



Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area, concluded under the auspices of the Convention on the Conservation of Migratory Species of Wild Animals (CMS)

Accord sur la Conservation des Cétacés de la Mer Noire, de la Méditerranée et de la zone Atlantique adjacente, conclu sous l'égide de la Convention sur la Conservation des Espèces Migratrices appartenant à la Faune Sauvage (CMS)



Seventh Meeting of the Parties to ACCOBAMS

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ACCOBAMS WORKING GROUPS

ACCOBAMS WORKING GROUPS**Note of the Secretariat:**

On October 2019, five Working Groups are in force within ACCOBAMS. They address the following topics:

- Anthropogenic noise
- By-Cath
- Marine Strategy Framework Directive (MSFD)
- Marine Mammal Observers
- Whale Watching

This document is presenting these five Working Groups, including their membership and terms of reference.

The Parties will be invited to provide advice on the relevance of each Working Group.

ACCOBAMS WORKING GROUPS

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I. WORKING GROUP ON NOISE

Note of the Secretariat:

During the 2017-2019 triennium, based on lessons learnt from the JNWG activities so far, and as foreseen in the Operational Procedures, the CMS, ACCOBAMS and ASCOBANS Secretariats have agreed to amend the Group's Terms of Reference and Operational Procedures.

Membership are restricted to experts from the fields of science, policy and relevant civil society organizations that are members and observers of the scientific and advisory bodies of CMS, ACCOBAMS and ASCOBANS, as well as further experts the Co-Chairs and Secretariats jointly choose to invite.

Experts with an industry affiliation are encouraged to make themselves available for consultation by the Co-Chairs, specifically to provide advice on the technical feasibility of proposed measures, as well as alternative measures or solutions.

New **Terms of Reference** for a Joint Noise Working Group of CMS, ACCOBAMS and ASCOBANS ([Part 1](#)) and **Operational Procedures** for the Joint Noise Working Group of CMS, ACCOBAMS and ASCOBANS ([Part 2](#)) were agreed.

Moreover, regarding the composition of the JNWG, Mrs. Sigrid Lueber and Mr. Yanis Souami were proposed to continue the chairing of the JNWG and 2 new members joined the Group: Mr. Thomas Folegot and Mr. Florent Le Courtois.

The 2019 composition of the JNWG appears in [Part 3](#).

In the framework of the EU QuietMed2 project, the ACCOBAMS Permanent Secretariat involves the JNWG, especially in the "Activity 4: **Joint proposal of a candidate for an impulsive noise impact indicator in MED Region** ».

This activity will aim to:

- Build a joint proposal of a candidate impact indicator in the Mediterranean Region for D11C1 Criteria – Anthropogenic Impulsive Noise according to GES Decision by capitalizing the efforts done by OSPAR in the definition of a candidate impact indicator for impulsive noise.
- Establish effective links to the Barcelona Convention (to ensure coordination across the regions or subregions) and to Member State's competent authorities (to ensure the outcomes are MSFD oriented);

In this context, a 2-day meeting **with members of JNWG** was organized in June 2019 in Monaco and another one is plan in January 2020 (probably in Spain).

Moreover, Members of the JNWG were also involved in the ACCOBAMS Workshop on sonars and cetacean interactions (Toulon, France - 8 & 9 October 2019). The objective of the workshop was to improve dialogue and cooperation among national navies and ACCOBAMS for the seek of cetacean conservation.

Last report of the JNWG was presented to the 23rd ASCOBANS Advisory Committee in 2017 (ACCOBAMS-MOP7/2019/Inf46).

Part 1 - New Terms of Reference for a Joint Noise Working Group of CMS, ACCOBAMS and ASCOBANS

The Working Group will address the mandates of relevant Resolutions of all three organizations, such as [CMS Res.9.19](#), [CMS Res.10.24](#), [ACCOBAMS Res.3.10](#), [ACCOBAMS Res.4.17](#), [ACCOBAMS Res.5.13](#), [ACCOBAMS Res.5.15](#), [ACCOBAMS Res.6.17](#), [ASCOBANS Res.6.2](#), [ASCOBANS Res.7.2](#), [ASCOBANS Res.8.11](#), and any relevant Resolutions still to be passed. It will present reports on progress and new information to each meeting of the CMS Scientific Council, ACCOBAMS Scientific Committee and ASCOBANS Advisory Committee; if several of these meet in short succession, the same report with only relevant updates should be submitted.

The Working Group will carry out the following functions:

- i. Update and complete information on:
 - a) Relevant activities and developments in other international bodies (both regional and global) and under the EU Marine Strategy Framework Directive
 - b) Relevant developments and new literature especially with respect to technologies aimed at mitigating the propagation of marine noise and noise sources that may present a threat to marine life and how cetaceans are affected
 - c) Parties' progress in implementation of the resolutions mentioned above
- ii. Improvement of existing guidelines based on new scientific findings, detailing available mitigation measures, alternative technologies and standards required for achieving the conservation goals of the treaties, in particular by:
 - a) Updating and structuring the recommendations in the ACCOBAMS and ASCOBANS noise guidelines and making them applicable globally
 - b) Updating the guidance on relevant mitigation technologies and management measures, and their effectiveness and cost
 - c) Continuing to consult stakeholders for advice on operational constraints to take into account
 - d) Recommending appropriate biological indicators and thresholds

The results will be presented for endorsement to Parties of CMS, ACCOBAMS and ASCOBANS.
- iii. Further develop the documents ACCOBAMS-MOP5/2013/Doc.22 on Anthropogenic noise and marine mammals: review of the effort in addressing the impact of anthropogenic underwater noise in the ACCOBAMS and ASCOBANS areas, ACCOBAMS-MOP5/2013/Doc.23 on Implementation of underwater noise mitigation measures by industries: Operational and economical constraints, and ACCOBAMS-MOP5/2013/Doc.24 Methodological Guide: "Guidance on underwater noise mitigation measures" according to available knowledge and to report about progress made to the next Meeting of Parties to ACCOBAMS
- iv. Provision of advice on:
 - a) Collaboration with other international bodies, such as OSPAR, HELCOM, CBD, IMO and IWC
 - b) Requirements of the relevant other bodies that countries have elected to adhere to with respect to underwater noise, such as European Directives (i.e. the Marine Strategy Framework Directive and the Habitats Directive)
 - c) Opportunities for influencing decisions of other relevant bodies in order to achieve more effective protection of marine life from impacts of underwater noise

- v. Design, and help implement as appropriate, pilot projects to test and improve the existing noise guidelines (ACCOBAMS Res. 4.17 and ASCOBANS AC17/Doc.4-08) and mitigation measures for their application in the field
- vi. Follow up activities specified by ACCOBAMS Parties related to conservation of Cuvier's beaked whales in the Mediterranean, by:
 - a) Developing, in collaboration with Parties, non-Parties, as well as NATO and other stakeholders as necessary, implementable measures to reduce impacts of intense noise activities within areas identified as of special concern for Cuvier's beaked whales for consideration by the next Meeting of the Parties of ACCOBAMS
 - b) Supporting the ACCOBAMS Scientific Committee over the study on the extent and temporal variability of the habitat of species that are known to be particularly vulnerable to man-made noise (e.g., *Ziphius cavirostris*), in order to ensure that more data are made available, to increase the model's robustness and to compare different algorithms for best results
- vii. Responding to relevant Resolutions and priorities of CMS, ACCOBAMS and ASCOBANS

Part 2 - Operational Procedures for the Joint Noise Working Group of CMS, ACCOBAMS and ASCOBANS

1/ Guiding Principles

1.1 The Joint Noise Working Group serves as an advisory group to the ACCOBAMS Scientific Committee, ASCOBANS Advisory Committee and CMS Scientific Council. As such, its purpose is to ensure progress is being made towards mitigating the negative impact of underwater noise on cetaceans and other marine biota.

