

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

ORGANIZATION AND COMPOSITION

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

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

New Terms of Reference and Operational Procedures for a Joint Noise Working Group of CMS, ACCOBAMS and ASCOBANS were agreed and presented for information at the SC13 Meeting (26-28 February 2020, Cap d'Ail, France).

Regarding the composition of the JNWG, Mrs. Sigrid Lueber, OceanCare, and Mr. Yanis Souami, SINAY, were re-elected Chairs of the JNWG, and 5 new members joined the Group:

- Fernando Trujillo, Foundation Omacha, Colombia
- Danielle Krebs, YK-RASI, Indonesia
- Zhitao Wang, Institute of Hydrobiology, China
- Gill Braulik, University of St Andrews, UK
- Giuseppe Notarbartolo di Sciara, , member of the ACCOBAMS Scientific Committee

Moreover, an Industry Advisory Group (IAG) with the corresponding Terms of Reference and Operational Procedures was created to consult with industry experts on the technical feasibility of any proposed or alternative measures and/or solutions. Ross Compton, Energeo Alliance and Chris Waddington, International Chamber of Shipping have been elected as co-chairs.

WORK OF THE JNWG

A work Plan for the JNWG was submitted to CMS, ACCOBAMS and ASCOBANS in February 2023 (Annex).

a- Work done before the ACCOBAMS MOP8

- Review the report on Best Available Technology (BAT) and Best Environmental Practice (BEP) for Three Noise Sources: Shipping, Seismic Airgun Surveys, and Pile Driving (as per CMS COP Decision 13.59) in March-May 2021

Completed. → Members of the Joint Noise Working Group provided comments on the original report by May 30, 2022. The revised document was shared with the Industry Advisory Group for their input, much of which was accepted by the Joint Noise Working Group in their second review, during which also additional comments were submitted. The report was submitted to the CMS Scientific Council for final review as per Decision 13.60 and will be published as CMS Technical Series as per Decision 13.59.

- Review the ACCOBAMS Noise Hotspot Report II
The JNWG (and the IAG), as Recommended by the Scientific Committee (SC) in Recommendation 14.6, was invited to review the updated Draft Hotspots Report II with a view to provide additional information, including information concerning impulsive noise-generating activities in the Agreement Area since 2016.
- In the framework of the QUIETMED2 project → participation to 2 workshops for development of assessment methodology for Impulsive Noise (2019 and 2020), feedback and suggestions for improvement of documents developed during Quietmed-2.
- In the framework of the ongoing EU QUIETSEAS project, ACCOBAMS has to organize a workshop with project partners + some members of the JNWG.
 - Held in March 2022 in Monaco; contribution from participants to the discussion on setting thresholds to the amount of habitat of cetaceans affected by noise

b- Work still to be planned / addressed

- Follow-on workshops on sonar with navies
- Helping with 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*)
- Developing the concept of “quiet zones” as outlined in Recommendation 10.5 of the ACCOBAMS Scientific Committee with a focus on a quantitative elaboration and evaluation of the scientific evidence for establishing such areas both in space and time
- Upon request, support Parties that have not yet done so in establishing national noise registries (CMS Res. 12.14)
- Provide Advice on the draft Decisions related to underwater noise to be considered by CMS COP14

c- Difficulties encountered and perspectives

- Ambitious Work Plan: 12 items and 23 sub-items among regular tasks and specific mandates from ACCOBAMS, ASCOBANS and CMS
- Additional requests regularly received by the JNWG for advice on issues regarding underwater noise (e.g., from the GFCM to review and comment their noise-related work, from MEDPOL with regards to noise assessments for the EcAp process, from TG-Noise to contribute to develop assessment methodology...).
- Several items of the Work Plan are lagging behind (e.g., quiet zones) and difficulties to carry out the requested work are pointed out.
- Foreseeable increase of workload in the next future following the adoption of last TG-Noise guidance, as well as the acceleration of the implementation of noise-related monitoring and assessment programs under the scope of Barcelona Convention.

ANNEX: WORK PLAN (VERSION: FEBRUARY 2023) FOR THE JNWG OF CMS, ACCOBAMS AND ASCOBANS

Work Plan (version: February 2023)
for the Joint Noise Working Group of CMS, ACCOBAMS and ASCOBANS

**Work Plan (version: February 2023)
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The members of the JNWG serve in a volunteer capacity. It is understood that the limited time available to members might make it necessary for the JNWG to prioritise tasks, and that not all requests might be fulfilled in each intersessional period.

Regular Tasks

The JNWG will:

1. Review new information on underwater noise, its impacts on species covered by CMS, ACCOBAMS and ASCOBANS and their prey species, mitigation measures, technological developments, best practices and guidelines. Make recommendations to Parties and other relevant authorities for further action.
2. Prepare a report on progress and new information to each meeting of the CMS Scientific Council, ACCOBAMS Scientific Committee and ASCOBANS Advisory Committee, in particular including:
 - a) Updated information on:
 - New available information on underwater noise, its effects on marine species (including migratory species and their prey), as well as the effective assessment and management of this threat
 - Relevant activities and developments in other international bodies (both regional and global) and under the EU Marine Strategy Framework Directive
 - 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
 - Parties' progress in implementation of the resolutions mentioned above, as appropriate
 - b) Advice on Best Available Techniques (BAT) and Best Environmental Practice (BEP) in efforts to reduce or mitigate marine noise pollution, e.g. by
 - 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
 - Recommending appropriate biological indicators and thresholds
 - c) Provision of advice on:
 - Collaboration with other international bodies, such as Barcelona Convention, Black Sea Commission, OSPAR, HELCOM, CBD, IMO, IWC and ICES
 - 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)
 - Opportunities for influencing decisions of other relevant bodies in order to achieve more effective protection of marine life from impacts of underwater noise
3. Design, and help implement as appropriate, pilot projects to test and improve the existing noise guidelines (ACCOBAMS Res. 7.13 and ASCOBANS AC17/Doc.4-08) and mitigation measures for their application in the field
4. Respond to additional requests for support by CMS, ACCOBAMS or ASCOBANS, transmitted through the Secretariats, as required.

