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Background

The 8th meeting of the Parties to the Agreement on the Conservation of Small Cetaceans in the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS) was held on 30 August to 1 September 2016 in Helsinki, Finland. The meeting adopted thirteen resolutions, addressing a wide range of pressing and emerging pressures on whales, dolphins and porpoises, including the two attached resolutions: CMS¹ Family Guidelines on Environmental Impact Assessments for Marine Noise-generating Activities (Resolution No. 11, **Attachment 1**) and Managing Cumulative Anthropogenic Impacts in the Marine Environment (Resolution No. 9, **Attachment 2**) that are of relevance to the Pressure Working Group.

Resolution No. 11 agrees that there is a need to update the CMS Family Guidelines on Environmental Impact Assessments for Marine Noise-generating Activities (**Annex 1** to this document; submitted as a separate file – 98 pages) to be considered for adoption at the 12th Meeting of the Conference of the Parties, requesting the Advisory Committee to engage and collaborate with, among other bodies, HELCOM.

Resolution No. 9 recommends measures aimed at minimizing the exposure of animals and impacts on the wider marine environment, *i.a.*, that appropriate seismic survey data are made public in order to eliminate the need for duplicate surveys, and that the Advisory Committee continues monitoring new available information on cumulative anthropogenic impacts in the marine environment and their effective management and mitigation.

All the adopted resolutions are available on the ASCOBANS [meeting site](#).

Action requested

The Meeting is invited to take note of the information, share and use nationally, as appropriate, as well as consider cooperating to the update of the CMS Family Guidelines on Environmental Impact Assessments for Marine Noise-generating Activities through the HELCOM EN-Noise.

¹ Conservation of Migratory Species of Wild Animals.

Resolution No. 11:

CMS Family Guidelines on Environmental Impact Assessments for Marine Noise-generating Activities

Mindful that Parties to CMS, ACCOBAMS and ASCOBANS have in several resolutions recognized underwater noise as a major threat to many marine species;

Recalling that the Conservation and Management Plan annexed to the Agreement stipulates that ASCOBANS work towards “the prevention of other significant disturbance, especially of an acoustic nature”;

Further recalling Resolution No. 2 of MOP6 on Adverse Effects of Underwater Noise on Marine Mammals during Offshore Construction Activities for Renewable Energy Production and Resolution No. 4 of MOP5 on Adverse Effects of Sound, Vessels and Other Forms of Disturbance on Small Cetaceans;

Also recalling related decisions adopted by the Conference of the Parties to CMS, in particular Resolution 9.19 on Adverse Anthropogenic Marine/Ocean Noise Impacts on Cetaceans and other Biota, and Resolution 10.24 on Further Steps to Abate Underwater Noise Pollution for the Protection of Cetaceans and Other Migratory Species;

Noting related decisions adopted by the Meeting of the Parties to ACCOBAMS, in particular Resolution 4.17 on Guidelines to Address the Impact of Anthropogenic Noise on Cetaceans in the ACCOBAMS Area, and Resolution 5.15 on Addressing the Impact of Anthropogenic Noise;

Aware that these resolutions also call for noise-related considerations to be already taken into account in the planning stages of activities, especially by making effective use of Environmental Impact Assessments (EIA);

Reaffirming that the difficulty of proving detrimental effects of acoustic disturbance on cetaceans necessitates a precautionary approach in dealing with this issue;

Grateful to the Principality of Monaco for providing funds for the development of these guidelines for the CMS Family under the Migratory Species Champion Programme, and to OceanCare for co-funding the project;

Expressing thanks to the experts that contributed to the development of this document, as well as to focal points and members of the scientific advisory bodies and working groups of CMS, ACCOBAMS and ASCOBANS that provided input and comments;

Recognizing that anthropogenic marine noise affects many species, and that the adoption of guidelines for environmental impact assessments for marine noise-generating activities would benefit a number of CMS species, including cetaceans, pinnipeds, marine turtles and sharks;

Noting also other related resolutions adopted at this meeting, in particular Resolution No. 6 on Ocean Energy, Resolution No. 8 on Addressing the Threats from Underwater Munitions and Resolution No. 9 on Managing Cumulative Anthropogenic Impacts in the Marine Environment;