1.2 In line with CMS Resolution 9.19, the recommendations of the Joint Noise Working Group should always follow a precautionary approach. The advice given by the Group should be based on the best available scientific information. The absence of scientific consensus shall not be used as a reason for postponing or failing to recommend relevant measures.

2/ Group composition:

2.1 The Group is led by two Co-Chairs, drawn from at least two of the three Instruments represented, whose combined expertise should cover the ACCOBAMS and ASCOBANS areas. In line with the practice in many other working groups, the co-chairs will serve for a term of three years, after which an election will be called for. The co-chairs are eligible for re-election. The Group will nominate and elect its own chairs from among the members, advisers as well as observers of any of the advisory bodies of CMS, ACCOBAMS and ASCOBANS.

2.2 Group members may include relevant experts from the fields of science, policy and relevant civil society organizations that are members and observers of the scientific and advisory bodies of CMS, ACCOBAMS and ASCOBANS. In the interest of achieving an informed outcome of high quality, the working group may recommend adding additional group members. The Co-Chairs and Secretariats will invite such additional experts provided at least three of them are in favour.

2.3 By agreeing to join the Working Group, group members commit themselves to the aims of CMS, ACCOBAMS and ASCOBANS.

2.4 Group members serve in an expert capacity, not as representatives of their organizations or Countries.

3/ Responsibilities of the JNWG

3.1 The JNWG performs its activities based on the ToR approved by the relevant bodies of CMS, ACCOBAMS and ASCOBANS (annexed to this document), and receives further guidance from them and the respective Secretariats. It reports to the same bodies, and to the respective decision-making bodies of CMS, ACCOBAMS and ASCOBANS through the Secretariats.

3.2 It is responsible for preparing documents and delivering them to the Secretariats for appropriate dissemination.

3.3 Prior to making any commitment and/or performing any function on behalf of ACCOBAMS, ASCOBANS and CMS, group members shall receive written authorization from the Secretariats.

4/ Role of the JNWG

4.1 It is important to note that the JNWG has an advisory role only:

4.2 In providing advice, suggesting recommendations, or submitting reports to the relevant bodies and/or Secretariats, the following conditions shall apply:

- The Working Group should make every effort to reach consensus on issues before its attention. However, it is not necessary for group members to reach a consensus on an issue, if views differ fundamentally.
- Where there is no consensus on an issue, the views of the dissenting minority shall be recorded so as to explain the reason why they dissent. The views of the dissenting minority will be included in the relevant reports and/or added to the advice provided/the recommendations suggested.

4.3 Any documents or recommendations presented to the advisory bodies shall be supported by a simple majority of the group members.

5/ Modus Operandi

5.1 The two Co-Chairs shall propose an annual work programme, in accordance with adopted ToR, to the Secretariats.

5.2 The work plan shall be circulated by the Secretariats to relevant bodies of each organization for advice or guidance.

5.3 All documents prepared by the JNWG should be sent to the Secretariats, which should circulate them to relevant body of each organization for advice / guidance.

5.4 The Co-Chairs shall inform all members by email of each document that is planned to be prepared.

5.5 The Co-Chairs shall consult industry experts as required on the technical feasibility of proposed measures as well as to receive advice on alternative measures or solutions. The Co-Chairs will maintain a roster of industry-affiliated experts who are willing to serve in such an advisory capacity.

5.6 The JNWG shall use electronic means for its communication and ensure full transparency, either by copying all members to email communication or by making full use of an online workspace to be provided by the Secretariat.

5.7 Each document finalized by the JNWG should be circulated by email to each member for information.

6/Amendment of the Operational Procedures

6.1 Based on lessons learned and comments received from the JNWG, these procedures can be amended by the Secretariats of CMS, ACCOBAMS and ASCOBANS, acting at the request of their relevant bodies.

Part 3 - 2019 Composition of the JNWG

First Name	Last Name	Affiliation
Natacha	Aguilar	University
Michel	André	University
Karsten	Brening	
Richard	Caddell	University
Manuel	Castellote	NOAA
Dick	de Haan	University
Kim	Detloff	NABU
Sarah	Dolman	WDC
Nicolas	Entrup	OceanCare & NRDC
Peter	Evans	Sea Watch / University
Thomas	Folegot	QuietOcean
Jan	Haelters	RBINS
Drasko	Holcer	Blue World
Michael	Jasny	NRDC
Sven	Koschinski	
Russell	Leaper	University
Florent	Le Courtois	SHOM
Klaus	Lucke	University
Sigrid*	Lueber	OceanCare
Alessio	Maglio	Sinay
Gianni	Pavan	University
Vasileios	Petropoulos	Hellenic Navy
Lora	Reeve	Global Ocean Consulting
Vanesa	Reyes	WDC
Ursula	Siebert	University
Mark	Simmonds	HSI
Yanis*	Souami	Sinay
Jakob	Tougaard	University
Peter	Tyack	University
Lindy	Weilgart	University

* Co-Chairs of the JNWG

II. WORKING GROUP ON BYCATCH

Note of the Secretariat:

Through the adoption of Resolution 6.16, ACCOBAMS Parties requested “the Permanent Secretariat, in collaboration with the Scientific Committee, to develop a joint working group with ASCOBANS on bycatch, and to explore opportunities for linking this with other relevant initiatives, including the Bycatch Initiative established under the International Whaling Commission”.

A first draft version of the Terms of Reference for a “Joint Bycatch Working Group of ACCOBAMS and ASCOBANS” was revised by the ACCOBAMS Scientific Committee during its 11th Meeting (Monaco, 7-9 February 2017). These draft Terms of Reference were then presented and further elaborated during an expert workshop on bycatch organized by ASCOBANS on 22-23 February 2017 in Bonn. Then, they were finalized by the ASCOBANS Advisory Committee and by the Chair of the ACCOBAMS Scientific Committee.

