



Convention on the Conservation of Migratory Species of Wild Animals

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16TH MEETING OF THE CMS SCIENTIFIC COUNCIL

Bonn, Germany, 28-30 June 2010

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Agenda Item 9.0

CALL FOR INFORMATION IN FOLLOW-UP OF CMS RESOLUTION 9.18 ON BY-CATCH

**Response from the Agreement on the Conservation of Small Cetaceans of the Baltic,
North East Atlantic, Irish and North Seas (ASCOBANS)**

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Report on ASCOBANS Activities for By-Catch Mitigation to the 16th Meeting of the CMS Scientific Council

1. Below is the ASCOBANS response to the written request sent by the CMS Secretariat on 2 June 2010:

A. DECISIONS ON MIGRATORY SPECIES BY-CATCH

2. By-catch has always been one of the main foci of the work of ASCOBANS. Already identified as one of the main threats to small cetaceans in the North and Baltic Seas when the Agreement was signed in 1991, since then each Meeting of the Parties has given further attention to the matter:

- MOP1 (1994): Implementation of the Conservation and Management Plan (http://www.service-board.de/ascobans_neu/files/1994-2.pdf)
- MOP2 (1997): Incidental Take of Small Cetaceans (http://www.service-board.de/ascobans_neu/files/1997-4.pdf)
- MOP3 (2000): Incidental Take of Small Cetaceans (http://www.service-board.de/ascobans_neu/files/2000-6.pdf)
- MOP4 (2003): Incidental Take of Small Cetaceans (http://www.service-board.de/ascobans_neu/files/finalres6.pdf)
- MOP5 (2006): Incidental Take of Small Cetaceans (http://www.service-board.de/ascobans_neu/files/mop5-final-5.pdf)
- MOP6 (2009): Activities of the ASCOBANS Advisory Committee and Work Plan for the Triennium 2010-2012 (http://www.service-board.de/ascobans_neu/files/mop/MOP6_Resolution3_TWP2010-2012_final_inclAnnexes.pdf)

3. At the 9th Meeting of the Parties to ASCOBANS, strategic priorities were set for the coming triennium. Special focus of the many activities in the Agreement's new, ambitious triennial work plan (2010-2012) should be on two issues: underwater noise and by-catch (see MOP6 Resolution No.3; link provided above).

B. BY-CATCH DATA AND ASSESSMENTS OF THE IMPACTS ON SMALL CETACEANS

4. ASCOBANS unfortunately has no updated overview of by-catch reported within the Agreement Area. A comprehensive overview of data available within European Union waters is available from the International Council for the Exploration of the Seas (ICES) Study Group on Bycatch (SGBYC), whose most recent report is available here: http://www.ices.dk/reports/ACOM/2010/SGBYC/sgbyc_final_2010.pdf.

5. Papers recently considered in ASCOBANS meetings or to be considered at the upcoming Advisory Committee Meeting (4-6 October 2020) include:

- AC16/Doc.60: By-catch of harbour porpoises (*Phocoena phocoena*) in the Baltic coastal waters of Angeln and Schwansen (Schleswig-Holstein, Germany) (http://www.service-board.de/ascobans_neu/files/ac16/AC16_60_HarbourPorpoiseBycatchGermanBaltic.pdf)
 - AC16/Doc.61: Spatio-temporal interactions between harbour porpoise (*Phocoena phocoena*) and fisheries in the German Bight 2002-2006: Preliminary results (http://www.service-board.de/ascobans_neu/files/ac16/AC16_61_SpatialInteractions.pdf)
 - AC16/Doc.62: Stranding numbers and bycatch implications of harbour porpoises along the German Baltic Sea coast (http://www.service-board.de/ascobans_neu/files/ac16/AC16_62_PorpoiseStrandingsBycatchGermanBaltic.pdf)
 - MOP6/Doc.5-09: Cetacean incidental catches in Fisheries: Report on the implementation of certain provisions of Council Regulation (EC) No 812/2004 and on a scientific assessment of the effects of using in particular gillnets, trammel nets and entangling nets on cetaceans in the Baltic Sea as requested through Council Regulation (EC) No 2187/2005 (http://www.service-board.de/ascobans_neu/files/MOP6_5-09_CetaceanIncidentalCatches.pdf)
 - MOP6/Doc.5-11: The harbour porpoise in the southern North Sea: Abundance, threats, and research- & management proposals (http://www.service-board.de/ascobans_neu/files/MOP6_5-11_SummaryPorpoiseReport_IFAW.pdf)
 - AC17/Doc.4-09: Human dimensions of bycatch reduction technology: current assumptions and directions for future research (http://www.service-board.de/ascobans_neu/files/ac17/AC17_4-09_HumanDimensionsBycatchReduction_Campbell_Doc.pdf)
 - AC17/Doc.4-10: The community: a missing link of fisheries management (http://www.service-board.de/ascobans_neu/files/ac17/AC17_4-10_CommunityFisheriesManagement_Jentoft.pdf)
 - AC17/Doc.4-13: By-catch begone: changes in the philosophy of fishing technology (http://www.service-board.de/ascobans_neu/files/ac17/AC17_4-13_PhilosophyFishingTechnology_Kennelly.pdf)
 - AC17/Doc.4-16: Note on the recent French studies on by catch and pingers in the English Channel (http://www.service-board.de/ascobans_neu/files/ac17/AC17_4-16_FrenchStudiesEnglishChannel.pdf)
 - AC17/Doc.5-01: Characteristics of and Threats to Toothed Whales Found Frequently Within the ASCOBANS Area (http://www.service-board.de/ascobans_neu/files/ac17/AC17_5-01_ToothedWhales.pdf)
 - Conservation Plan for Harbour Porpoises in the North Sea (AC17/Doc.8-03: Report of the 6th Meeting of the Parties to ASCOBANS, Annex 4, http://www.service-board.de/ascobans_neu/files/ac17/AC17_8-03_MOP6Report.pdf)
6. In order to improve the data for the Baltic Sea, ASCOBANS and the Secretariat of the Helsinki Commission (HELCOM) are currently implementing a project on the development of a co-ordinated reporting system and HELCOM/ASCOBANS database on Baltic Sea harbour porpoise sightings, by-catches and strandings. The expected results/outputs to be achieved are:
- An up-dated database on Baltic Sea harbour porpoise sightings, strandings and by-catch

