **8.1.2 Outline of Budget for 2004-2006**

The Executive Secretary introduced Draft Resolution No. 3 on Financial and Budgetary Matters (Document 16). The Medium Term Plan agreed on in 2000 had been used as a guideline for preparing it. He stressed that in drafting the budget he had attempted to keep the budget increase as moderate as possible.

Nevertheless, the budget increase of the 2004-2006 triennium over the previous triennium amounted to 24.9% and the budget increase for the 2004 budget over the 2003 budget was 9.8%. This increase was primarily due to the proposed upgrading of the posts of the Executive Secretary and the Assistant from P3/G4 to P4/G5 respectively. The Executive Secretary explained that this upgrading would be inevitable if the job descriptions of the ASCOBANS Secretariat staff were brought into line with the nature of their actual day-to-day work which was not adequately reflected in the current job descriptions.

The United Kingdom expressed regret that the Parties were not provided with adequate information on the expenditure on each budget line for 2002 due to the format of the financial statement issued by UNEP, and asked that the Secretariat provide budgetary information in a more understandable manner than that provided to the Secretariat by UNEP for MOP4 and subsequent Advisory Committee meetings. The Executive Secretary agreed to do so.

In the ensuing discussion, all Parties in the Working Group rejected an increase in the budget of nearly 25%. Belgium, Denmark, the Netherlands, Sweden and the United Kingdom stated that they would be able to accept a 2-3% increase along the inflation rate per year for the next triennium. Finland, Poland and Germany did not have a position yet, but thought that they would also be able to accept an increase in the order of approximately 2% based on the Medium Term Plan.

Gerhard Adams of the German delegation asked the ASCOBANS Secretariat to explore options for reducing the budget increase to this level and to present these options to the Parties as soon as possible prior to the next Meeting of the Parties. As an example, the Chairman suggested reducing the budget increase by drafting a budget based on salaries at the non-dependency rate.

## **8.2 Administrative issues – Report of the Secretariat on operation of the CMS Agreements Unit**

The Executive Secretary reported that this had been a recurrent theme since integration took effect on 1 January 2001. Problems had been encountered in the process of integration in particular due to the inability of the Administrative and Fund Management Unit (AFMU) of CMS to provide adequate service, and to the installation of the IT-based UN accounting system IMIS. There had however been a considerable improvement during the last year, as IMIS had been implemented and the accounting system of CMS was now compatible with it, and the staff situation had also been improved due to the arrival of several new temporary and seconded staff members. A new finance assistant had joined the CMS Secretariat in 2002. In the course of that year the AFMU had been reinforced by an intern, Markus Losi, who was currently working for the CMS Secretariat on a consultancy contract, and by the secondment of two staff members from UNEP Nairobi. The first of these, Onesmus Thiong'o, had worked for the CMS Secretariat for several months during the summer of 2002. His successor, Ephraim Kariuki, had joined CMS in the autumn of 2002 and was currently still working there. The ASCOBANS Executive Secretary expressed his hope that the contracts of Markus Losi and Ephraim Kariuki could be extended at least until the end of 2003.

The Executive Secretary thanked the German government for offering to fund the post of a Junior Professional Officer (JPO) for the AFMU of CMS, who would work for both CMS and the Agreement Secretariats. This would further improve the situation of the Secretariat.

The Executive Secretary stressed that despite the problems experienced in the initial phase, the advantages of integration had always outweighed the disadvantages. These included synergies achieved, as demonstrated by the mutual support between Agreements Secretariats and between the Agreements Secretariats and the CMS Secretariat. As an example he cited the support provided by the AEWAS Secretariat in preparing AC10. A further case in point was the development of a joint exhibition by CMS and the other Agreements. Moreover, the status of a member of the UNEP family frequently served as a door-opener and also increased public visibility and media interest. Furthermore, the future benefits of co-location and integration would increase with the planned



relocation of the Bonn-based UN organizations to the former Parliamentary quarter (the future UN Campus) on account of further synergies to be gained from expanded common services.

The AC Chairman thanked the Secretariat for its excellent work, which had been helpful in overcoming integration-related "growing pains".

The delegate of Poland also took the opportunity to thank the ASCOBANS Secretariat for its continued support. He voiced the concern that the cost of accommodation at recent AC meeting venues had been quite considerable, and emphasized that more consideration should be given to minimizing the costs of attending meetings. The Chairman confirmed that similar concerns had been heard from other delegations, and that host countries and the Secretariat should seek to ensure that future meetings were less expensive.

### **8.3 Meetings to be attended in 2003/2004**

The list of dates of interest was considered both by a working group and in plenary. The final list is attached as Annex 6. The Executive Secretary once again requested that AC members who had attended meetings on behalf of ASCOBANS should present brief written reports to the Secretariat. The AC Chairman suggested that the Secretariat remind such representatives to please submit reports.

## **9 Any other business**

Mark Simmonds, WDCS, reported that WDCS had produced a field guide that would help to identify cetaceans more accurately. It would be published in June.

On behalf of the ECS, Peter Evans expressed the opinion that more scientific content would be beneficial to AC meetings. The Executive Secretary replied that scientific input was always welcome but that the Advisory Committee needed to strike a balance between scientific and administrative/political issues as it was tasked to provide advice on both. The available time and resources were limited. The Chairman added that this point had been raised by ECS in past meetings and had been duly taken note of. The AC had however deliberately been established as a joint advisory body on scientific and administrative/political issues that this had proved very conducive to furthering the objectives of the Agreement in the past and that the balance between both domains was essential.

## **10 Date and venue of next meeting**

Poland announced its intention to host the 11<sup>th</sup> Meeting of the Advisory Committee. A date had not yet been decided on, but late April 2004 was envisaged. The Chairman thanked Poland for its generous and very welcome offer.

## **11 Close of meeting**

The Chairman thanked Walter Zimmer for his participation in the meeting and for his presentation. He thanked the hosts for having provided an excellent venue and conference facilities. Furthermore he extended his thanks to the Secretariat for their excellent work.

Germany thanked the Chairman and Vice-Chairman for having done an outstandingly good job.

The meeting was closed at 2.45 p.m.



## List of Participants

### Parties

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### List of Documents

No.	Agenda Item	Document Title	Submitted by
Doc. 1	3	Draft Agenda	Secretariat
Doc. 2	3	Draft Annotated Agenda	Secretariat
Doc. 3	-	Provisional List of Documents	Secretariat
Doc. 4	-	Provisional List of Documents by Agenda Item	Secretariat
Doc. 5	1	Opening Statement by WWF	WWF
Doc. 6	4.1	Updated Implementation Plan for the Jastarnia Plan	Secretariat
Doc. 7	4.4	Ship Collisions with Whales	Germany
Doc. 8	4.2	Opportunistic Sightings of Harbour Porpoises ( <i>Phocoena phocoena</i> ) in the Baltic Sea	Germany
Doc. 9	5.2	Trends in Cetacean Strandings on the British Coastline 1994-1999	United Kingdom
Doc. 10	4.2	Summer distribution of harbour porpoise ( <i>Phocoena phocoena</i> ) in the German North and Baltic Sea	Germany
Doc. 11	5.3.2.2	Future scope and direction of ASCOBANS PR work	Secretariat
Doc. 12	7.3	Draft Resolution 1: Headquarters Agreement	Secretariat
Doc. 13	7.3	Draft Resolution 2: Educational and Promotional Activities	Secretariat
Doc. 14	7.3	Investigating the habitat use of harbour porpoises in German waters using porpoise detectors (PoDS)	Germany
Doc. 15	4.5	Improved Information on Seismic Activities	Germany
Doc. 16 Restricted	7.3	Draft Resolution No. 3: Financial and Budgetary Matters	Secretariat
Doc. 17	7.3	Draft Resolution No. 4: Extension of the ASCOBANS Agreement Area	United Kingdom
Doc. 18	9	Analysis of responses to post-meeting questionnaire 2002	Secretariat
Doc. 19	4.3.4	Cetaceans bycatch in pelagic trawl fisheries in the Celtic Sea, Biscay, Channel area - a case for emergency action	WDSCS
Doc. 20	7.3	Draft Resolution No. 5: Disturbance	Secretariat
Doc. 21	7.3	Draft Resolution No. 6: Incidental take of small cetaceans	Secretariat
Doc. 22	7.3	Draft Resolution No. 7: Monitoring, status and population studies	Secretariat

Doc. 23	4.1	ASCOBANS Fact Sheet No. 1	Secretariat
Doc. 24	4.3	Recommendation 7.2 "Implementation of Resolution 6.2 on By-catch" adopted by the Conference of the Parties to CMS at its Seventh Meeting in Bonn, 2002	Secretariat
Doc. 25	4.3	Relevant Decisions of the Ministerial Declaration of the 9 <sup>th</sup> Trilateral Governmental Conference on the Protection of the Wadden Sea, Esbjerg, 2001	CWSS
Doc. 26	7.3	Draft Resolution No. 8: Further Implementation of ASCOBANS	Secretariat
Doc. 27	7.3	Draft Resolution No. 9: Activities of the ASCOBANS Advisory Committee 2004-2006	Secretariat
Doc. 28	4.3	UK Small Cetacean Bycatch Response Strategy	United Kingdom
Doc. 29	8.3	Dates of interest to ASCOBANS in 2003/2004	Secretariat
Doc. 30	4.5	Progress report from the UK by the Joint Nature Conservation Committee (JNCC) on the implementation of Resolution 4 to develop a monitoring system that will enable adaptive management of seismic survey activities	United Kingdom
Doc. 31	2	Rule of Procedure for the ASCOBANS Advisory Committee as adopted at the 9 <sup>th</sup> ASCOBANS Advisory Committee Meeting, 10-12 June 2002, Hindås. Sweden	Secretariat
Doc 32	4.1	The relative abundance of harbour porpoises ( <i>Phocoena phocoena</i> ) from acoustic and visual surveys in German, Danish, Swedish and Polish waters during 2001 and 2002	IFAW
Doc. 33	5.1.1	High-speed ferries: Secretariat's update	Secretariat
Doc. 33a	5.1.1	High-speed ferries operating in Polish waters in 2002	Secretariat
Doc. 34 Restricted	8.1	Financial Statements and Status of Contributions 2001	Secretariat
Doc. 35 Restricted	8.1.1	Draft Financial Statement for Budget Year 2002	Secretariat
Doc. 36	4.3	Fisheries Statistics - Data submitted by Parties and Range States	Secretariat
Doc. 36a	4.3	Polish total landings 2000-2002	Poland
Doc. 37	5.2	Information submitted by Parties and Range States in response to post-mortem research questionnaire	Secretariat
Doc. 38	4.5	Information submitted by Parties on seismic activities	Secretariat
Doc. 39	4.3.2	Bycatch as a potential threat to harbour porpoises ( <i>Phocoena phocoena</i> L) in Polish Baltic waters	Poland