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

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

In coordination with the Chair and Vice-Chair/Task Manager for Interactions with Fisheries of the ACCOBAMS Scientific Committee, current members of the ACCOBAMS Task group for Interaction with fisheries (<http://www.accobams.org/main-activites/working-groups/>) have been invited to serve the JBWG. In parallel, the ASCOBANS experts have been nominated for the ASCOBANS area.

This document is composed of the final version of the Terms of Reference for a Joint Bycatch Working Group of ACCOBAMS and ASCOBANS (JBWG) – [Part 1](#). The second part includes the list of the Members of the JBWG – [Part 2](#). The third part includes the Report from the ACCOBAMS-ASCOBANS Joint Bycatch Working Group¹ prepared by the Co-chairs of the Joint Bycatch Working Group for the 25th Meeting of the ASCOBANS Advisory Committee organized in Stralsund (Germany) on 17-19 September 2019 – [Part 3](#).

¹ Annexes are available in English only.

PART 1 - TERMS OF REFERENCE FOR A JOINT BYCATCH WORKING GROUP OF ACCOBAMS AND ASCOBANS

Joint Bycatch Working Group composition

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

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

Joint Bycatch Working Group *modus operandi*

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

Joint Bycatch Working Group tasks

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

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

- 1) collate and prepare an overview of scientific information² relevant to bycatch of affected cetacean species,
- 2) review available information on IUU (Illegal, Unreported and Unregulated) fishing, recreational fishing, identification of bycatch risk areas, fishing techniques and gears applied in both agreement areas related to bycatch;
- 3) contribute to the assessment process of the EU-MSFD criteria and/or UNEP-MAP EcAp, and associated targets;
- 4) review and provide updates on bycatch mitigation measures currently available or under development and their effectiveness, using existing sources;
- 5) prepare an overview of national and international legislation and other measures relevant to the monitoring and management of cetacean bycatch, and include an overview of actions taken to deliver on ACCOBAMS and ASCOBANS obligations;
- 6) prepare, as appropriate, and in coordination with ICES WGBYC, advice on:

² Related to abundance and management units, including population dynamics.

- a. target setting including potential conservation and user objectives³, in accordance with the policies of the two Agreements;
 - b. monitoring cetacean bycatch and fishing operations;
- 7) provide technical support as required to facilitate dialogue with relevant bodies that have certification schemes, such as the Marine Stewardship Council (MSC), by actively contributing to the assessment of relevant fisheries with respect to cetacean bycatch;
 - 8) comment on requests for information or advice received through the Secretariats;
 - 9) report back to ACCOBAMS Scientific Committee and ASCOBANS Advisory Committee meetings, and where appropriate provide input intersessionally to other relevant meetings or working groups under the two Agreements.

³ See for example Hall, M.A. and Donovan, G.P. 2001. Environmentalists, Fishermen, Cetaceans and Fish: Is There a Balance and Can Science Help to Find it? Chapter 14, pp. 491-521 In: Marine mammals: biology and conservation Eds PGH Evans and J.A Raga. Kluwer Academic/Plenum Publishers, New York.

PART 2 – MEMBERS OF THE ACCOBAMS-ASCOBANS JOINT BYCATCH WORKING GROUP

(in alphabetical order)

NAME	AFFILIATION
Arne BJØRGE	Institute of Marine Research - Research Group of Marine Mammals, Norway
Penina BLANKETT	Ministry of the Environment, Finland
Patricia BRTNIK	German Oceanographic Museum, Germany
Ida CARLÉN	Coalition Clean Baltic, Sweden
Léa DAVID	EcoOcéan Institut, France
Sarah DOLMAN	Whale and Dolphin Conservation (WDC), United Kingdom
Greg DONOVAN	International Whaling Commission, United Kingdom
Nicolas ENTRUP	OceanCare, Switzerland
Peter EVANS	Sea Watch Foundation / School of Ocean Sciences, Bangor University, United Kingdom
Kerstin GLAUS	OceanCare, Switzerland
Tilen GENOV	Morigenos - Slovenian Marine Mammal Society, Slovenia
Joan GONZALVO	Tethys Research Institute, Italy
Jan HAELTERS	Royal Belgian Institute of Natural Sciences (RBINS/MUMM)Belgium
Sami HASSANI	LEMM Oceanopolis, France
Nicola HODGINS	Whale and Dolphin Conservation (WDC), United Kingdom
Théa JACOB	WWF France, France
Katarzyna KAMIŃSKA	Ministry of Maritime Economy and Inland Navigation, Fisheries Department, Poland
Sara KÖNIGSON	Swedish University of Agricultural Sciences - Department of Aquatic Resources, Sweden
Sven KOSCHINSKI	Meereszoologie, Germany
Finn LARSEN	Technical University of Denmark - National Institute of Aquatic Resources, Denmark
Sigrid LUEBER	OceanCare, Switzerland
Kelly MACLEOD	Joint Nature Conservation Committee, United Kingdom
Sinéad MURPHY	Galway-Mayo Institute of Technology - Marine and Freshwater Research Centre, Ireland
Houssine NIBANI	Association de Gestion Intégrée de Ressources (AGIR), Morocco
Ayaka Amaha OZTÜRK	Turkish Marine Research Foundation (TUDAV)/Faculty of Aquatic Sciences, Istanbul University, Turkey
Romulus-Marian PAIU	Mare Nostrum NGO, Romania

Kenneth PATTERSON	European Commission - DG MARE, Belgium
Iwona PAWLICZKA	University of Gdańsk - Faculty of Oceanography and Geography, Poland
Hélène PELTIER	Observatoire PELAGIS UMS 3462 Université de La Rochelle-CNRS, France
Eunice PINN	Seafish, United Kingdom
Vincent RIDOUX	Observatoire PELAGIS UMS 3462 Université de La Rochelle-CNRS, France
Aviad SCHENIN	Israeli Marine Mammals Research & Assistance Center (IMMRAC), Israel
Anne-Marie SVOBODA	Ministry of Agriculture, Nature and Food Quality, Directorate Nature & Biodiversity, Netherlands
Stephanie TACHOIRES	Agence Française pour la Biodiversité, France
Marguerite TARZIA	International Whaling Commission, United Kingdom
Jose VINGADA	Portuguese Wildlife Society (SPVS), Portugal

PART 3 – REPORT FROM THE ACCOBAMS-ASCOBANS JOINT BYCATCH WORKING GROUP

The Joint Bycatch Working Group (JBWG) was established in January 2019. Dr. Ayaka Amaha Oztürk (Turkish Marine Research Foundation, Turkey) and Dr. Peter Evans (Sea Watch Foundation, UK) agreed to act as Co-chairs. No objections or new nominations were received, and the chairing roles were confirmed in February 2019.

The two Co-chairs have kept in regular e-mail contact since February and have also held a Telecom session involving the ASCOBANS and ACCOBAMS Secretariats, in order to plan for future meetings and the development of two consultancies.