- A harmonised and coordinated reporting system for Baltic Sea harbour porpoise sightings, strandings and by-catch
 - A web-based map service allowing both data viewing and download
7. A request for submission of data was sent to HELCOM and ASCOBANS contacts and has also been published as AC17/Doc.7-03 (http://www.service-board.de/ascobans_neu/files/ac17/AC17_7-03_HELCOM_DatabaseRequest.pdf).

C. GUIDELINES OR PROTOCOLS FOR MONITORING, CONTROL AND SURVEILLANCE MEASURES ON BY-CATCH

8. The most abundant and most widely distributed cetacean species in the ASCOBANS Agreement Area is the harbour porpoise (*Phocoena phocoena*). For its protection, two action plans have been adopted by Parties at their 6th Meeting (September 2009).

9. The ASCOBANS Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan) was originally prepared in 2002 and updated and revised for adoption at MOP6 in 2009. The Baltic Sea population of harbour porpoises is classified as Critically Endangered by the IUCN Red List of Threatened Species. Abundance estimates expect a population size of only a few hundred individuals in the Baltic proper. The Jastarnia Plan identifies by-catch reduction as the highest and most immediate priority for the achievement of the conservation of the population. Multiple approaches to reduction strategies are recommended as a way of dealing with the uncertainty of outcome associated with any individual measure.

10. Four of the Recommendations of the Jastarnia Plan directly address by-catch reduction:

- Recommendation 1: Reduce fishing effort in certain fisheries
- Recommendation 2: Involve stakeholders in the work of reducing bycatch of harbour porpoises
- Recommendation 3: Replace fishing methods known to be associated with high porpoise bycatch (i.e. set nets) and introduce alternative gear that is considered less harmful
- Recommendation 4: Implement a pinger programme on a short-term basis

11. More details on the Recommendations can be found in Annex 4 of the MOP6 Report, containing the Resolution adopting the Jastarnia Plan (http://www.service-board.de/ascobans_neu/files/ac17/AC17_8-03_MOP6Report.pdf).

12. The new ASCOBANS Conservation Plan for Harbour Porpoises in the North Sea was also adopted at MOP6 in 2009. While the animals are significantly more abundant in this area, they nevertheless face a high number of anthropogenic pressures and the need to give special attention to the species' conservation in the North Sea, which is an important habitat for it, has been widely acknowledged. Also for this region, by-catch reduction has been identified as the highest priority.

13. For this reason, six of the necessary actions identified in the Plan focus on aspects of this problem:

Management (and related monitoring) actions:

- Action 2: implementation of existing regulations on bycatch of cetaceans
- Action 3: establishment of bycatch observation programmes on small vessel (<15m) and recreational fisheries
- Action 4: regular evaluation of all relevant fisheries with respect to extent of porpoise bycatch

- Action 9: collection of incidental catch data through stranding networks in the region

Mitigation measure research Action:

- Action 5: review of current pingers, development of alternative pingers and gear modifications

Scientific actions essential for providing adequate management advice:

- Action 6: finalise a management procedure approach for determining maximum allowable anthropogenic removals in the region

14. More details on the Recommendations can be found in Annex 4 of the MOP6 Report, containing the Resolution adopting the North Sea Harbour Porpoise Conservation Plan (http://www.service-board.de/ascobans_neu/files/ac17/AC17_8-03_MOP6Report.pdf).

D. NEW ASCOBANS APPROACH TO BY-CATCH MITIGATION

15. In order to address the Agreement's strategic priority to reduce by-catch, a new initiative for improved collaboration with fishing communities was launched at MOP6 (September 2009).

16. Because of the limited success of the various by-catch reduction measures required under different legal frameworks in European waters, Parties felt that a new approach was needed that would lead to a closer collaboration with fishers to reduce unwanted mortality. A workshop organised under the auspices of ASCOBANS and the European Cetacean Society (ECS) with input from the European Commission (DG MARE), aimed to provide an up-to-date review of mitigation measures and their effectiveness – their strengths and limitations, and then to discuss possible new cooperative approaches to improve the chances of successful mitigation of cetacean by-catch amongst different fisheries within Europe.

17. A report of the workshop, outlining also its key recommendations, is contained in AC17/Doc.4-07 (http://www.service-board.de/ascobans_neu/files/ac17/AC17_4-08_ReportWGAcousticDisturbance.pdf) and annexed to this document.

18. In addition, work on a dedicated leaflet for fishers is ongoing. An analysis of existing targeted material in the ASCOBANS area, as well as recommendations for material to be developed in the framework of ASCOBANS, is provided in AC17/Doc.4-03 (http://www.service-board.de/ascobans_neu/files/ac17/AC17_4-03_FisheriesLeaflet.pdf). Draft texts for specific ASCOBANS material for the outreach to fishing communities have been published for the Advisory Committee's consideration at its next meeting (4-6 October 2010) as AC17/Doc.4-03 Addendum (http://www.service-board.de/ascobans_neu/files/ac17/AC17_4-03_Addendum_DraftFisheriesLeaflet.pdf).