Doc. 40	5.3.1	Report for the 10 <sup>th</sup> Meeting of the ASCOBANS Advisory Committee on Poland's Activities in the Field of Publicising the Problems of the Status and the Protection of Small Cetaceans in the Baltic	Poland
Doc. 41	5.3.2	New ASCOBANS Logo	Secretariat
Doc. 42	4.2	Review of 20 years of occasional cetaceans sightings off the French Channel coast	France
Doc. 43	4.3	French observer programmes in the ASCOBANS Area (1994-1996)	France
Doc. 44	5.1.2	Walter M.X. Zimmer: Sonar systems and stranding of beaked whales	Secretariat
Doc. 45	5.2	Recording of cetaceans strandings in Brittany in 2001	France
Doc. 46	4.2	Small cetacean abundance in the North Sea and adjacent waters: Further progress with SCANS II	United Kingdom
Doc. 47	4.3.2	The range of acoustic pingers in the Baltic and the North Sea	Sweden



## Agenda

1. Introduction
2. Adoption of Rules of Procedure
3. Adoption of the Agenda
4. Implementation of the ASCOBANS Triennial Workplan (2002/2003)
  - 4.1. ASCOBANS Baltic Recovery Plan ("Jastarnia Plan") - Implementation
  - 4.2. Abundance survey planning (SCANS II), update
  - 4.3. Bycatch issues
    - 4.3.1 Results of the intersessional Working Group
    - 4.3.2 Report on bycatch in the Baltic
    - 4.3.3 Projected report on bycatch in the Agreement area
    - 4.3.4 ASCOBANS contribution to CFP reform
    - 4.3.5 ASCOBANS contribution to ICES activities (incl. OSPAR/EC)
  - 4.4. Disturbance to cetaceans by shipping
  - 4.5. Report on seismic disturbance and recommendations
5. Ongoing Issues
  - 5.1. Pollution, noise pollution, disturbance (except seismic disturbance, cf. 4.4)
    - 5.1.1. High speed ferries
    - 5.1.2. Military
    - 5.1.3. Report by the Pollutants Working Group
  - 5.2. Post-mortem and stranding schemes
  - 5.3. Publicity/PR Issues
    - 5.3.1. Parties/Range States
    - 5.3.2. Secretariat
      - 5.3.2.1. Report on PR activities in 2002/2003
      - 5.3.2.2. Secretariat paper on direction and scope of future PR work
  - 5.4. National legislation/protected areas
  - 5.5. Accessions of Range States; extension of Agreement area
  - 5.6. Cooperation with ACCOBAMS
6. Other Issues
  - 6.1. North Sea cooperation
    - a) Projected recovery plan for harbour porpoises (update)
    - b) ASCOBANS participation in CONSSO
7. 4<sup>th</sup> Meeting of Parties
  - 7.1. Preparations for MOP4
  - 7.2. Draft Triennial Workplan 2004-2006
  - 7.3. Draft resolutions for MOP4 (if available)

8. Business Session
  - 8.1. Budgetary issues
    - 8.1.1. Report on Budget for 2002
    - 8.1.2. Outline of budget for 2003
    - 8.1.3. Outline of budget for 2004-2006
  - 8.2. Administrative issues
    - Report of the Secretariat on operation of the CMS Agreements Unit
  - 8.3. Meetings to be attended in 2003/2004
9. Any other business
10. Date and venue of next meeting
11. Agreement on draft report
12. Close of meeting

## Report of the Bycatch Working Group

### Working Group III (Bycatch Working Group)

The Working Group agreed that its aims were as follows:

- a) Draft terms of reference for Advisory Committee's report on bycatch;
- b) Discussion of a draft resolution 6 on the incidental take of small cetaceans; and
- c) Discussion of a draft resolution on monitoring, status and population studies.

#### **a) Draft terms of reference for the report on bycatch**

The draft terms of reference elaborated by the AC Chair were discussed. The working group agreed that progress achieved by the Parties since the last Meeting of the Parties should be identified in the terms of reference. This was to be added as a new section.

The group noted that the Advisory Committee had been charged to carry out the task of producing a report by the last Meeting of the Parties. It was considered whether the work should be prioritized now or whether it was preferable to wait and see how discussions progressed in the European Commission. The working group decided that there was a considerable amount of information on bycatch available and that it would be a useful exercise to summarize this information for the upcoming Meeting of the Parties. The previous report presented in 1997 had been very valuable. The ASCOBANS Secretariat was the appropriate body to produce this summary although concern was expressed at its already heavy workload. It was noted that this was an opportunity for ASCOBANS to influence the process in the European Commission. A summary of the information available would serve to inform the European Commission of the activities of the Parties and ASCOBANS on this issue.

For the purposes of clarity, it was decided to separate the fifth point in the draft Terms of Reference from the preceding four points.

The group noted that Baltic assessments were crucial because there were gaps in current knowledge.

The terms of reference for the report on bycatch are given below.

#### **b) Discussion of draft Resolution 6 on the incidental take of small cetaceans**

The representative of Denmark made a general point relating to resolutions. The draft resolution repeated several of the points that had been contained in resolutions of previous Meetings of the Parties. It was suggested that there was a need to clarify provisions. This could be achieved by subsequent resolutions repealing earlier ones. WDCS warned that care should be taken not to discard points of continued relevance in earlier resolutions. There was general acknowledgement that the content of old resolutions should not be repeated but there was a need to clarify current activities.

John Clorley, Chair of the Working Group, noted that there was a need to focus on what the group wanted to achieve by the resolution.

Germany stated that there was a need to refer to the Bergen Declaration.

The UK noted that to ensure new ground was being covered the resolution should refer to the drawing up or implementation of recovery plan. The Chairman of the working group noted that actions could be illustrated at the Meeting of the Parties, and there was a need to be concise.

The WDCS stated that the Celtic Sea should be included. The Chairman of the working group responded that this depended on whether the Agreement area was extended, but WDCS noted that the resolution referred to adjacent waters which would cover this area.

Concerning the Jastarnia plan, Denmark asked to remove the word “endorses”, and preferred “recommends”. The group noted that at the 9<sup>th</sup> Advisory Committee it had been decided that the Jastarnia Plan would be adopted by the Meeting of the Parties. The Chairman of the working group noted that it was for the Meeting of the Parties to adopt the Jastarnia Plan. Sweden noted that it did not want the Baltic Recovery Plan implemented by the Meeting of the Parties because it would then take the form of an independent international obligation. WWF noted that the implementation of certain parts of the Plan required formal approval by the Parties.

### **Terms of reference for ASCOBANS report on bycatch**

A report should be drafted for review by ASCOBANS by 30 June 2003.

Based on the ICES ACE 2002 report, the EC SGFEN report to STECF and any materials supplied by Parties to ASCOBANS or others, the report should

- a) review progress on bycatch mitigation measures undertaken by Parties and Range States since 1997;
- b) identify and prioritise gaps in bycatch monitoring and fisheries data in the ASCOBANS area, and suggest how these might be filled;
- c) identify gaps in other information necessary for evaluation of whether a bycatch is above or below 1.7% (e.g. population structure and abundance), and suggest how these might be filled;.
- d) identify and prioritise cases for bycatch mitigation in the ASCOBANS area and adjacent waters occupied by populations of small cetaceans likely to occur in the ASCOBANS area;
- e) identify any further initiatives that ASCOBANS might take in relation to bycatch.



## Report of the Pollutants Working Group

### Recent Literature relating to Chemical Pollution

Albalat, A., Potrykus, J., Pempkowiak, J. & Porte, C. 2002. Assessment of organotin pollution along the Polish coast (Baltic Sea) by using mussels and fish as indicator organisms. *Chemosphere* **47**(2): 165-171.

Concentrations of organotin were recorded in mussels and fish from the Baltic Sea, including TBT and organotin metabolites (e.g. TPT). Fish had higher concentrations than mussels, consistent with trophic level and the highest concentrations were found in the fish digestive tube (369 ng/g w.w. as Sn).

Berrow, S.D., McHugh, B., Glynn, D., MCGovern, E., Parsons, K.M., Baird R.W. & Hooker, S.K. 2003. Organochlorine concentrations in resident bottlenose dolphins (*Tursiops truncatus*) in the Shannon estuary, Ireland. *Marine pollution Bulletin* **44**(11): 1296-1303.

The concentrations of a number of persistent organochlorine contaminants were determined for resident bottlenose dolphins in the Shannon estuary and compared with other studies from other regions. The authors suggested that values were below those thought to be acutely hazardous to health, but continued monitoring of water quality was recommended. Burdens were higher than in a harbour porpoise and a common dolphin in Irish waters but similar to white-sided dolphins from Killala Bay.

Short term behavioural responses to biopsy sampling were also recorded. Most animals displayed a low to moderate reaction, exhibiting a 'flinch and fast dive' in the majority of cases. One animal reacted strongly after the biopsy dart hit its dorsal fin. All dolphins re-approached the boat to within 10m after sampling. Samples were taken from known, photo identified, animals providing the opportunity to monitor the long term effects of biopsy sampling and the prospect of re-sampling the same individual.

Boon, J.P., Lewis, W.E., Tjoen, A., Choy, M.R., Allchin, C.R., Law, R.J., De Boer, J., Cato, C., Hallers-Tjabbes, T. & Zegers, B.N. 2002. Levels of Polybrominated Diphenyl Ether (PBDE) flame retardants in animals representing different trophic levels in the North Sea food web. *Environmental Science and Technology* **36**: 4025-4032.

