

TERMS OF REFERENCE FOR THE JOINT MSFD WORKING GROUP

Note of the Secretariat

During MOP5, the composition and Terms of Reference for a Joint ACCOBAMS/ASCOBANS Working Group on the Marine Strategy Framework Directive (MSFD) were approved by ACCOBAMS Parties. This joint ACCOBAMS/ASCOBANS Working Group had 2 co-Chairs: Ms. Sinéad Murphy, representing ASCOBANS, and Mr. Vincent Ridoux, representing ACCOBAMS. In October 2022, Mr. Vincent Ridoux expressed his wish to stop co-chairing the Joint ACCOBAMS/ASCOBANS Working Group on the MSFD.

The Terms of Reference of this Working Group are presented in Part I of this document.

In addition, following the adoption of Resolution 6.12 "Implementation of the EU MSFD and relevant Ecosystem Approach processes" during MOP6, the Terms of Reference for a MSFD/EcAp Correspondence Working Group on ACCOBAMS area were proposed to the Scientific Committee during SC11, in 2017, who welcomed them. The objective of this Working Group is to foster transnational initiatives and to ensure coherence in the determination of Good Environmental Status regarding marine mammals.

The Terms of Reference of this Working Group are presented in Part II of this document.

Part 1- Terms of Reference for the Joint ACCOBAMS/ASCOBANS Working Group on the Marine Strategy Framework Directive (MSFD)

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.

Composition (as approved by 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

Part 2 - Terms of Reference for the MSFD/EcAP Correspondence Working Group on ACCOBAMS Area

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 (MFSD);
- 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".

Composition:

- 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