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PROGRESS REPORT OF THE JOINT CMS/ACCOBAMS/ASCOBANS NOISE WORKING GROUP (JNWG)

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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 was organized in January 2020 in Cartagena, 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/Doc22 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/Doc23 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