Levels of six PBDE congeners (BDEs 28, 47, 99, 100, 153 and 154) were determined for the whelk (*Buccinum undatum*), seastar (*Asterias rubens*), hermit crab (*Pagurus bernhardus*), whiting (*Merlangius merlangus*), cod (*Gadus morhua*), harbour seal (*Phoca vitulina*) and harbour porpoise (*Phocoena phocoena*). There was an order of magnitude increase in levels of all congeners between gadoid fish and marine mammals. The Octa-BDE formulation was not present due to the total absence of congener BDE183 in the samples. BDE209 was present in very low concentrations, indicating a low bioaccumulation potential. Whereas congeners BDE47 and BDE99 were present in high concentrations, illustrating high bioaccumulation despite their molecular size. Distribution of PDBEs in invertebrates followed seasonal water currents in the North Sea and the highest levels were found on the east coast of the UK. Levels are lower in the eastern North Sea but increase towards the Baltic. The Tees estuary is identified as a major source of PBDEs, suggesting industrial sources are significant.

Das, K., Jacob, V. & Bouquegneau, J.M. 2002. White-sided dolphin metallothioneins: purification, characterisation and potential role. *Comparative Biochemistry and Physiology, Part C* **131**: 245-251.

Two protein isoforms of metallothioneins (MTs) were isolated for a white-sided dolphin stranded off the Belgian coast. The study further highlights the role of proteins like MTs in marine mammal ecotoxicology. MTs are thought to play a minor role in Hg regulation.

Kannan, K., Corsolini, S., Falandysz, J., Oehme, G., Focardi, S. & Giesy, J.P. 2002. Perfluorooctanesulfonate and related hydrocarbons in marine mammals, fishes and birds from the coasts of the Baltic and the Mediterranean Seas. *Environmental Science and Technology* **36**: 3210-3216.

Investigation of Perfluorooctanesulfonate (PFOS;  $C_8F_{17}SO_3^-$ ), perfluorooctanesulfonamide (FOSA;  $C_8F_{17}SO_2NH_2$ ), perfluorohexanesulfonate (PFHxS;  $C_6F_{13}SO_3^-$ ) and perfluorooctanoate (PFOA;  $C_7F_{15}CO_2^-$ ). These fluorinated contaminants are used as surfactants and repellents and have been commercially produced for over 40 years. Concentrations of these contaminants in twelve vertebrate top predators from the Mediterranean and Baltic Seas were determined. These included the ringed seal (*Phoca hispida*), grey seal (*Halichoerus grypus*), white-tailed sea eagle (*Haliaeetus albicilla*) and Atlantic salmon (*Salmo salar*) from the Baltic. Ringed seals have higher concentrations of PFOS than grey seals, none were found in salmon and concentrations of PFOS in the white-tailed sea eagle may have increased in the 1990s, compared to the 1970s and 1980s. PFOS concentration in ringed seals was not correlated with age. Overall, the study illustrates that PFOS has a widespread distribution throughout both the Mediterranean and the Baltic, whereas FOSA, PFHxS and PFOA are not found in the Baltic.

Law, R.J.; Allchin, C.R.; Bennett, M.E.; Morris, S. & Rogan, E. 2002. Polychlorinated diphenyl ethers in two species of marine top predators from England and Wales. *Chemosphere* **46**: 673-681.

This paper documents results of toxicological analysis of 47 cormorants and 60 harbour porpoises, building on an earlier study of marine sediments and fish. It discusses the results in context of the growing use of PBDEs globally, especially in flame retardants, and their status as a ubiquitous environmental contaminant. Concentrations varied from not detected to  $6900 \mu\text{g.kg}^{-1}$  in harbour porpoise blubber. There is 'widespread distribution of tri- and hepta- BDEs, accumulating via marine food webs in coastal species and those feeding remotely from sources on land'.

Matthiessen, P. & Law, R.J. 2002. Contaminants and their effects on estuarine and coastal organisms in the UK in the late 20<sup>th</sup> century. *Environmental Pollution* **120**: 739-757.

This paper reviews contaminant effects in UK estuarine, coastal and offshore waters and documents trends in contaminant levels, bioassays and biological effects in both marine benthic communities and water-column organisms. Cetaceans are not specifically addressed. Some evidence of cause effect relationships are detailed, again, mainly for marine benthic bioassays. From a wide range of sources a rough ranking of biological impact from contaminants in UK estuaries is presented and discussed. Based on responses to various biological indicators it was as follows: Mersey > Tyne = Humber > Thames > Forth > Wear > Clyde > Southampton Water > Crouch > Tamer > Welsh Dee.

Tittlemier, S., Borrell, A., Duffe, J., Duignan, P.J., Fair, P., Hall, A., Hoekstra, P., Kovacs, K. M., Krahn, M.M., Lebeuf, M., Lydersen, C., Muir, D., O'Hara, T., Olsson, M., Pranschke, J., Ross, P., Siebert, U., Stern, G., Tanabe, S. & Norstrom, R. 2002. Global Distribution of Halogenated Dimethyl Bipyroles in Marine Mammal Blubber. *Archives of Environmental Contamination and Toxicology* **43**(2): 244-255.

Halogenated dimethyl bipyroles (HDBPs) were isolated and quantified from marine mammals from 27 locations around the world. The comparison used a variety of different species. Animals from Sweden, Scotland and the Wadden Sea had the lowest concentrations of  $\Sigma\text{HDBP}$  but not the PCB congener CB153. HDBP distribution differed from CB153 in that the highest concentrations were centred in the north Pacific. HDBPs are little known and thought to be persistent, bioaccumulative and of biogenic origin. The study serves as an example of the global distribution of a persistent organohalogen compound in marine mammals.

UNEP 2002. Global Mercury Assessment. *UNEP Chemicals*, Geneva, Switzerland.

A source of recent information on chemistry, toxicology, human exposure, impacts on the environment, sources and cycling, production and uses, prevention of release, control measures, information gaps and future issues of all mercury compounds, globally. It does not focus on cetaceans but documents effects on other species and impacts to all ecosystems. It points out the potential of newly flooded areas in the mobilisation of mercury though increased methylation and stresses that aquatic food chains tend to have higher Hg levels. Accordingly, whales are shown to

have the largest range in Hg levels in muscle, liver and kidney tissue. Levels in beluga whales in the Arctic have increased four fold in 25 years. Threshold levels are also discussed.

Szefer, P., Zdrojewska, I., Jensen, J., Lockyer, C., Skora, K., Kuklik, I. & Malinga, M. 2002. Intercomparison studies on distribution and coassociations of heavy metals in liver, kidney, and muscle of harbour porpoise, *Phocoena phocoena*, from southern Baltic sea and coastal waters of Denmark and Greenland. *Archives of Environmental Contaminants and Toxicology* **42**: 508-522.

Cadmium (Cd) concentrations were higher for harbour porpoises from the coastal waters of Greenland than animals stranded in the Baltic Sea and Danish coastal waters. Whereas copper levels did not vary substantially between areas. Cd levels were correlated with approximated age and to the feeding habits of porpoises in Greenland and the Baltic and North Sea. The diet of porpoises from Greenland has relatively more cephalopods and baseline levels for these prey items are higher in Greenland than the Baltic. Cd levels from the Baltic were comparable to previous records for that area.

Hobbs, K.E., Muir, D.C.G., Born, E.W., Dietz, R., Haug, T., Metcalfe, T., Metcalfe, C. & Øien, N. 2002. Levels and patterns of persistent organochlorines in minke whale (*Balaenoptera acutorostrata*) stocks from the North Atlantic and European Arctic. *Environmental Pollution* **121**: 239-252.

The report documents organochlorine pesticide concentrations in the blubber of minke whales in seven regions in the North Atlantic. The concentrations of PCBs, DDTs and CHLs were found to increase from west to east but HCH concentrations showed the opposite trend. Differences in PCB, DDT and CHL concentrations and a comparison of principle pesticide components were used to assess the IWC defined stock boundaries. Results indicate that minke whales from west and south-east Greenland possibly represent a single group that is distinct from the rest of the North Atlantic. The other whales, from Jan Mayen, Svalbard, Vestfjorden/Lofoten, the North Sea and the Barents Sea, feed in multiple areas in the north eastern Atlantic. There is likely to be mixing between whales from the Barents Sea and Svalbard and between whales from the North Sea and Vestfjorden/Lofoten. Evidence suggests that there may be a degree of separation between these two areas.

Vos, J.G., Bossart, G.D., Fournier, M. & O'Shea (eds). 2003 Toxicology of Marine Mammals. Publisher: Taylor and Francis, London.

This important new book contains a series of chapters contributed by experts and covers:

- The implications of contaminants for marine mammal health
- An overview of contamination of marine mammals and their environment
- Cetaceans and Pinnipeds and
- Perspectives for the future.

### **Relating to Noise Pollution and Disturbance**

Andrew, R.K., Howe, B.M. & Mercer, J.A. 2002a. Ocean ambient sound: comparing the 1960s with the 1990s for a receiver off the Californian coast. *Acoustics Research Letters Online* **3**(2): 65-70.

An increase in ambient noise, over 33 years, of approx. 10dB over the 20 to 80Hz and up to approx. 9dB from 100 to >400Hz frequency ranges is reported. Lower frequency increases are primarily due to increases in shipping. Noise increases due to increased whale stocks accounts for a minor part of lower frequency increases. More data are needed to investigate higher frequency increases (beyond 100Hz) because wind speed increases are insufficient to explain the effect. Receiver is from the Pacific Ocean but has implications for oceans globally.

Dolman, S.J., Parsons, E.C.M. & Simmonds, M.P. 2002. Noise sources in the cetacean environment. Report to the Scientific Committee of the International Whaling Commission, *SC/54/E7*.

This paper considers the potential for noise pollution, from a variety of sources, to disturb and harm cetaceans, and mitigation measures and technologies. It also documents examples of cetacean interactions with and disturbance by boat traffic, including examples from within the ASCOBANS area.

Erbe, C. 2002. Underwater noise of whale watching boats and potential effects on killer whales (*Orcinus orca*) based on an acoustic impact model. *Marine Mammal Science* **18**(2): 394-418.