Work Plan (version: February 2023)
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Specific CMS Mandates

1. Decisions 13.58-13.60
 - Review of the report on Best Available Technology (BAT) and Best Environmental Practice (BEP) for Three Noise Sources: Shipping, Seismic Airgun Surveys, and Pile Driving published as CMS UNEP/CMS/COP13/Inf.9, which after consideration by the Scientific Council will be published as CMS Technical Series
 - Provide advice to the Scientific Council on the need of developing noise mitigation guidelines on shipping, seismic airgun surveys, and pile driving
 - Review the need for additional guidance on mitigation technologies and management measures for additional noise-generating activities
 - Advice on the need for updating the CMS Family Guidelines on Environmental Impact Assessment for Marine Noise-generating Activities and/or its Technical Support Information prior to the 14th meeting of the Conference of the Parties of CMS
2. Resolution 12.14
 - Upon request, support Parties that have not yet done so in establishing national noise registries to collect and display data on noise-generating activities in the marine area to help assess exposure levels and the likely impacts on the marine environment, and that data standards are made compatible with regional noise registries, such as the ones developed by ICES and ACCOBAMS

Specific ACCOBAMS Mandates

1. Resolution 7.6
 - Advising on the need for updating the ACCOBAMS Guidelines to address the impacts of anthropogenic noise on cetaceans in the ACCOBAMS Area
2. Resolution 5.13
 - 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 Meeting of the Parties of ACCOBAMS
 - Follow-on workshops on sonar with navies
3. Resolution 5.15

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
4. Resolution 7.13 and 8.17
 - review a study on the effects of underwater noise generated by the foreseeable increase of windfarms in the ACCOBAMS Area, addressing all the phases of windfarm from siting surveys to decommissioning;
 - examine noise models available in NETCCOBAMS (ACCOBAMS Resolution 8.7 on NETCCOBAMS), also considering recent developments from European Union Marine Strategy Framework Directive-D11C2, in order to compare such noise model with available in situ anthropogenic noise recordings made in different locations throughout the ACCOBAMS Area, and taking account of the diverse sensitivities of different cetacean species;
 - further develop with the Secretariat and the Scientific Committee the concept of "quiet zones" as outlined in Recommendation 10.5 of the Scientific Committee, with

Work Plan (version: February 2023)
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a focus on a quantitative elaboration and evaluation of scientific evidence for establishing “quiet zones” both in space and time;

- to develop a post-war Plan for the Black Sea region towards the mitigation of warfare consequences on cetaceans, their habitat and their preys

5. Resolution 8.2:

- Encourage the monitoring of anthropogenic activities generating underwater noise
- Encourage the use of mitigation measures for anthropogenic activities generating underwater noise
- Exchange of relevant information with competent authorities before military activities / exercises

Specific ASCOBANS Mandates

1. Resolution 9.1

- Support the Advisory Committee in reviewing new information on underwater noise, its impacts on small cetaceans and their prey species, mitigation measures, technological developments, best practices and guidelines. Make recommendations to Parties and other relevant authorities for further action, also noting national reports submitted by Parties (ASCOBANS Work Plan 2021-2024, Activity 7)
- Support the Advisory Committee in assessing whether national navies' mitigation protocols for use of military sonar are effective. This requires Parties to request the mitigation protocols from the navies. Depending on delivery of the protocols, the Secretariat will request input from JNWG (ASCOBANS Work Plan 2021-2024, Activity 8)

2. Resolution 8.3

- Contribute to improving knowledge on impact of impulsive and continuous anthropogenic underwater noise on harbour porpoises, and development of threshold limits of significant disturbance and GES indicators (Jastarnia Plan, Action RES-07)
- Contribute to evaluation of implementing regionally harmonized national threshold limits and guidelines for regulation of underwater noise (Jastarnia Plan, Action MIT-05)

3. ASCOBANS AC26:

- Advise on how to improve monitoring and mitigation of underwater noise and to reduce the cumulative impact on small cetaceans (AC26/AP2)
- Provide guidance on monitoring and mitigating the impact of continuous and impulsive noise, noting recommendations included in [ASCOBANS/AC23/Inf.5.1.1a](#) (AC26/AP2)
- Develop guidelines for mitigation of explosions and environmentally sound removal of UXO from the sea (AC26/AP10)
- The Secretariat was requested to convene a workshop(s) with representatives of national navies and NATO, to consider the following issues:
 - Navies' mitigation protocols for use of military sonar and management of other activities that can contribute to potentially harmful underwater noise, including the removal and/or detonation of Unexploded Ordnance (UXO); and
 - solutions for acoustic monitoring and bycatch mitigation (deterrent devices) in synergy with national security activities (AC26/AP3).

It is planned that the JNWG be consulted in the process.

Work Plan (version: February 2023)
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Perspectives

- Additional requests for advice on issues regarding underwater noise (e.g., from the GFCM, from MEDPOL through ACCOBAMS and from TG-Noise).
- Foreseeable increase of workload in the next future
 - following the adoption of last TG-Noise guidance,
 - as well as the acceleration of the implementation of noise-related monitoring and assessment programs under the scope of the Barcelona Convention.