In April 2019, Peter Evans attended the ICES WGBYC meeting in Faro, Portugal, on behalf of ASCOBANS. At the meeting, he gave a presentation on the bycatch risk mapping project which he has been leading as part of the UK NERC-Defra funded Marine Ecosystems Research Programme. The Terms of Reference for the ICES WGBYC meeting are reproduced in [Annex 1](#), and the final report is tabled amongst the ASCOBANS AC25 documents (AC25/Inf.3.1c).

In May 2019, the IWC held a two-day workshop in Kenya on challenges and strategies for tackling bycatch in small scale fisheries with an evaluation of usefulness of existing data. The focus was upon mitigation of bycatch in gillnets in the Western Indian Ocean and Arabian Sea. Neither of the Co-chairs attended, but a report is available amongst the ASCOBANS AC25 documents (AC25/Inf.7.1a).

Over the last few years, through the ASCOBANS Secretariat, the Bycatch Working Group has made representations to the European Commission concerning proposals for a New Technical Measures Regulation. This Regulation was adopted in July 2019 and repealed the Regulation 812/2004, coming into effect on 24 August.

Article 3 of the Technical Measures included the following of relevance:

- *ensure that incidental catches of sensitive marine species, including those listed under Directives 92/43/EEC and 2009/147/EC [...] that result from fishing are minimized and where possible eliminated such that they do not represent a threat to the conservation status of these species;*
- *ensure, including by using appropriate incentives, that the negative environmental impacts of fishing on marine habitats are minimized [...];*
- *have in place fisheries management measures for the purposes of complying with the obligations under Directives 92/43/EEC, 2009/147/EC, 2008/56/EC in particular with a view to achieving good environmental status in line with Article 9(1) of that Directive, and 2000/60/EC.*

Under Article 4, one of the targets was that Technical Measures shall aim to ensure... *that bycatches of marine mammals, marine reptiles, seabirds and other non-commercially exploited species do not exceed levels provided for in Union legislation and international agreements that are binding on the Union.*

In this context, Annex XIII laid out measures applicable to cetaceans, seabirds and turtles;

- *Member States shall take the necessary steps to collect scientific data on incidental catches of sensitive species;*
- *As a result of scientific evidence, validated by ICES, STECF, or in the framework of GFCM, of negative impacts of fishing gears on sensitive species, Member States shall submit joint recommendations for additional mitigation measures for the reduction of incidental catches of the concerned species or in a concerned area on the basis of Article 18 of this Regulation;*
- *Member States shall monitor and assess the effectiveness of the mitigation measures established under this Annex.*

Concerns remained that measures for the monitoring & mitigation of bycatch of protected species such as cetaceans were inadequate, and these were expressed in various fora, including the meeting of the ASCOBANS Jastarnia Group in Turku, Finland in March 2019.

In June 2019, the EU Scientific, Technical and Economic Committee for Fisheries (STECF) organized an Expert Working Group meeting at JRC in Ispra, Italy. Ayaka A. Oztürk attended the meeting in person, whilst Peter Evans contributed remotely. Several members of the Joint Bycatch Working Group also participated either in person or remotely. The purpose of the workshop was to review the implementation of Regulation 812/2004 in the context of the New Technical Measures Regulation as they related to cetaceans, and to help refine the implementing acts to be adopted. Background to the meeting and the terms of reference are detailed in [Annex 2](#). A report of the meeting is now available and is tabled amongst the ASCOBANS AC25 documents (AC25/Inf.6a).

In September 2019, OSPAR and HELCOM organized a workshop “to examine possibilities for developing indicators for incidental bycatch of birds and marine mammals”. The objectives and terms of reference for this meeting are detailed in [Annex 3](#). Ayaka A. Oztürk attended the meeting as an ACCOBAMS observer and presented its conservation objectives, assessment needs and existing assessment processes, including the recent development of multi-taxa bycatch projects in the Mediterranean Sea. Peter Evans did the same for ASCOBANS whilst also co-chairing the workshop with Kate Kaminska. Several members of the Joint Bycatch Working Group attended the workshop which had a total attendance of fifty persons (representatives of Parties to OSPAR, HELCOM, and other international bodies, marine mammal and bird experts, NGOs and fisheries specialists). A conservation objective was put forward, and proposals were made for setting quantitative thresholds for cetacean bycatch taking account of uncertainty resulting from inadequate data. A report will be presented to both OSPAR and HELCOM Parties in October. A Chair’s summary is provided in [Annex 4](#).

Recognizing the need for new reviews of the cost effectiveness of different monitoring methods as well as of approaches to mitigating bycatch from specific gears, ASCOBANS advertised two consultancies⁴ in May (following review by the Working Group). In response to applications received for both, contracts were signed in August.

The first consultancy awarded to Grant Course was to conduct a cost-benefit analysis of available and potential monitoring tools aboard fishing vessels (e.g. mobile REM vs. marine mammal observers) that will investigate options for more robust and cost-effective monitoring of small cetacean bycatch in the ASCOBANS region (as agreed at ASCOBANS AC24). The terms of reference are described in [Annex 5](#).

The second consultancy awarded to Dr Fiona Read was to conduct a cost analysis for mitigation measures in fisheries with high bycatch levels in the ASCOBANS region (as also agreed at ASCOBANS AC24). The terms of reference are described in [Annex 6](#).

WWF is also contemplating a review of REM to monitor cetacean bycatch (through a consultancy), and so we shall ensure the efforts are complementary and do not overlap. Earlier in the year, WWF advertised another consultancy to develop guidelines for the safe handling and release of small cetaceans from fishing gear. In July, the ASCOBANS Secretariat circulated the WWF draft document to members of the Joint Bycatch Working Group, requesting feedback by 4 August. The advanced draft is available amongst the ASCOBANS AC25 documents (AC25/Inf.3.1b).

In December of this year, the European Cetacean Society (ECS), jointly with the Society for Marine Mammalogy (SMM), is organizing the second World Marine Mammal Conference (WMMC), in Barcelona, Spain. A poster abstract entitled ‘Intergovernmental framework for tackling cetacean bycatch’, led by the ASCOBANS Secretariat, was submitted with

⁴ <https://careers.un.org/lbw/jobdetail.aspx?id=116844&Lang=en-US> and <https://careers.un.org/lbw/jobdetail.aspx?id=116842&Lang=en-US>.

ACCOBAMS and CMS. This has been accepted and will be presented at WMMC. Input from the Joint Bycatch Working Group is invited.

The Marine Stewardship Council will be organizing a workshop at WMMC, entitled “Incentivising consistent data collection and transparent reporting of marine mammal bycatch in fisheries”. It will be held in Barcelona on 8 December, prior to the WMMC.

Discussions have taken place between the Co-chairs and the ASCOBANS and ACCOBAMS Secretariats concerning the subject matter and timing for a first meeting/workshop of the Joint Bycatch Working Group. The idea to hold a meeting in conjunction with the WMMC in December was abandoned because this would be too early and there were high fees (conference + workshop) associated which would limit attendance. France has expressed interest in hosting such a meeting, possibly in Brest, and it is suggested that this might be held in the spring of 2020 on the subject of the two consultancies since they will have reported by then.