A model was used to predict the effects of noise generated by boats on killer whales. It predicted there to be greater effects the closer the vessels were to the whales. For boats travelling >10knots, the distances from source for sound to be (i) audible, (ii) have a masking effect and (iii) to induce a behavioural response were 16km, 14km, 200 metres, respectively. The exposure time required to cause a 5dB temporary threshold shift was 30-35 minutes, within 450 metres. These effects were reduced for boat travelling at lower speeds. It was thought that exposure for prolonged periods has the potential for permanent hearing loss. Thus, high speed boats and circling boats are of particular concern.

Gordon, J. & Northridge, S. 2002. Potential impacts of Acoustic Deterrent Devices (ADDs) on Scottish marine wildlife. *Scottish Natural Heritage Commissioned Report F01AA404*.

This report reviews information on acoustic deterrent devices (ADDs). Acoustic characteristics of ADDs, sensitive species, impacts and recommendations are discussed. The use of ADDs is widespread and increasing in Scotland. Because few studies of effects have been carried out, concern is raised over current devices and the introduction of even more powerful devices. Exposure to levels produced by current devices may cause tissue damage 'at close range for prolonged periods'. It was also reported that: 'small cetaceans, in particular, have the most acute underwater hearing at the frequencies at which ADDs operate and are thought to be the most vulnerable group'.

The authors recommend that the acoustic characteristics of an ADD need to be fully determined by an independent party before they are considered for use. Their use should be licensed, with a requirement for recording the patterns of use. A more integrated predation management strategy should be developed considering other anti-predator strategies. The use of triggered-ADDs is suggested. Research should investigate potential for hearing damage, define clear criteria for ADD performance and collect information on both target and non-target animals.

Hastie, G.D., Wilson, B., Tufft, L.H. & Thompson, P.M. 2003. Bottlenose dolphins increase breathing synchrony in response to boat traffic. *Marine Mammal Science* **19**(1): 74-84.

A quantifiable method to assess swimming in synchrony as a behavioural reaction is detailed. A positive correlation with boat traffic was recorded. The possible explanations are discussed in terms of anti-predator response, effects on prey and acoustic communication. The authors speculate that the impacts of cumulative short-term responses to boat traffic in the Moray Firth, a busy stretch of sea, may result in a significant impact for the bottlenose dolphins there.

National Research Council 2003. Ocean Noise and Marine Mammals. *Report from the Committee on Potential Impacts of Ambient Noise in the Ocean on Marine Mammals*. The National Academies Press, Washington, D.C.

A review of the impacts of noise on marine mammals that details extensive recommendations and priorities for further work. It states that concern over the impact of anthropogenic sounds on marine mammals is justified. The report outlines the sources, trends, effects on marine mammals and the current modelling efforts being employed. It emphasises questions surrounding the sound budget, long-term trends, model validity and the effects of both transient and long-term noise exposure. Work on sensitive marine mammal habitats and species, detailing sound characteristics and finding population effects and causal mechanisms are of particular importance. Furthermore, independent funding is important for a broad approach, promoting objective research.

National Oceanic and Atmospheric Administration. 2002. Report of the Workshop on Acoustic Resonance as a source of Tissue Trauma in Cetaceans. April 2002. Silver Spring, MD, USA.

Mass, multi species strandings of beaked whales correlate highly with naval sonar activities. This report focuses on 1) acoustic resonance and 2) acoustically mediated bubble growth/activation as causal mechanisms for tissue trauma in the stranded animals. Investigation, by the panel of experts, was carried out with due consideration to the multiple interrelated factors that may influence a stranding event. Generally, the resonance frequencies of the sound source and the target tissues involved were thought to be miss-matched. Then, it was unlikely that acoustic resonance in air containing tissues was the primary cause of trauma but may have been involved secondarily. More experimental data on resonance within cetacean tissues is called for. Theoretically, acoustically mediated bubble growth/activation is plausible but the sound exposures to whales in the Bahamas may have been too short. A panel of forensic pathologists is due to meet in Spring 2003, which may elucidate some of the parallels that can be drawn between the injuries common in decompression sickness and the beaked whales. The mechanism requires further investigation mainly because of fundamentally missing empirical data on bubble behaviour during diving in cetaceans, particularly in supersaturated tissues. The workshop produced a number of questions to which further work should focus on.

Roussel, E. 2002. Disturbance to Mediterranean Cetaceans caused by Noise. In: G. Notarbartolo di Sciarra (Ed.), *Cetaceans of the Mediterranean and Black Seas: state of knowledge and conservation strategies*. A report to the ACCOBAMS Secretariat, Monaco, February 2002. Section 13, 18 pages.

Gerstein, E. R., Blue, J. E. and Forsythe, S. E. 2002. Ship strikes and whales: Shadows, mirrors and paradoxes. *Journal of the Acoustical Society America* **112** (5): 2430.

The authors hypothesise that acoustic shadows in front of ship may increase the chances of ship strikes. Animals that escape noise to quieter areas are predicted to move towards the relatively quieter area at the bow of the boat, into the so-called acoustic shadow. Empirical measurements support the existence of this shadow but no evidence is presented for cetacean responses.

Madsen, P.T., Mohl, B., Nielson, B.K. & Wahlberg, M. 2002. Male sperm whale behaviours during exposures to distant seismic survey pulses. *Aquatic Mammals* 28(3): 231-240.

Sound levels received by sperm whales from seismic survey operations 20 km away were well within their audible hearing range. These sounds were not expected to interfere strongly with sperm whales because they are of a slightly lower frequency to that utilised routinely by the whales. In fact, click traces showed no change to normal vocal patterns during seismic sounding. As such, no observable avoidance was detected

### **Relating to Wind Farms**

Gill, A.B. & Taylor, H. 2001. The potential effects of electromagnetic fields generated by cabling between offshore wind turbines upon elasmobranch fishes. CCW Science Report No. 488.

The report focuses on the effects that electric fields, produced from undersea cables running from wind farms, may have elasmobranchs. The study reviews electroreception in elasmobranchs, the status of elasmobranchs in the UK and the potential impacts of wind farms to elasmobranchs. A laboratory study demonstrated a certain level avoidance, by the dogfish (*Scyliorhinus canicula*), of the maximum predicted electric field (1000 $\mu$ Vcm<sup>-1</sup>) generated from 3-core undersea 150kV, 600A cables.

Henriksen, O.D., Teilmann, J., Dietz, R. & Miller, L. 2001 Does underwater noise from offshore wind farms potentially affect seals and harbour porpoises? Poster presented to the 14<sup>th</sup> biennial conference on the biology of marine mammals, Vancouver, Canada.

The authors compared sound levels from 3 different types of wind turbine with the audiograms of the harbour porpoise, grey seal and harbour seal. The turbines studied were the Bonus 450kW and 2MW turbines, both on concrete foundations, and an NEG Micon 550kW turbine with a steel monopile foundation. Recordings, at source, were made of low frequencies in the range 12 – 500Hz for

1/3octave bands. Noise from each turbine was above ambient across all the frequencies recorded. Information on hearing thresholds is pooled from a variety of sources to best predict the expected audiograms for the seals and harbour porpoise. The authors chose the largest differences between noise level and threshold level for harbour porpoises and seals at any frequency and from any turbine. For the harbour porpoise, the noise level at 315Hz, from the 450kW Bonus turbine, was 17dB above the expected hearing threshold. For seals (both grey and harbour seals) the noise level at 125Hz, from the 2MW Bonus turbine, was 30dB above the expected hearing threshold. Then, based on their assumptions the maximum detection distances for these animals from these turbines at those frequencies are 50m for porpoises and 1km for seals. Noise from different wind turbines will be audible at different distances over different frequencies and is dependent on local conditions and ambient noise. The authors did not explore a comparison between different wind turbines or different frequencies.

Hoffman, E., Astrup, J., Larsen, F., Munch-Petersen, S. & Strøttrup, J. 2000. Effects of marine windfarms on the distribution of fish, shellfish and marine mammals in the Horns Rev area. Report to ELSAMPROJEKT A/S, Danish Institute for Fisheries Research.

The impacts of proposed wind turbines, in the Horns Rev area, on marine wildlife were addressed in terms of their physical presence, artificial reef effects, noise and magnetic fields. Meeting their primary aim, data from fisheries trawls in the region since 1989 are provided to give a baseline quantitative description of fish size, abundance and distribution for the area. These data are characterised by high temporal variability in abundance and distribution, typifying fisheries' data. Fish are expected to disappear from the area in the short term, during construction, and return 'rather quickly'. The effects on fish and shellfish species can be interpreted as impacts on prey species for cetaceans. No new information presented for the direct effects of windmills on cetaceans, however, their potential impacts are discussed using the available literature.

Short-term impacts during the construction and de-commissioning phases of wind farm projects very are likely to disturb marine life. The harbour porpoise and common seal, for example, are expected to be temporarily displaced over a wide area during these phases. Then displaced more permanently, over a smaller area, during the operational phase. The authors suggest that unless this area is a critical habitat, then the overall effect is expected to be insignificant. Magnetic fields from cables are judged, from the work cited, to be unlikely to effect cetaceans in the area.

Vella, G., Rushforth, I., Mason, E., Hough, A., England, R., Styles, P., Holt, T. & Thorne, P. 2001. Assessment of the effects of noise and vibration from offshore wind farms on marine wildlife. Report to ETSU (Department of Trade and Industry), W/13/00566/00/REP.

This report is a review of studies and information on the effects of noise and vibration from offshore wind farms on marine invertebrates, fish and marine mammals. Behavioural and physiological effects of noise pollution are considered. Odontocetes are noted as vulnerable species because of their abundance in wind farm development areas. However, noise levels from operational wind farms are generally broad band low frequency sounds. Odontocetes, with hearing ranging from 1kHz to over 100kHz, do not appear to be sensitive to these low frequency sounds. Only data for operational wind turbines at Svante, Sweden were available when the report was drafted and recorded noise levels peaked at 120dBre.1µPa (-1m) at 16Hz.

Construction, requiring pile driving, will produce intense noise in the short term and so has been considered to be of less significance than possible long term effects during the operational phase. Sound levels from pile driving have been measured at 131-135dBre.1µPa 1km from source with frequency peaks at 30-40Hz and at 100Hz.

WWF & TWT 2001 (World Wide Fund for Nature and The Wildlife Trusts Briefing). Marine update 49.

