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10<sup>th</sup> MEETING OF THE PARTIES  
Odense, Denmark, 10-12 September 2024  
Agenda Item 6.2.4

**PROPOSED AMENDMENTS TO RESOLUTION 6.2:**

**ADVERSE EFFECTS OF UNDERWATER NOISE ON MARINE MAMMALS DURING OFFSHORE  
CONSTRUCTION ACTIVITIES FOR RENEWABLE ENERGY PRODUCTION**

*(Prepared by the Offshore Renewable Energy Working Group)*

1. The 28<sup>th</sup> Meeting of the ASCOBANS Advisory Committee requested that the Offshore Renewable Energy Working Group assess whether ASCOBANS Resolution 6.2 *Adverse Effects of Underwater Noise on Marine Mammals during Offshore Construction Activities for Renewable Energy Production* and Resolution 8.6 *Ocean Energy* need updating to reflect current concerns, and those potential revisions be presented to the 10<sup>th</sup> Meeting of the Parties. The proposed amendments are available in Annex 1 to this document.
2. Revision 1 corrects a typo in the title of the document.

**Action requested:**

3. The Meeting of the Parties is requested to review and adopt the proposed amendments to Resolution 6.2 contained in Annex 1.

PROPOSED AMENDMENTS TO RESOLUTION 6.2

(NB. Proposed new text is underlined. Text to be deleted is ~~crossed out~~.)

**ADVERSE EFFECTS OF UNDERWATER NOISE ON MARINE MAMMALS DURING OFFSHORE CONSTRUCTION ACTIVITIES FOR RENEWABLE ENERGY PRODUCTION**

*Recalling* that the Conservation and Management Plan annexed to the Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas<sup>1</sup> stipulates that ASCOBANS work towards "the prevention of other significant disturbance, especially of an acoustic nature";

*Recalling* Resolution ~~5.4 No. 4 of the 5th Meeting of the Parties~~ and previous related Resolutions and Recommendations adopted within the framework of ASCOBANS and welcoming progress within Parties to implement that Resolution;

*Recalling* CMS Resolution ~~12.14 Adverse Impacts of Anthropogenic Noise on Cetaceans and Other Migratory Species~~ 9.19 on adverse anthropogenic marine/ocean noise impacts on cetaceans and other biota, adopted by the 9th Meeting of the Conference of the Parties, and previous related Resolutions and Recommendations adopted within the framework of CMS;

*Recalling* CMS Resolution 7.5 (Rev.COP12) ~~on Wind Turbines and Migratory Species~~, adopted by the 7th Meeting of the Conference of the Parties;

*Recalling* the obligation of States Parties to the United Nations Convention on the Law of the Sea (UNCLOS) to cooperate through the appropriate international organizations for the conservation and management of marine mammals (Articles 65 and 120);

*Recalling* the obligations of Member States of the European Union under Council Directive 92/43/EEC (Habitats Directive);

*Noting* the work undertaken on the impact of offshore wind farms in the framework of the Bern Convention;

*Reaffirming* that the difficulty of proving detrimental effects of acoustic disturbance on individual health and population status of cetaceans necessitates a precautionary approach in dealing with this issue;

*Recognizing* the commitment of Parties to a change to using renewable sources of energy;

*Recognizing* the potential disturbance caused by activities associated with renewable energy such as offshore wind farms, particularly pile driving, geophysical surveying, unexploded ordinance (UXO) clearance and other construction activities;

*The Meeting of the Parties to ASCOBANS*

1. *Recommends* that Parties and Range States consider a strategic approach to the siting of marine renewable energy developments; to include Strategic Environmental Assessments and Environmental Impact Assessments carried out prior to the construction of marine renewable

<sup>1</sup> For Parties that have not yet accepted the Amendment of the Agreement as adopted at in MOP4 Resolution No.-4 (2003) in Resolution 4.4: Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas.

energy developments and taking into account the pre-construction, construction, operational and decommissioning phase, and cumulative, long-term and indirect impacts;

2. *Requests* Parties and Range States that have not yet done so to introduce precautionary guidance on measures and procedures for all activities surrounding the location, development, operation and decommissioning of renewable energy production in order to avoid, minimise, restore and mitigate risks to populations, and mitigate known and possible impacts on effects to small cetaceans species and populations following current best practice;
3. *Recommends* that such guidance ~~these guidelines~~ should include where possible and relevant:
  - a) Appropriate siting of devices to minimise impacts on small cetaceans through avoidance of important areas;
  - b) Measures for avoiding construction activities with high underwater noise source levels during critical life cycle stages and the periods of the year with the highest densities of small cetaceans, and in so doing limiting the number of animals exposed, if potentially significant adverse effects on small cetaceans cannot be avoided by other measures;
  - c) Measures for avoiding construction activities with high underwater noise source levels when small cetaceans are present in the vicinity of the construction site;
  - d) Measures for alerting small cetaceans should be considered to the onset of potentially harmful construction noise,; and weighted against any potential benefit versus the additional noise;
  - e) Technical measures for reducing the sound emission during construction works, if potentially significant adverse effects such as displacement, habitat exclusion, behavioural disturbance and auditory damage on small cetaceans cannot be avoided by other measures,;-
  - f) To consider, where appropriate, the use of noise limits during construction activity; and
  - g) Implement monitoring measures to evaluate the efficiency of the guidelines and associated mitigation measures;
4. *Recommends further* that Parties and Range States:
  - a) Continue to develop effective mitigation measures, guidelines, monitoring, and technological adaptations to minimise any potentially significant adverse effects on small cetaceans due to offshore pre-construction, construction, operational, and decommissioning phase, including associated fast-moving vessel traffic, in the framework of marine renewable energy production, including disturbance effects and physical auditory damage;
  - ~~b) Develop and implement procedures to assess the effectiveness of any guidelines or management measures introduced;~~
  - e) b) Continue to conduct research into the effects on small cetaceans of marine renewable energy production, including long term studies on physical and behavioural effects and impacts on key sites and habitats within small cetaceans' seasonal ranges and migratory paths (e.g. breeding, feeding, and stopover sites), and at the individual and population level, including conducting comprehensive post-mortem evaluations containing the analysis of the hearing structures and actively exchange information on methods and results;

- d) ~~Continue to conduct research into the development of acoustic warning devices for small cetaceans;~~
- e) c) Set in place adaptive management systems so that guidance can be regularly reviewed and updated in this little known but rapidly developing marine industry; and

5. Invites Parties to exchange information and freely share data on methods and results.