ANNEX 1: Terms of Reference of ICES WGBYC Meeting, Faro, Portugal, 5-8 Mar 2019**Terms of Reference**

- a) Review and summarize annual national reports submitted to the European Commission under Regulation 812/2004 and other published documents to collate bycatch rates and estimates in EU waters and wider North Atlantic;
- b) Collate and review information from national Regulation 812/2004 reports and elsewhere in the North Atlantic relating to the implementation of bycatch mitigation measures and ongoing bycatch mitigation trials and compile recent results on protected species bycatch mitigation;
- c) Evaluate the range of (minimum/maximum) impacts of bycatch on protected species populations where possible, furthering the bycatch risk approach to assess likely conservation level threats and prioritize areas where additional monitoring is needed;
- d) Continue to develop, improve and coordinate with other ICES WGs on methods for bycatch monitoring, research and assessment within the context of European legislation (e.g. MSFD) and regional conventions (e.g. OSPAR) (intersessional);
- e) Continue to coordinate and support among WGBYC members research proposals/projects and funding opportunities in support of researching protected species bycatch mitigation;
- f) Continue, in cooperation with the ICES Data Centre, to develop, improve, populate through formal Data Call, and maintain the database on bycatch monitoring and relevant fishing effort in European waters. (Intersessional).

ANNEX 2: Terms of Reference of STECF Expert Working Group Meeting on Review the implementation of the EU regulation on the incidental catches of cetaceans (EWG 19-07), Ispra, Italy, 17-21 June 2019

Background

Regulation (EU) 812/2004 of the European Parliament and of the Council lays down measures for the reporting of incidental catches of cetaceans in few defined fisheries and one single measure to mitigate against such catches. The Regulation identifies fisheries where the use of acoustic deterrent devices (ADDs or “pingers”) is mandatory, the technical specifications and conditions of use of these devices, and fisheries where observer schemes to obtain representative data in order to assess the extent of bycatch of cetaceans. Member States are also responsible for enforcing the use of ADDs and monitoring their efficacy over time, as well as implementing monitoring schemes according to the guidelines under this Regulation.

In 2011, the European Commission carried out two separate reviews of the Regulation (EU) 812/2004 (COM (2009) 368; COM (2011) 578) as required under Article 7 of the Regulation. In 2012, ICES WGBYC (Working Group on Bycatch of Protected Species) gives a summary of the conclusions. In an attempt to address the shortcomings in the monitoring part of the Regulation, the main conclusion of these reviews led to the Commissions’ decision to implement monitoring of incidental bycatch of sensitive species into the Data Collection Framework (DCF), which began in January 2017. The report of this meeting builds on the remaining shortcomings, which refer mainly to the technical part of the Regulation. For the monitoring part, it re-addresses the shortcomings that were already recognised by previous reviews and reflects on the current effectiveness of incidental bycatch monitoring under the new DCF.

An STECF Expert Working Group (EWG-19-07) met from 17 to 21 June 2019 in Ispra (Italy) to review the implementation of the Regulation (EU) No 812/2004. Under Article 6 of the Regulation, Member States are obliged to provide an annual report on the implementation of the Regulation to the Commission. Under Article 8 of the regulation, the Commission is also required to undertake an assessment of the effectiveness of the regulation and where appropriate submit an overarching proposal for ensuring the effective protection of cetaceans. ICES, through the Working Group on Bycatch of Protected Species (WGBYC) provides a review of the Member State data reports on an annual basis; however, it is necessary to undertake a more in-depth and holistic analysis of the overall efficacy of this Regulation.

The Council has signed off the new Technical⁵ Measures Regulation that carries over many of the technical provisions laid out in Regulation (EU) No 812/2004 and makes provisions for updating the technical specifications of acoustic deterrent devices and the possible introduction of other mitigation measures. The proposal also foresees the setting of maximum bycatch limits for marine mammals. EWG 19-07 was asked to provide an overview on where such maximum thresholds have been developed and applied.

EWG 19-07, also provided a broader overview of the whole problem of cetacean bycatch in the many areas covered by Regulation (EU) 812/2004. Various aspects related to population status, bycatch rates, fishery effort and observation effort have different levels of scientific knowledge. These aspects affect a better or a worse understanding of the whole problem, likely biasing the conceptual framework of the Regulation itself.

⁵ <https://www.consilium.europa.eu/en/press/press-releases/2019/06/13/final-greenlight-on-new-technical-and-conservation-measures-in-fisheries/>

Terms of Reference

The EWG 19-07 was requested to address the following Terms of Reference:

Tor 1. To provide a holistic review of the effectiveness of the current regulation based on ICES advice and other sources of information in terms of mitigating bycatches of cetaceans.

Tor 2. To provide observations on potential shortcomings of the regulation and where appropriate, indicate possible revisions to the technical specifications laid out in the Regulation.

Tor 3. To provide a summary of candidate maximum bycatch thresholds for the species most typically caught as bycatch.

ANNEX 3: Joint OSPAR-HELCOM Workshop to examine possibilities for developing indicators for incidental by-catch of birds and marine mammals, Copenhagen, Denmark, 3-5 September 2019

Objectives

The objective of the workshop is to develop methods to assess, for conservation purposes, the pressure of incidental by-catch of birds and marine mammals. The focus is on the identification of cost-effective assessment- and data collection approaches. Conservation objectives based on already existing agreements will frame and form the basis for exploring the sustainable level of incidental by-catch pressure but are not intended to be the focus of the workshop.

The following aims will guide the work towards the objective;

Data needs for carrying out assessments should be identified and compared to current data availability. Where monitoring programmes are currently not generating suitable data, the workshop should investigate barriers to monitoring data becoming available and develop proposals for improved monitoring approaches and data collection in order to move towards operational assessments.

Approaches to identify areas of increased and decreased risk of incidental by-catch (i.e. high risk/low risk areas) should be explored. Different methods may be considered for birds and marine mammals as relevant. This information may contribute to proposals on improved monitoring approaches.

Regionally harmonised indicators are strived for, and therefore consideration should be given to proposals for approaches to setting thresholds as part of the proposal indicator assessment method.

To achieve the workshop objective, work should focus on practical aspects and develop proposals on which assessment method to use with different levels of data availability. Model-based assessments should be included in the considerations, in particular to explore possibilities to define and assess thresholds without high quality by catch and/or abundance data (e.g. aiming to take high inter-annual variability into consideration). The workshop should also consider how to calculate numbers for total by-catch from existing monitoring data and levels of rigour in the data required to inform on management action.

Birds and marine mammals were selected to be the focus for the workshop, as most comprehensive information is believed to exist for these ecosystem elements. OSPAR and HELCOM also recognize the importance of by-catch of turtles and non-commercial fish as significant pressures on these ecosystem elements, however these species groups will not be directly addressed during the workshop.