The organisations express general support for wind farm developments in view of meeting the UK's 10% renewables target by 2010 but want mechanisms in place to ensure there are no adverse impacts to the marine environment. They list the proposed sites for development in the UK and discuss the consents process and strategic environmental impact assessment in the UK. Impacts are discussed as 1) disturbance to the seabed, 2) interaction with birds and 3) vibration and sonic disturbance. Danish research pointed to some positive effects: increased fishing yields, colonisation of hard substrate and increased local diversity of flora and fauna but previous work has not shown

these aspects to be significant for dumped installations. Little is known about the characteristics of sound produced from wind turbines, cetaceans likely to be most sensitive because of their integral use of sound. They believe that impacts will be more significant during the operational phase because they will be long lasting.

Ødegaard & Danneskiold – Samsøe A/S 2000a. Underwater noise measurements, analysis and predictions. Rødsand Offshore Wind farm EIA Technical Background Report: Underwater Noise, Dec 2000. Report no. 00.792 rev.1.

The aim of this report was to predict the noise expected to be emitted from a proposed 2MW wind turbine at sea. Field measurements were made from a 550kW Wind World turbine ('monopile' foundation) at Gotland, Sweden, a 450kW Bonos turbine (concrete foundation) at Vindeby, Denmark. Underwater noise from the turbines was compared to ambient noise over a wide range of frequencies (1Hz – 100kHz). The authors investigated and compared the different noise levels emitted from turbines with different foundations. Noise and vibration measurements from a 2MW land based turbine were used to predict the differences in noise levels from wind turbines of different power classes. These results were used to predict that the noise from a turbine is likely to be audible to porpoises only within a few metres and to seals up to 20m from its foundations. The following conclusions were drawn:

- 1) Underwater noise emitted from turbines of both foundation types is higher than ambient noise below approximately 1 kHz and is not higher than ambient above 1kHz.
- 2) Turbines with concrete foundations emit higher noise levels below 50Hz and lower levels between 50Hz and 500Hz than those with 'monopile' foundations.
- 3) Noise levels from 2MW turbines are predicted to be higher than turbines of the 500kW class at frequencies below 100Hz and lower at frequencies above 100Hz.

Ødegaard & Danneskiold – Samsøe A/S 2000b. Offshore pile-driving underwater and above-water noise measurements and analysis. Report no. 00.887.

Sounds of pile-driving impacts were recorded during 'monopile' pile-driving activity at Öland (Bergkvara), Sweden. Recordings were made simultaneously at 30m, 302m, 490m and 730m from the piling activity and ambient sound levels were recorded for comparison. Measurements were in the frequency range of 1Hz to 20kHz. Sound levels of pile driving impacts did not exceed ambient below 4Hz but exceeded ambient levels over all other frequencies, with peaks in the 250Hz to 400Hz range at each distance. Peak values in this range were 184dB, 166dB, 164dB and 156dB (re.1µPa) at 30m, 302m, 490m and 730m respectively. At 30m from the pile-driving a second peak occurred at approximately 157dB in the range of 6Hz-16Hz. The report does not address the extent to which sound levels exceeded ambient. They work out to be 80dB, 62dB, 60dB and 52dB above background levels (104dB re.1µPa) at 30m, 302m, 490m and 730m respectively. Sound levels decrease with distance but do not expressly follow cylindrical or hemispherical spreading models and propagation was not consistent across the frequency range tested. Results were merely stated in this report and no attempt was made to analyse or discuss them or to relate them to any potential effects on cetaceans. The authors noted, however, that the propagation characteristics are unique to the local area and consideration must be given to local conditions, such as depth and seabed characteristics, when comparing to other locations. The overall average underwater sound exposure levels for an impact were calculated as 188dB, 173dB, 171dB and 166dB (re.1µPa) at 30m, 302m, 490m and 730m respectively. Using information on the rate of pile driving, the equivalent continuous sound levels ( $L_{eq}$ ) for a given time period could be calculated.





## Meetings to be Attended in 2003/2004

Date	Organiser	Title	Venue	Participation
6 – 9 May 2003	HELCOM	HELCOM/HABITAT	Vassa, Finland	Penina Blankett
26 May – 6 June 2003	IWC	Scientific Committee	Berlin, Germany	AC Vice-Chair
16 – 19 June 2003	IWC	55 <sup>th</sup> Annual Meeting	Berlin, Germany	AC Vice-Chair
June* 2003	EU/EEA	2 <sup>nd</sup> Meeting on Biodiversity Indicators	Denmark	
25 – 26 June* 2003	OSPAR/HELCOM	Ministerial Meetings	Bremen	
17 – 18 July 2003	UNEP/CMS	26 <sup>th</sup> Standing Committee	Bonn, Germany	Executive Secretary
18 – 22 August 2003	UNEP/ASCOBANS	4 <sup>th</sup> Meeting of the Parties	Esbjerg, Denmark	
23 – 25 September 2003	CONSSO	Issue Group on Sustainable Shipping	Netherlands	AC Vice-Chair
September* 2003*	IBSFC			
22 September – 1 October 2003	ICES	Annual Science Meeting	Tallinn	AC Chair
22 October 2003	CONSSO		Stockholm	Christina Rappe
20 – 22 November* 2003	ACCOBAMS	Scientific Committee	Istanbul	Vice-Chair
1 – 12 December 2003	Bern Convention	Standing Committee	Strasbourg, France	Executive Secretary
January* 2004*	OSPAR	BDC	Norway*	Jan Haelters
19 - 30 March 2004	CBD	7 <sup>th</sup> Conference of the Parties	Kuala Lumpur, Malaysia	CMS delegate*
28 - 30 March 2004	ECS	18 <sup>th</sup> Annual Conference	Kolmården, Sweden	Iwona Kuklik
Autumn* 2004	ACCOBAMS	MOP 2	Spain	Executive Secretary, AC Chair

\* information to be confirmed



**4<sup>th</sup> MEETING OF THE PARTIES****Draft Resolution No. 1****Headquarters Agreement for and Juridical Personality of the Agreement Secretariat**

The Meeting of the Parties

RECALLING the Resolution on the Establishment and the Location of the ASCOBANS Secretariat adopted by the Meeting of the Parties at its Second Session (Bonn, FRG, November 1997), which provided for the establishment of a permanent Secretariat in Bonn, to be located at the UN Premises in Bonn on an interim basis pending its full integration into the CMS Agreements Unit from 1 January 2001,

RECALLING Resolution No. 1 adopted by the Meeting of the Parties at its Third Session (Bristol, UK, July 2000), accepting the offer of the United Nations Environment Programme to administer the Agreement Secretariat within the Agreements Unit to be established from January 2001 in co-location with the Secretariat of the Convention on Migratory Species (UNEP/CMS) in Bonn,

AWARE that the establishment of the Agreements Unit and the integration of the ASCOBANS Secretariat into the Agreements Unit took place on 1 January 2001,

FURTHER AWARE that for the functioning of the Agreement's Secretariat a similar legal status as granted by the Government of the Federal Republic of Germany to other United Nations bodies in the Federal Republic of Germany is desirable,

ACKNOWLEDGING the efforts made by the Government of the Federal Republic of Germany, the United Nations and the Convention Secretariat to conclude a headquarters agreement, which will provide a legal status to the Convention Secretariat,

AWARE that the headquarters agreement between the Government of the Federal Republic of Germany, the United Nations and the Convention Secretariat was concluded and signed on 18 September 2002 in Bonn,

APPRECIATING that a provision has been made in article 2, paragraph 2, of the headquarters agreement, subject to the consent of the competent bodies of Agreements concluded under article IV of the Convention, to apply the headquarters agreement *mutatis mutandis* to the secretariats of such Agreements, which have been co-located with the Convention Secretariat and are institutionally linked to the United Nations,

WELCOMES AND ENDORSES the agreement between the Government of the Federal Republic of Germany, the United Nations and the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals concerning the headquarters of the Convention Secretariat;

ENDORSES that, in accordance to article 2, paragraph 2, of the headquarters agreement, the agreement shall apply *mutatis mutandis* to the Secretariat of the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas,

EXPRESSES its sincere gratitude to the Federal Republic of Germany for the financial and other support to the Agreement Secretariat.

Agreement

between

the Government of the Federal Republic of Germany,

the United Nations

and

the Secretariat of the Convention on the Conservation of

Migratory Species of Wild Animals

concerning

the Headquarters of the Convention Secretariat

The Government of the Federal Republic of Germany  
the United Nations

and

the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals,

Whereas the United Nations Environment Programme (UNEP) provides secretariat services for the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals (CMS), in accordance with Article IX of the Convention,

Whereas the Government of the Federal Republic of Germany has a special responsibility towards the Convention and its Secretariat, in view of its role in the Convention's early development and its present function as Depositary,

Whereas paragraph 2 of Article 4 of the Agreement between the Federal Republic of Germany and the United Nations concerning the Headquarters of the United Nations Volunteers Programme concluded on 10 November 1995 provides that it "shall also apply *mutatis mutandis* to such other Offices of the United Nations as may be located in the Federal Republic of Germany with the consent of the Government",

Whereas paragraph 3 of Article 4 of the Agreement between the Federal Republic of Germany and the United Nations concerning the Headquarters of the United Nations Volunteers Programme concluded on 10 November 1995 provides that it "may also be made applicable *mutatis mutandis* to other inter-governmental entities, institutionally linked to the United Nations, by agreement among such entities, the Government and the United Nations",

Whereas paragraph 2 of Article 4 of the Agreement between the Government of the Federal Republic of Germany and the United Nations concerning the Occupancy and Use of the United Nations Premises in Bonn concluded on 13 February 1996 *inter alia* provides that "the United Nations shall make available appropriate space in the Premises ..., subject to the availability of space, to other inter-governmental entities institutionally linked to the United Nations", and

Desiring to conclude an Agreement regulating matters arising from the applicability *mutatis mutandis* of the Agreement concluded on 10 November 1995 between the Federal Republic of Germany and the United Nations concerning the Headquarters of the United Nations Volunteers Programme to the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals,

Have agreed as follows:

#### Article 1 Definitions

For the purpose of the present Agreement, the following definitions shall apply:

- (a) “the UNV Headquarters Agreement” means the Agreement between the Federal Republic of Germany and the United Nations concerning the Headquarters of the United Nations Volunteers Programme concluded on 10 November 1995, and the Exchange of Notes of the same date between the Administrator of the United Nations Development Programme and the Permanent Representative of Germany to the United Nations concerning the interpretation of certain provisions of the Agreement. The Agreement and Exchange of Notes are appended in the Annex;
- (b) “the Convention” means the Convention on the Conservation of Migratory Species of Wild Animals, adopted in Bonn on 23 June 1979;
- (c) “the Conference of the Parties” means the Conference of the Parties to the Convention, the decision-making organ of the Convention, under Article VII thereof;
- (d) “the Convention Secretariat” means the Secretariat established under Article IX of the Convention;
- (e) “Executive Secretary” means the Head of the Convention Secretariat;
- (f) “Officials of the Convention Secretariat” means the Executive Secretary and all members of the staff of the Convention Secretariat, irrespective of nationality, with the exception of those who are recruited locally and assigned to hourly rates; and
- (g) “Headquarters” means the premises made available to, occupied and used by the Convention Secretariat in accordance with this Agreement or any other supplementary Agreement with the Government of the Federal Republic of Germany.

Article 2  
Purpose and Scope of the Agreement

- (1) This Agreement shall regulate matters relating to or arising out of the applicability *mutatis mutandis* of the UNV Headquarters Agreement to the Convention Secretariat.
- (2) Subject to the consent of the competent bodies of Agreements concluded under Article IV of the Convention, this Agreement shall apply *mutatis mutandis* to Secretariats of such Agreements which have been administratively integrated within the Convention Secretariat and are institutionally linked to the United Nations by agreement among such Secretariats, the Convention Secretariat and the United Nations.

Article 3  
Application of the UNV Headquarters Agreement

- (1) The UNV Headquarters Agreement shall be applicable *mutatis mutandis* to the Convention Secretariat in accordance with the provisions of the present Agreement.
- (2) Without prejudice to the provisions in paragraph 1 above, for the purposes of the present Agreement the references to:

- (a) “the United Nations”, in Article 1 (m), in Article 4 paragraph 1, in Article 19 paragraph 2, in Article 23 and with respect to paragraph 1 (a) of Article 26 of the UNV Headquarters Agreement, shall be deemed to mean the Convention Secretariat or the Conference of the Parties; and, with respect to Article 19 paragraph 3 of the same Agreement shall be deemed to mean the United Nations and the Convention Secretariat;
  - (b) “the UNV”, in Article 5 paragraph 2 and in Articles 7, 8, 9, 10, 11, 12, 14, 17, 19, 21 and 26 of the UNV Headquarters Agreement, shall be deemed to mean the Convention Secretariat;
  - (c) “the Executive Co-ordinator”, in Articles 8, 11, 14, 19 paragraph 3, and in Articles 20, 21 and 22 of the UNV Headquarters Agreement, shall be deemed to mean the Executive Secretary;
  - (d) “the representatives of Members”, throughout the UNV Headquarters Agreement, shall be deemed to comprise the representatives of Parties and observer States to the Convention;
  - (e) “officials”, “officials of the UNV” or “officials of the Programme”, throughout the UNV Headquarters Agreement, shall be deemed to include officials of the Convention Secretariat;
  - (f) “persons”, in Articles 20 and 21 of the UNV Headquarters Agreement, shall be deemed to include all persons referred to in the present Agreement, including interns of the Convention Secretariat;
  - (g) “Party” or “Parties”, in Article 19 paragraph 3, and in Articles 24 and 26 paragraph 2 of the UNV Headquarters Agreement, shall be deemed to mean the Parties under the present Agreement; and
  - (h) “Headquarters district”, throughout the UNV Headquarters Agreement, shall be deemed to mean the Headquarters of the Convention Secretariat.
- (3) Without prejudice to the provisions in Article 21 of the UNV Headquarters Agreement, arrangements shall also be made to ensure that visas, entry permits or licences, where required for persons entering the host country on official business of the Convention, are delivered at the port of entry to the Federal Republic of Germany, to those persons who were unable to obtain them elsewhere prior to their arrival.

#### Article 4 Legal Capacity

- (1) The Convention Secretariat shall possess in the host country the legal capacity to:
  - a) contract;
  - b) acquire and dispose of movable and immovable property; and
  - c) institute legal proceedings.



- (2) For the purpose of this Article, the Convention Secretariat shall be represented by the Executive Secretary.

#### Article 5 Tenure

Without prejudice to paragraph 2 of Article 4 of the Agreement between the Government of the Federal Republic of Germany and the United Nations concerning the Occupancy and Use of the United Nations Premises in Bonn concluded on 13 February 1996, the Convention Secretariat shall be guaranteed permanent and rent-free tenure of sufficient space for it to carry out its work in a satisfactory manner, so long as its operations remain based in the Federal Republic of Germany, subject to the availability of space to other intergovernmental entities, institutionally linked to the United Nations.

#### Article 6 Immunity of Persons on Official Business of the Convention

Without prejudice to the pertinent provisions of the UNV Headquarters Agreement, all persons invited to the Headquarters on official business of the Convention shall enjoy immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity. Such immunity shall continue to be accorded after termination of their business. They shall also be accorded inviolability for all papers and documents.

Article 7  
Final Provisions

- (1) The provisions of this Agreement shall be complementary to the provisions of the UNV Headquarters Agreement. Insofar as any provision of this Agreement and any provision of the UNV Headquarters Agreement relate to the same subject matter, each of these provisions shall be applicable and neither shall narrow the effect of the other.
- (2) This Agreement may be amended by mutual consent at the request of either Party to the present Agreement.
- (3) The present Agreement shall cease to be in force twelve months after any of the Parties gives notice in writing to the others of its decision to terminate the Agreement. This Agreement shall, however, remain in force for such an additional period as might be necessary for the orderly cessation of activities of the Convention Secretariat in the Federal Republic of Germany and the disposition of their property therein, and the resolution of any dispute among the Parties to the present Agreement.
- (4) Any bilateral dispute between any two of the Parties concerning the interpretation of this Agreement or the regulations of the UNV, which cannot be settled amicably, shall be submitted, at the request of either Party to the dispute, to an arbitral tribunal composed of three members. Each Party to the dispute shall appoint one arbitrator and the two arbitrators thus appointed shall together appoint a third arbitrator as their Chairman. If one of the Parties fails to appoint its arbitrator and has not proceeded to do so within two months after an invitation from the other Party to make such an appointment, the other Party may request the President of the International Court of Justice to make the necessary appointment. If the two arbitrators are unable to reach agreement, in the two months following their appointment, on the choice of the third arbitrator, either Party may invite the President of the International Court of Justice to make the necessary appointment.
- (5) Any dispute amongst the three Parties concerning the interpretation or application of this Agreement or the regulations of the UNV, which cannot be settled amicably, shall be submitted, at the request of any Party to the dispute, to an arbitral tribunal composed of five members. Each Party shall appoint one arbitrator and the three arbitrators thus appointed shall together appoint fourth and fifth arbitrators and the first three shall jointly designate either the fourth or the fifth arbitrator as Chairman of the arbitral tribunal. If any of the Parties fails to appoint its arbitrator and has not proceeded to do so within two months after an invitation from another Party to make such an appointment, such other Party may request the President of the International Court of Justice to make the necessary appointment. If the three arbitrators are unable to reach agreement, in the two months following their appointment, on the choice of the fourth or fifth arbitrator or designation of the Chairman, any Party may invite the President of the International Court of Justice to make the necessary appointment or designation.
- (6) The Parties shall draw up a special agreement determining the subject of the dispute. Failing conclusion of such an agreement within the period of two months from the date on which arbitration was requested, the dispute may be brought before the arbitral tribunal upon the application of any Party. Unless the Parties decide otherwise, the arbitral tribunal shall determine

its own procedure. The expenses of the arbitration shall be borne by the Parties to the dispute as assessed by the arbitrators. The arbitral tribunal shall reach its decision by a majority of votes on the basis of the applicable rules of international law. In the absence of such rules, it shall decide *ex aequo et bono*. The decision shall be final and binding on all Parties to the dispute, even if rendered in default of one or two of the Parties to the dispute.

- (7) The provisions of this Agreement shall be applied provisionally, as from the date of signature, as appropriate, until its entry into force referred to in paragraph 9 below.
- (8) The headquarters agreement concluded between the Government of the Federal Republic of Germany and the United Nations Environment Programme by an exchange of letters dated 30 November and 17 December 1984, as amended by an exchange of letters dated 15 and 24 August 1989, shall expire upon entry into force of this Agreement, except paragraph 1 of the former agreement which shall remain applicable.

(9) This Agreement shall enter into force on the day following the date of receipt of the last of the notifications by which the Parties will have informed each other of the completion of their respective formal requirements.

Done in Bonn, on 18 September 2002, in triplicate, in the German and the English languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany

Julius Georg Luy, Ambassador

Jürgen Trittin, Federal Minister for the Environment, Nature Conservation and Nuclear Safety

For the United Nations

Shafqat Kakakhel, Deputy Executive Director UNEP

For the Secretariat of the Convention on the Conservation  
of Migratory Species of Wild Animals

Arnulf Müller-Helmbrecht, Executive Secretary UNEP/CMS

**4<sup>th</sup> MEETING OF THE PARTIES**

**Draft Resolution No. 2**

**Educational and Promotional Activities**

RECALLING Resolution No. 6 of the 3rd Meeting of the Parties;

NOTING that the public support of the aims of ASCOBANS continues to be critical to its success;

ACKNOWLEDGING the marked increase in the promotional and educational activities of ASCOBANS in the past triennium;

ACKNOWLEDGING the valuable contribution made by NGOs to ASCOBANS to date;

NOTING, however, that despite this increase public awareness of ASCOBANS and the issues of cetacean conservation is not entirely satisfactory in the ASCOBANS area;

NOTING that a particular emphasis of future promotional work will have to be on new Parties and non-Party Range States and on the Baltic region as a whole, in particular on the implementation of the Jastarnia Plan;

The Meeting of the Parties:

RECOMMENDS that the Secretariat continue and step up its activities to raise awareness of issues related to cetacean conservation in the Agreement area and to promote the Agreement itself especially with non-Party Range States, the European Commission and the International Baltic Sea Fisheries Commission;

RECOMMENDS that the Secretariat continue to develop the ASCOBANS website, aiming to meet the needs of a wide range of target audiences;

RECOMMENDS that host Parties of Meetings of the Parties and of the Advisory Committee, in co-operation with the Secretariat, consider ways by which the Agreement might be best promoted;

ENCOURAGES Parties and non-Party Range States to continue to co-operate with the Secretariat in this endeavour and to support this work through voluntary contributions;

ENCOURAGES NGOs to support the PR activities of the Secretariat if and when possible;

ENCOURAGES institutions or individuals to share the use of their intellectual property free of charge for use in non-profit information campaigns in support of ASCOBANS objectives;

REQUESTS the Secretariat to report to Parties on promotional activities at least biennially.