Terms of Reference

To achieve the workshop objective of developing methods for assessing incidental by-catch of birds and marine mammals, the following tasks are to be carried out during the workshop;

a. Data requirements, sources and monitoring:

Compare the data needs to current data availability, and as relevant identify possible additional data sources;

Identify barriers to preventing appropriate monitoring data becoming available;

Develop practical proposals on how to address data gaps, taking into consideration and approximating the associated costs, with an aim to enable assessments both in the short- and long-term.

b. Identifying areas of increased risk/low risk of incidental by-catch:

explore methodologies for identifying incidental by-catch high risk (and if possible also low risk) areas based on the collated background information;

consider spatial and temporal aspects of identifying areas of high risk/low risk (e.g. due to changes in spatiotemporal distribution of fisheries and the species at risk of incidental by-catch) and how to incorporate this information when defining high risk/low risk areas.

c. Methodologies for indicator assessment, including threshold setting:

explore alternative metrics/parameters, and model-based approaches for regional indicator based assessment;

explore the relevant resolution of data for assessments, taking into consideration spatial-, temporal and taxonomic resolution;

consider if different methods need to be proposed for data rich and data poor species;

compare available methods for threshold setting, such as Catch Limit Algorithm, and propose the most suitable methods to be used.

d. Identify next steps for developing monitoring and assessment of bycatch by OSPAR and HELCOM

The workshop should look for synergies between species groups and, where possible, identify methodologies (or elements of methodologies) that can be relevant across species groups.

The workshop should also make use of existing assessment processes (e.g. ICES, ASCOBANS) or obligations (e.g. DCMAP) to avoid duplicating effort and to potentially use them to help implement its proposals.

ANNEX 4: Chair's Wrap-up summary of Joint OSPAR-HELCOM Workshop to examine possibilities for developing indicators for incidental by-catch of birds and marine mammals, Copenhagen, Denmark, 3-5 September 2019

The workshop addressed the marine bird and marine mammal faunas of the combined OSPAR and HELCOM regions. These comprise c. 70 species of birds, 40 species of cetaceans and 8 pinniped species. There is much variation in population distributions and sizes, demographic trends, and life history parameters as well as information available, so there is a need to consider species or species groups regionally. For seals and a small number of better known cetaceans, this can be at the scale of the management or assessment unit, whereas for most other cetaceans and birds it will be more appropriate to do so by OSPAR region (Arctic Waters, Greater North Sea, Celtic Seas, Bay of Biscay & Iberian Coast, and Wider Atlantic) or in the case of birds in the Baltic, in three regions – Kattegat to Bornholm basin, Baltic Proper, and Bothnian Bay.

In order to assess the impact of bycatch, where possible one should delineate by species population, then obtain information on its abundance, trends, some key life history parameters (e.g. annual adult mortality, generation length), and bycatch rates. This requires decisions on which metrics to use, and these can vary within and between major taxa (e.g. abundance estimates may be numbers of birds at breeding sites, seal numbers at moulting haul-outs or pup production, or at-sea abundance).

The most challenging parameter to measure is usually bycatch rate and this is consistently under-recorded because of sampling difficulties. There are methods available, such as remote electronic monitoring (REM) for finer scale analyses, to improve our estimates and better understand the factors affecting bycatch rates, and there are ways being developed to reduce deployment costs so that REM can be moved between vessels for better statistical sampling. Risk mapping (including overlays of species density distributions and fishing effort operating particular gears so that different types can be distinguished) can help in this respect to focus resources for better monitoring, whilst information from other sources, such as strandings, can supplement at-sea reporting/recording.

Good information on fishing effort is crucial for robust estimates of bycatch rates. Although inadequate in many ways, 'Days at Sea' (DaS) from VMS remains the long-standing method to measure fishing effort. However, more refined metrics such as net length (e.g. for static gillnets) or other net dimensions (e.g. for trawls), and soak time would be better to apply in the future, whilst VMS can be supplemented by AIS and logbook information. A major sampling issue is the scarcity of monitoring for small vessels. Bycatch events are, by their very nature, difficult to predict, and this represents a major challenge in attempting to extrapolate from low sampling to the entire fishing fleet.

In developing a bycatch indicator and thresholds to alert one to unsustainable levels of bycatch, it is necessary to first have a clear conservation objective. The workshop proposed the following: "Minimise and where possible eliminate incidental catches of all marine mammal and bird species such that they do not represent a threat to the conservation status of these species." Although one customarily sets an accompanying directly measurable management objective, it was decided not to do so at this stage as that may depend upon the species group or taxon and our level of knowledge.

A number of options were proposed for setting thresholds, designed to take account of uncertainty which can be very great particularly for the data poor species/species groups. For birds, emphasis was placed on using a single measure: 1% of natural annual adult mortality, but in some cases, it should be possible to be informed by Population Viability Analysis (PVA) or to directly apply a Removals Limit Algorithm (RLA); both approaches will need further testing. For mammals, an RLA approach may be possible for those data rich species, whereas for others, a PBR (Potential Biological Removals) or Rule of Thumb approach drawn from the results of RLA testing on species of comparable life history features (generation length) may be appropriate. Where such models are used, it is important to consider how one addresses terms such as "carrying capacity", to consider other anthropogenic removals, and above all, to be precautionary in the face of often great uncertainty.

Finally, one must not lose sight of the overriding conservation objective to minimise bycatch and drive it towards zero, so thresholds should not be taken as a substitute for taking mitigation action.

ANNEX 5: Consultancy to conduct a cost-benefit analysis of different monitoring methods aboard fisheries with regards to cetacean bycatch

The overall objective of this consultancy is to conduct a cost-benefit analysis of available and potential monitoring tools aboard fishing vessels that will investigate options for more robust and cost-effective monitoring of small cetacean bycatch in the ASCOBANS region. The tools and methods compared in the analysis need to specifically include those available for vessels of less than 15 metres length (including those less than 10 metres length).

The ASCOBANS North Sea Group, as well as the ICES Working Group on Bycatch of protected Species (WGBYC), have both highlighted gaps in knowledge regarding bycatch estimates for small cetaceans in European waters. Reliable bycatch estimates are needed to determine current bycatch levels of small cetaceans in fisheries conducted in the ASCOBANS area, as well as to assist in prioritised and appropriate mitigation measures. Dedicated observer schemes are used in some countries to monitor cetacean bycatch and when properly designed they have frequently been considered the 'best' monitoring approach (albeit they can be expensive).

Members of the ASCOBANS North Sea Steering Group suggested that Remote Electronic Monitoring (REM) could be used to complement dedicated schemes or be an alternative to such; it may be that they provide a cost-efficient and reliable way to monitor cetacean bycatch on fishing vessels, in particular where there are practical limitations to using dedicated at-sea observers on board (Kindt-Larsen et al., 2012; Bjørge et al., 2013; Scheidat et al., 2018). If they are shown to be reliable and cost-efficient, this could help address monitoring gaps and reduce uncertainty in bycatch estimates. The present cost-benefit analysis must also consider other options besides REM where it is considered not feasible to have observers or any particular reason.