REPEALS Resolution No. 6 of the 3rd Meeting of the Parties.



**4<sup>th</sup> MEETING OF THE PARTIES**

**Draft Resolution No. 4**

**Extension of the ASCOBANS Agreement Area**

The Meeting of the Parties:

NOTING that the ranges of a number of populations of species presently covered by ASCOBANS are known or assumed to include waters to the west and south-west of the current Agreement Area;

NOTING that the Agreement Areas of ASCOBANS and the Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS) are currently not contiguous;

RECALLING that the Advisory Committee to ASCOBANS has repeatedly recommended the extension of the Agreement Area to the west and south-west of the current Agreement Area;

RECOGNIZING that the conservation of small cetaceans in the current ASCOBANS Agreement Area and in European waters as a whole would benefit from the extension of the ASCOBANS Agreement Area to parts of the Western Atlantic and from the establishment of a direct geographical link between the Agreement Areas of ASCOBANS and ACCOBAMS;

GUIDED by a common will to further strengthen the Agreement;

AGREES to:

1. EXTEND the Agreement Area of ASCOBANS to the west and south-west of the current Agreement Area and to REPLACE Article 1.2 (b) with

*"Area of the Agreement means the marine environment of the Baltic and North Seas and adjacent north-east Atlantic, as delimited by the shores of the Gulfs of Bothnia and Finland; to the south-east by latitude 36°N and longitude 5.36°W; to the south-west by latitude 36°N and longitude 15°W; to the north-west by longitude 15° and a line drawn through the following points: latitude 60°N/longitude 15°W, latitude 60°N/longitude 05°W, latitude 64°N/longitude 0.37°W; to the north by latitude 64°N; and including the Kattegat and the Sound and Belt passages."*

2. ADD a new subparagraph 6.5.4 to Article 6.5 reading as follows:

*"Any State that becomes a Party to the Agreement after the entry into force of an Amendment shall, failing an expression of a different intention by that State:*

*a) be considered as a Party to the Agreement as amended; and*

*b) be considered as a Party to the unamended Agreement in relation to any Party not bound by the Amendment."*

3. Change the name of the Agreement to: *Agreement on the Conservation of Small Cetaceans of the Baltic, North-East Atlantic and North Sea;*

REPEALS Resolution No. 6 on the clarification of the definition of the Area of the Agreement adopted by the 1<sup>st</sup> meeting of the Parties.



**4<sup>th</sup> MEETING OF THE PARTIES**

**Draft Resolution No. 5**

**Disturbance**

The Meeting of the Parties:

RECALLING that the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas stipulates that ASCOBANS work towards "the prevention of other significant disturbance, especially of an acoustic nature";

RECALLING Resolution No. 4 of the 3rd Meeting of the Parties;

REAFFIRMING that the difficulty of proving the detrimental effects of acoustic disturbance on cetaceans necessitates a precautionary approach in dealing with this issue;

NOTING the results of the ASCOBANS study on disturbance to cetaceans by shipping published in June 2003;

NOTING Resolution 7.5 of the 7th Conference of the Parties to the Convention on the Conservation of Migratory Species on wind turbines and migratory species, concerning the commitment of CMS Parties to a change to using renewable sources of energy

RECOGNISING the potential disturbance caused by offshore extractive industries and other activities including windfarms

RECOGNISING the national sensitivities in relation to military activities;

COMMENDING the development by the United Kingdom of Regulatory Guidelines on Seismic Surveys and the adoption by Belgium of legislation providing for the establishment of guidelines such as those established by the United Kingdom;

REQUESTS Parties and Range States to

introduce guidelines on measures and procedures for seismic surveys that provide the opportunity to

- a) alter the timing of surveys or to minimise their duration;
- b) reduce noise levels as far as practicable;
- c) avoid starting surveys when cetaceans are known to be in the immediate vicinity;
- d) introduce further measures in areas of particular importance to cetaceans;
- e) develop a monitoring system that will enable adaptive management of seismic survey activities;

INVITES Parties and Range States to

- work with military authorities to develop effective mitigation measures including environmental impact assessments and relevant standing orders to reduce disturbance of and potential physical damage to small cetaceans;
- introduce procedures to assess the effectiveness of any guidelines and their implementation;
- conduct further research into the effects on small cetaceans of acoustic harassment devices used to keep marine mammals away from nets or fish farms or other sites with a view to developing effective management measures to prevent any negative impacts;
- support research into the effects of shipping and particularly high-speed ferries and into possible ways of mitigating any adverse effects;
- support further research on behavioural changes in small cetaceans caused by acoustic disturbance; this research should, if possible, encompass biologically significant effects;
- report before the Advisory Committee meeting in 2005, where possible, on approaches to reducing disturbance to small cetaceans by military activities;
- request the European Cetacean Society to elaborate a protocol for the removal of cetaceans' ears from carcasses to be investigated for possible damage to the auditory system as part of further research into possible effects of noise on the hearing of cetaceans;
- where appropriate, progress other research and the production of guidelines and other measures aimed at the avoidance and reduction of other forms of disturbance to small cetaceans, including offshore extractive and other industrial activities.

REPEALS Resolution No. 4 of the 3rd Meeting of the Parties.

**4<sup>th</sup> MEETING OF THE PARTIES****Draft Resolution No. 6****Incidental Take of Small Cetaceans**

The Meeting of the Parties:

RECALLING the Annex to the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas, according to which "... management measures shall be applied ..." to develop, in the light of available data indicating unacceptable interaction, modifications of fishing gear and fishing practices in order to reduce by-catches and that in the waters of EU Member States, Article 2 of Council Regulation (EC) No. 2371/2002 of 20 December 2002 stipulates that the common fisheries policy shall ensure exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions;

RECALLING that, in the waters of EU Member States, Article 12.4 of Council Directive 92/43/EEC requires States to establish a system to monitor the incidental capture and killing of all cetaceans, and that in the light of the information gathered they shall take further research or conservation measures as required to ensure that incidental capture and killing does not have a significant negative impact on the species concerned;

WELCOMING the greater emphasis placed on environmental considerations in Council Regulation 2371/2002 on the Common Fisheries Policy (CFP) of the European Union;

RECALLING the Ministerial Declaration of the Fifth International Conference on the Protection of the North Sea of 20-21 March 2002 (The "Bergen Declaration"), where Ministers agreed on a precautionary objective to reduce bycatch of marine mammals to less than 1% of the best available population estimate and that the Bergen Declaration called for "the development and adoption, as soon as possible and in cooperation with the competent authorities, of a recovery plan for harbour porpoises in the North Sea";

RECALLING the Resolution on cetacean populations in the ASCOBANS Area adopted at this meeting;

RECALLING Resolution 6.2 on by-catch adopted by the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) at its Sixth Meeting (Cape Town, November 1999) and Recommendation 7.2 by the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) at its Seventh Meeting (Bonn, September 2002);

RECALLING an abundance estimate of 170,000 harbour porpoises in the central and south North Sea and noting a revised estimated annual by-catch up to 4,400 harbour porpoises in this area; and an abundance estimate of 36,000 harbour porpoises and a minimum estimated annual by-catch of 2,200 animals on the Celtic Shelf, which is adjacent to the ASCOBANS area and where catches may have an adverse effect on the recovery of porpoise populations within ASCOBANS waters;

RECALLING that abundance for a part of the harbour porpoise range of occurrence in the Baltic Sea is estimated to be 599 (confidence limits: 200 and 3300);

RECALLING the findings of the 1996 Northridge Review of Marine Mammal Bycatch Observer Schemes (JNCC Report No. 219), which found that a properly designed observer scheme is the best way of acquiring reliable information on by-catch, but that extrapolation from existing information on comparable gear types and areas may be necessary when an observer scheme is logistically difficult;

RECALLING the Resolutions on Incidental Take of Small Cetaceans adopted by the 2<sup>nd</sup> and 3<sup>rd</sup> Meetings of the Parties (ASCOBANS/MOP2/DOC. 4, MOP 3 Resolution 3);

NOTING that the ASCOBANS Jastarnia Plan, following the final report of the ASCOBANS Baltic Discussion Group, states that with respect to Baltic harbour porpoises the available evidence clearly points to a population that is in serious danger and that as a matter of urgency, every effort should be made to reduce bycatches towards zero as quickly as possible;

NOTING the ASCOBANS report on "Potential Mitigation Measures for Reducing the By-catches of Small Cetaceans in ASCOBANS Waters" (2000);

REGRETTING that the recommendations set out in Resolution 3 of the 3<sup>rd</sup> MOP to reduce bycatch to below 'unacceptable interaction' levels have probably not been fulfilled;

NOTING that efforts to reduce bycatch require close co-operation between managers, scientists and fishermen;

RECOGNISING the need to further integrate bycatch reduction measures into sustainable fisheries practices and socio-economic considerations, particularly in the context of the Common Fisheries Policy of the European Union;

NOTING that ASCOBANS has elaborated a Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan) and can contribute substantially to the development of a recovery plan for North Sea harbour porpoises;

NOTING the increasing levels of stranded cetaceans particularly on coasts of the Celtic Sea and immediately adjacent to the original Agreement area, which may be caused by interaction with pelagic trawling;

URGES Parties and Range States to continue to implement the measures included in Resolution No. 3 of the 3<sup>rd</sup> Meeting of Parties;

REQUESTS that Parties and Range States develop and implement national plans of action or similar measures to reduce the bycatch of small cetaceans;

SUPPORTS the ASCOBANS Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan) and URGES Parties and Range States in the Baltic Sea region, in light of other initiatives, including those of the European Commission, to continue their work towards implementation of the Jastarnia Plan;

RECOMMENDS, particularly with regard to harbour porpoises in the Celtic Sea (ICES Areas VII e, f, g, h and j), that total anthropogenic removal is reduced without delay by competent authorities, regardless of the time needed to establish better population data and to calculate an acceptable removal level;

RECOMMENDS that Parties and Range States in the North Sea region co-operate, taking account of other initiatives including those of the European Commission, and avoiding duplication, to minimise the bycatch of harbour porpoises in the North Sea;

RECOMMENDS that Parties and Range States together with the Advisory Committee continue to support and cooperate in the light of other initiatives, including those of the European Union, in the development of a recovery plan for harbour porpoises in the North Sea, as called for in the Bergen Declaration adopted by the Fifth International Conference on the Protection of the North Sea (Bergen, March 20-21 2002);

REQUESTS that Parties and Range States instigate an observer programme on pelagic trawl fisheries operating in the Agreement area or adjacent waters to provide further information on levels of bycatch and if appropriate to undertake further research into bycatch mitigation measures;

URGES the ASCOBANS Secretariat, Parties and Range States to promote the adoption of a Regulation by the European Union to provide mitigation and effective bycatch monitoring of fisheries operating in the Agreement area or adjacent waters.

REPEALS Resolution No. 3 on Incidental Take of Small Cetaceans of the 2nd Meeting of Parties.



**4<sup>th</sup> MEETING OF THE PARTIES**

**Draft Resolution No. 7**

**Cetacean Populations in the ASCOBANS Area**

The Meeting of the Parties:

RECALLING Resolution No. 5 adopted by the 3rd Meeting of the Parties, which called for the completion of planning for an abundance survey of the original Agreement area and for an abundance survey of waters to the west of the Agreement area to be carried out in time for the 4th Meeting of the Parties;

RECALLING that the structure of small cetacean populations in the ASCOBANS area may be complex and is not well understood at present;

NOTING that lack of information on abundance, spatial and seasonal distribution and population structure remain important limitations on determining the impact of by-catch, noise and other anthropogenic impacts on small cetaceans and in designing effective mitigation measures;

NOTING that populations of small cetaceans that enter the ASCOBANS region occur over a wider area,

RECALLING that the last comprehensive abundance estimates for small cetaceans in the majority of the original ASCOBANS area was made in 1994 (and in the Baltic in 1995) and that no complete estimate has been made in adjacent waters west of the original Agreement area that are likely to be used by small cetaceans from within that area;

RECALLING that Council Directive 92/43 EEC requires Member States to establish a system of surveillance of cetaceans in the waters of Member States of the EU and that because small cetaceans move freely across national boundaries through the area, it is important to conduct wide area surveys;

COMMENDING the efforts undertaken since the 3<sup>rd</sup> Meeting of the Parties to elucidate spatial aspects of the distribution of harbour porpoises in the Baltic Sea;

COMMENDING the Parties that have contributed funds towards the preparation and completion of the survey;

[NOTING the proposal under Draft Resolution No. 4, regarding the extension of ASCOBANS to a broader area in the Atlantic.]

NOTING that preparatory work for a comprehensive survey of the Agreement area and waters to the west of that area, to be conducted in or beginning in 2005, has commenced;

RECOMMENDS that survey activities be extended from the ASCOBANS area to cover all the adjacent northwest European shelf and waters within European Atlantic fisheries limits, up to 64 degrees North latitude (see attached map);

RECOMMENDS that Parties and Range States continue to support further work to elucidate temporal and spatial aspects of distribution of small cetaceans in the ASCOBANS area;

RECOMMENDS that Parties, Range States, international organisations and others, provide funds and other resources to support the proposed new abundance survey;

REQUESTS that the Advisory Committee continue to contribute to the preparatory work for the projected new abundance survey of the Agreement area and waters to the west of the original Agreement area.

RECOMMENDS that Parties and Range States continue to support further work to elucidate temporal and spatial aspects of distribution of small cetaceans in the ASCOBANS area.



**4<sup>th</sup> MEETING OF THE PARTIES**

**Draft Resolution No. 8**

**Further Implementation of ASCOBANS**

The Meeting of the Parties:

RECALLING that the conservation, research and management measures listed in the Conservation and Management Plan in the Annex to the Agreement require an action plan for the full implementation of the Agreement;

[NOTING and ENDORSING the ASCOBANS Recovery Plan for Baltic Harbour Porpoises;]

RECOGNISING the commitments by the Parties in other international bodies and fora to cetacean conservation and other commitments that will aid cetaceans;

REAFFIRMING the importance of the need for Parties to cooperate and not to duplicate the work of other international bodies and the desirability of drawing upon their expertise;

RECOGNISING the requirements under EU legislation;

RECALLING that the IWC has developed a programme of research that investigates the causative link between levels of pollution and physical responses in cetaceans, known as POLLUTION 2000+;

RECALLING that OSPAR, HELCOM and the European Commission through its Chemicals Strategy are working towards reduction of emissions and sources of chemical pollutants and will develop their objectives and strategy with regard to hazardous substances further; and RECOGNIZING previous ASCOBANS action in drawing the attention of OSPAR and HELCOM to substances hazardous to small cetaceans;

RECALLING the commitment of ASCOBANS to non-lethal research;

UNDERLINING that ASCOBANS can support this work in an advisory capacity;

RECALLING that knowledge on the less common species of small cetaceans such as the *Lagenorhynchus* species, especially the white-beaked dolphin, remains less well developed than knowledge on the harbour porpoise;

NOTING the resolutions agreed at this Meeting on disturbance and fisheries issues;

COMMENDING existing efforts to identify and protect specific areas for small cetaceans;

INVITES Parties and Range States to

CONTINUE or INITIATE research aimed at identifying the location of any further suitable sites for the establishment of protected areas, and to implement appropriate management actions in these areas on their own or in the context of other intergovernmental bodies to ensure the protection of small cetaceans;

CONTINUE or INITIATE support for schemes that ensure that the bodies of small cetaceans are, where possible, subject to full and expert post-mortem analysis for cause of death and any other studies relevant to conservation; and take appropriate measures to reduce those impacts on small cetacean populations, recognised to increase mortality rates;

SUPPORT research into the occurrence of potential effects of novel compounds such as brominated flame retardants with the aim of collecting reference data on the distribution and accumulation of these compounds and their effects, and to ensure that this information is brought to the attention of authorities responsible for the management of any discharges;

REPEALS the resolution on the further implementation of ASCOBANS of MOP 2 and Resolution No. 7 of MOP 3;

ENCOURAGES further research relevant to ASCOBANS objectives on abundance, life history parameters, migration patterns and population structure of small cetaceans as a basis for an improvement of conservation measures;

RECOMMENDS that Parties and Range States

CONTINUE to support non-lethal research in particular on the less well-known cetacean species of the ASCOBANS area, in particular as regards life-history parameters and population structure.

**4<sup>th</sup> MEETING OF THE PARTIES**

**Draft Resolution No. 9**

**Activities of the ASCOBANS Advisory Committee 2004-2006**

The Meeting of the Parties:

REAFFIRMING the importance of the need to cooperate with, and not to duplicate the work of, other international bodies and the desirability of drawing upon their expertise;

RECOGNISING that much progress is achieved by the commissioning of work by specialists, whether members of the Advisory Committee or otherwise;

REAFFIRMING that the Advisory Committee, as a body tasked to provide advice on scientific, policy-related and administrative matters, needs a balance of scientists, policy-makers and administrators to adequately cover its role;

INSTRUCTS the Advisory Committee to:

CONTINUE to invite the intergovernmental bodies IWC, ICES, IBSFC, HELCOM, OSPARCOM and the European Commission to send representatives to Advisory Committee meetings;

CONTINUE to review, on an annual basis, new information on population distribution, sizes and structures, and by-catches of small cetaceans and other relevant fisheries information in the ASCOBANS area. On the basis of this review, provide recommendations to individual Parties and other relevant authorities;

CONTINUE to review at each meeting a list of international meetings, compiled by the Secretariat, at which the aims of ASCOBANS might most usefully be promoted, and recommend which meetings should be attended, by whom and with what objective and to review the outcomes of meetings attended;

CONTINUE to review, on an annual basis, new information on pollution and its effects on small cetaceans which occur in the ASCOBANS area and, on the basis of this review, provide recommendations to Parties and other relevant authorities;

CONTINUE to review the progress and implementation of the IWC programme POLLUTION 2000+ and provide recommendations to Parties and Range States on ways to facilitate its execution;

REVIEW, on an annual basis, progress in implementing the ASCOBANS Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan) and to continue its efforts to further the implementation of that plan;

CONTINUE to support and cooperate in the process of elaborating a recovery plan for harbour porpoises in the North Sea, as called for in the Bergen Declaration adopted by the Fifth International Conference on the Protection of the North Sea (Bergen, March 20-21 2002);

CONTINUE to contribute to the preparatory work for the projected new abundance survey of the Agreement area [and waters to the west of the Agreement area;]

REVIEW the progress on by-catch mitigation and report on this progress to the 5<sup>th</sup> Meeting of the Parties;

CONTINUE to review the extent of disturbance to small cetaceans by shipping; including high-speed ferries, with a view to providing recommendations to Parties, by the 5<sup>th</sup> Meeting of the Parties, on possible ways to mitigate negative effects;

REVIEW, in 2005, progress of Parties and Range States in working with military authorities to reduce disturbance to cetaceans by military activities;

CONTINUE to review the extent of disturbance to small cetaceans due to seismic surveys in the ASCOBANS area;

REVIEW, in 2005, the effects of offshore extractive activities and windfarms on small cetaceans;

REITERATES its request that Parties

ENSURE that all nominated Advisory Committee members and their advisors can allocate time to attend Advisory Committee meetings, to intersessional work, and to participate in the intersessional Advisory Committee working groups;

CONTINUE to ensure where possible a suitable balance of expertise within delegations to the Advisory Committee.