To assist in the cost-benefit analysis and the REM topic in particular, attention is drawn to the Workshop on Remote Electronic Monitoring (REM) held in October 2015 in The Hague, The Netherlands (ASCOBANS, 2015). Its aim was to discuss the current status, potential shortcomings, and new developments in REM techniques that could be used to help improve cetacean bycatch monitoring. One of the main conclusions of the workshop was that from a technical perspective, REM could be used successfully to monitor small cetacean bycatch, but decisions whether REM was the best and most cost-effective option would depend on the specific situation. This is influenced by the type of monitoring being conducted, the fishing fleet targeted, as well as personnel and technical costs and these can vary greatly between countries. If a large proportion of the effort in a certain fleet was to be monitored, new solutions might have to be found with regards to lowering the costs for the REM systems and developing a more flexible system that, for example, could readily be moved around from boat to boat thus sampling a larger proportion of the fleet. In some cases, it might be useful to apply different methods simultaneously, such as observers and REM systems, as the data collected could be of complementary value. It was clear that in some cases for very small vessels (without a wheelhouse or a hard structure for mounting), the current REM systems were not suitable right away, and the boats would need modification to adjust for cameras on board, or alternative REM systems might need to be developed, such as solar powered systems as used on some artisanal vessels.

Any cost-benefit analysis of a new REM (or indeed any) data collection/mitigation approach must consider a number of key issues including:

- a) whether a technique is adequate to answer the bycatch questions being asked and if it is deemed so, under what circumstances/situations is it the most appropriate;
- b) levels of stakeholder involvement required and potential for achieving this;
- c) practical aspects of use including installation requirements, security, privacy and health & safety;
- d) sampling design/effort;
- e) data to be collected (and the reliability of those data) and the analysis costs of obtaining the required data from the raw data (e.g. reviewing digital footage);

f) analytical techniques and dealing with uncertainty.

Many of these were discussed in the workshop report.

The consultancy must address at least the following questions, taking into account the above issues:

1. What are the currently available REM systems that could be deployed in the ASCOBANS region? What are the costs per vessel of each of these systems, as well as their advantages and disadvantages (including by vessel type and size)? How do those costs vary between ASCOBANS Range States?
2. What are the costs per vessel of alternative monitoring methods such as dedicated Marine Mammal Observers, for particular Range States where levels of small cetacean bycatch may be a concern (selection to be made in consultation with ASCOBANS)? Consider at the same time the various practical aspects (health & safety, privacy, ease of deployment on various types and sizes of vessel).
3. What are the estimated costs of various alternatives based upon sampling of 5% and 10% of a nation's fleet, for specific gear types (selected in consultation with ASCOBANS).
4. Compare strengths and weaknesses of the different monitoring options with one another, in terms of likely costs, practicalities of implementation, and likelihood of achieving adequate monitoring of bycatch.

The study will need to take into account the prospects of stakeholder engagement, sampling design, costs of training both in data collection & analysis, logistical issues (particularly aboard small vessels), and analytical costs (including reviewing digital footage).

ANNEX 6: Consultancy to conduct a cost analysis for mitigation methods in fisheries with high bycatch

The overall objective of this consultancy is to estimate the costs of applying specific mitigation measures in a number of fisheries known to have high bycatch levels in the ASCOBANS region.

Following on from a document presented at CMS COP12 on “Review of Methods used to reduce Risk of Cetacean Bycatch and Entanglements” (UNEP/CMS/COP12/Inf.15), a study is needed to estimate the costs of applying specific mitigation measures in fisheries known to have high bycatch levels (notably static gillnets and a variety of trawling activities) in the ASCOBANS region. Such a study would significantly advance policy discussions by providing estimated costs for reducing bycatch in individual fisheries. Pilot projects could evolve from the information provided by this consultancy, with an immediate impact on bycatch levels within those fisheries.

Specific ASCOBANS mandates to which this consultancy will contribute are:

1. North Sea Plan/Jastarnia Plan/WBBK Plan
2. ASCOBANS Resolution 8.5 on bycatch
3. Work Plan 2017-2020: Make recommendations to Parties and other relevant authorities on bycatch mitigation measures for further action for the end of this triennium and the following triennium.

The study should provide answers to the following questions:

1. (a). What are the gear modifications (including 'pingers'), that have been already documented to reduce the risk of cetacean bycatch that should be considered appropriate for the fisheries and cetacean species in the ASCOBANS Agreement Area.
1. (b). What would be the estimated cost of the implementation of the identified beneficial gear modifications by species and fishery type? In providing this estimation, the consultant should specify:
 - (i) the current estimated cost of the modification;
 - (ii) where can it be obtained (i.e. is it available within the country or does it need to be imported); and
 - (iii) apart from cost, what are the potential strengths or barriers for its use, including amount of change from current fishing practices, level of bycatch reduction expected, potential positive or negative implications in terms of levels of target catch, gear damage and processing time etc.
2. (a). Are there alternative gears to the gear modifications identified under 1 that could be used for the same target species in the ASCOBANS Agreement Area?
2. (b). If so, identify the strengths and weaknesses of those including consideration of:
 - (i) the potential level of bycatch benefits per fishery and species;
 - (ii) the costs associated to changing gear and changing fishing practices;
 - (iii) the potential changes in catch rate and/or potential secondary catch; and
 - (iv) any other potential barriers or incentives associated with changing fishing gear.

III. WORKING GROUP(S) ON MSFD

Note of the Secretariat

During MOP5, composition and Terms of Reference for a Joint ACCOBAMS/ASCOBANS MSFD Working Group were agreed by Parties. This joint ACCOBAMS /ASCOBANS Working Group has 2 co-chairs: Mr. Sinéad Murphy and Mr. Vincent Ridoux. A progress report is presented in the document ACCOBAMS-MOP7/2019/Inf47.

Following the Resolution 6.12 (Implementation of the EU MSFD and relevant EcAp processes) which was adopted by Parties during MOP6, some Terms of Reference for another Working Group: MSFD / EcAP correspondence Working Group on ACCOBAMS area were proposed to Scientific Committee members during SC11. The objective of this Working Group is to foster transnational initiatives and ensure the coherence of the determination of Good Environmental Status regarding marine mammals.

It should be noted that all the relevant MSFD and EcAp issues related to cetaceans are taken into consideration by the ACCOBAMS Permanent Secretariat and by the ACCOBAMS Scientific Committee through participation to regional projects (ASI, CeNoBS, QuietMED, QuiedMED 2,...), and already addressed through the work of the relevant thematic Working Group (JNWG, JBWG,...).

III.1 - JOINT ACCOBAMS/ASCOBANS WORKING GROUP ON MSFD

Part 1- Terms of Reference for the Joint MSFD Working Group (as agreed during MOP5)

This working group will operate by correspondence. It should coordinate and cooperate closely with other relevant scientific bodies and working groups within both Agreements, in particular the sub-regional working groups. It should also liaise with relevant working groups established by other international bodies, such as HELCOM, OSPAR and ICES as well as national processes.

With a view to ensuring that cetacean conservation issues are adequately taken account of in the framework of ongoing work related to the MSFD, the joint ACCOBAMS/ASCOBANS working group on the MSFD will:

- 1) Collect information on how the implementation of the MSFD is furthered in the various relevant regional fora with regard to (small) cetaceans (e.g. OSPAR, ICES, ...);
- 2) In close cooperation with other scientific bodies and working groups within both Agreements, ensure consistency and identify gaps in the implementation of the MSFD with regard to (small) cetaceans in these regional fora;
- 3) Liaise with scientific bodies and working groups within ACCOBAMS/ASCOBANS that work on matters relevant to the implementation of the MSFD;
- 4) Report back on the conclusions of its work to the relevant working groups of ACCOBAMS/ASCOBANS, and to its relevant scientific and technical bodies;
- 5) Ensure that the conclusions of its work are brought to the attention of the relevant groups working on the implementation of the MSFD;
- 6) Prepare draft ToR for work within ACCOBAMS/ASCOBANS related to the further implementation of the MSFD after 2014.

Part 2 - Composition the Joint MSFD Working Group (as agreed during MOP5)

- Countries: Belgium, Bulgaria, France, Germany, Italy, Malta, Monaco, Netherlands, Portugal, Romania, United Kingdom
- Others: North Sea Plan Coordinator, Blue World, ECS/Sea Watch Foundation, EUCC, HSI, OceanCare, University of Aberdeen, University of La Rochelle, WDC, Wildlife and Countryside Link, ZSL, plus individual experts

III.2 - MSFD/EcAP Working Group

Part 1 - Terms of Reference for the MSFD/EcAP Working Group

This working group will operate by correspondence. This working group on the MSFD / EcAP shall mainly:

- 1) collect information on each national monitoring program regarding marine mammals;
- 2) suggest the set of species representative of each species group for the MSFD assessment of Good Ecosystem Status regarding marine mammals as recommended by the European commission (Decision 2010/477/EU);
- 3) stimulate collaboration among marine mammal scientists involved in MSFD / EcAP monitoring program for cetaceans to foster transnational initiatives (such as the ACCOBAMS Survey Initiative and the Joint CMS/ACCOBAMS/ASCOBANS Noise Working Group);
- 4) collate how criteria elements are nationally assessed for marine mammals (indicators, reference and threshold values) in the context of the MSFD (Decision 2010/477/EU) and EcAP initiative;
- 5) ensure the coherence of the determination of Good Ecosystem Status at the relevant scale of assessment for marine mammals (MSFD);
- 6) ensure that the conclusions of this working group are brought to the attention of the relevant groups working on the implementation of the MSFD and EcAP;
- 7) assist the ACCOBAMS Permanent Secretariat in organizing the workshop mentioned in the Resolution 6.12 "Implementation of the EU MSFD and relevant EcAP".

Part 2 - Composition of the MSFD/EcAP Working Group

- scientific experts in charge of the implementation of MSFD regarding marine mammals for each EU-Member State,
- scientific experts in charge of the implementation of the EcAP initiative under the Barcelona Convention, regarding marine mammals for each Mediterranean Countries,
- scientific experts in charge of the implementation of similar initiatives in the Black Sea

IV. WORKING GROUP ON WHALE WATCHING

Note of the Secretariat

The ACCOBAMS Working Group on whale watching was not active during the 2017-2019 triennium and needs to be reactivated. Its composition and Terms of Reference will be updated during the thirteenth Meeting of the Scientific Committee in 2020.

Part 1- Terms of Reference for the Working Group on whale watching (as agreed during SC9)

- Identify experts within the ACCOBAMS Parties or active in the Agreement area, which will provide valuable information on cetacean watching activities in the area, and will update the inventory of operators currently conducting these activities in the ACCOBAMS area (see ACCOBAMS-MOP5/2013/Inf 36);
- Identify critical areas for cetacean watching activities and propose guidelines for monitoring programs aimed at maximizing the chance of detecting potential adverse impacts on individual cetaceans and on populations, taking into account the existing work on this issue elsewhere in the world;
- Collect information on different types of operator data collection systems in the ACCOBAMS area and propose a common procedure (data collection system) to be implemented in the Agreement area.

Part 2- Composition (as agreed during SC9)

Marina Sequeira (Chair)
Pascal Mayol
Tilen Genov
Renaud de Stephanis
Caterina Fortuna
Fannie Dubois
Léa David

V. WORKING GROUP ON MARINE MAMMALS OBSERVERS

Note of the Secretariat

The role of the MMO Working group is to ensure that the whole process is implemented smoothly, within a clear framework and in a transparent and fair manner for everyone and every Organization.

The composition of the MMOWG has been updated through proposition of new names and a vote.

Resolution 6.18 explains the process, actors and their role. The objective is to propose a certification for the whole ACCOBAMS area (Mediterranean and Black Sea), and a standardized training.

During the Eleventh Meeting of the Scientific Committee (Monaco, 7-9 February 2017), a new name for the entity, called “ACCOBAMS School” in the ACCOBAMS Resolution 6.18, was proposed and approved as “**ACCOBAMS MMO/PAM Courses Committee (ACCOBAMS MMO/PAM CC)**” by the Scientific Committee.

The progress report of the MMO WG is presented in the document ACCOBAMS-MOP7/2019/Inf22.

Part 1 – Terms of Reference for the MMO WG (agreed under Resolution 6.18)

- Examine possibilities for the promotion of mandatory involvement of MMO/PAMs in any impulsive noise-generating activities (e.g. seismic exploration, pile driving, training course of seismic acquisition and processing, testing of seismic instruments);
- Review of existing training schemes and best practice guidelines and participation to their actualization;
- Review of different ways of implementing MMO/PAM trainings and development of an ACCOBAMS MMO scheme (e.g. ACCOBAMS MMO label, **ACCOBAMS MMO/PAM CC**);
- Development of strategy to involve industrial stakeholder into the process;
- Assessment of MMO/PAM accreditation conditions;
- Presentation of a consolidated proposition to the SC of ACCOBAMS about the MMO/PAM training issue.

Part 2 - Composition of the MMO WG

Name	Institution
Léa DAVID (Leader)	EcoOcéan Institut
Nathalie DI-MEGLIO	EcoOcéan Institut
Nicolas ENTRUP	Ocean Care/JN WG
Claudio FOSSATI	CIBRA
Patrick Lyne	DMAD
Caterina LANFREDI	Tethys Research Institute
Alessio MAGLIO	SINAY/JN WG
Barbara MUSSI	Oceanomare Delphis Onlus
Gianni PAVAN	CIBRA / JN WG
Yanis SOUAMI	SINAY / JN WG