The Meeting of the Parties to ASCOBANS

1. *Notes and welcomes* the progress on the “CMS Family Guidelines on Environmental Impact Assessments for Marine Noise-generating Activities” presented in ASCOBANS/MOP8/Doc.6.2.7.b;
2. *Agrees* that there is a need for further updates to the document and *invites* CMS to establish a process allowing Parties to CMS, ACCOBAMS and ASCOBANS and Signatories to relevant Memoranda of Understanding to contribute further to the document’s development;
3. *Recognizes* the broad scope of the guidelines and therefore *invites* CMS to consider the adoption of revised “CMS Family Guidelines on Environmental Impact Assessments for Marine Noise-generating Activities” at the 12th Meeting of the Conference of the Parties;
4. *Recognizes* that the work done in relation to underwater noise is rapidly evolving, and *invites* the CMS Scientific Council, in collaboration with the Joint Noise Working Group of CMS, ACCOBAMS and ASCOBANS, to review and update such guidelines regularly, as appropriate;
5. *Invites* the private sector and other stakeholders to take note of the development of these draft guidelines in assessing, mitigating and minimizing the negative effects of sound on marine species;
6. *Welcomes* the efforts of the private sector and other stakeholders to reduce anthropogenic noise in the marine environment and *strongly encourages* them to continue making this a priority;
7. *Requests* the Advisory Committee, supported by the Joint Noise Working Group of CMS, ACCOBAMS and ASCOBANS, to continue monitoring new available information on the effects of underwater noise on cetaceans and their prey species, as well as the effective assessment and management of this threat, and to make recommendations to Parties as appropriate; and
8. *Requests* the Advisory Committee, supported by the Joint Noise Working Group of CMS, ACCOBAMS and ASCOBANS, to engage and collaborate with other relevant bodies considering anthropogenic noise, including the IWC, ICES, HELCOM and OSPAR.

Resolution No. 9:

Managing Cumulative Anthropogenic Impacts in the Marine Environment

Aware that human activities introduce a great variety of threats and pressures into the marine environment, the impacts of which on marine mammals range from direct mortality, to injury, to fitness impairments, and to disturbance, as well as indirect effects on habitat quality and prey availability;

Concerned that cetaceans face multiple, cumulative and often synergistic threats with possible effects over vast areas, jeopardizing their favourable conservation status, the achievement of which constitutes the principal aim of ASCOBANS, CMS and European Union legislation such as the Habitats Directive and the Marine Strategy Framework Directive;

Reaffirming that the objective of ASCOBANS is to restore and/or maintain biological or management units of small cetaceans to/at the level they would reach when there is the lowest possible anthropogenic influence, and that the general aim remains to minimize, i.e. to ultimately reduce to zero, anthropogenic removals;

Conscious that not all of the direct or less direct impacts on cetaceans have been, and in some cases cannot be, quantified to a satisfactory degree, but that governments need to make decisions on the use of the marine environment;

Recognizing the efforts under OSPAR, HELCOM, the HELCOM VASAB MSP Working Group and the European Union, through policies such as the Marine Strategy Framework Directive, the Maritime Spatial Planning Directive, the Environmental Impact Assessment Directive and the Strategic Environmental Assessment Directive, to integrate the management of all human activities influencing the marine environment;

Noting also other related resolutions adopted at this meeting, in particular Resolution No. 5 on Monitoring and Mitigation of Small Cetacean Bycatch, Resolution No. 6 on Ocean Energy, Resolution No. 7 on Impacts of Polychlorinated Biphenyls (PCBs), Resolution No. 8 on Addressing the Threats from Underwater Munitions and Resolution No. 11 on CMS Family Guidelines on Environmental Impact Assessments for Marine Noise-generating Activities;

The Meeting of the Parties to ASCOBANS

1. *Urges* Parties to continue to give their full support to the activities related to applying an ecosystem approach to the management of human activities under the frameworks of OSPAR, HELCOM, the European Union and the Convention in Biological Diversity;
2. *Strongly encourages* Parties to use their influence to ensure that issues pertinent to the conservation of cetaceans are fully taken into account in all relevant regional and international fora;
3. *Calls upon* Parties to ensure that cross-sectoral and transboundary consultations take place as early as the planning stage of activities in marine areas (maritime spatial planning) with the aim of identifying potential impacts on cetaceans and the wider marine environment and minimizing or mitigating such impacts effectively;

4. *Strongly recommends* making full use of strategic and environmental impact assessments of marine areas (maritime spatial planning) that take into account:
 - (a) other pressures on marine mammals making use of the area;
 - (b) potential consequences beyond the immediate physical location of that activity, such as the emission of sounds or the spread of pollutants;
5. *Recommends* measures aimed at minimizing the exposure of animals and impacts on the wider marine environment, such as:
 - (a) introducing management cycles, for example, an annual application deadline, enabling decision-makers to review project proposals and related EIAs collectively;
 - (b) encouraging cross-company collaboration, such as mitigation measures for activities occurring in one area at the same time;
 - (c) encouraging, within the framework of national legislation, that appropriate seismic survey data be made public in order to eliminate the need for duplicate surveys;
 - (d) introducing zero-sum management requiring a documented reduction of impacts before additional activities can be permitted;
 - (e) requiring, where available, the use of alternative and/or new technologies to avoid negative impacts, including technologies that mitigate bycatch or reduce noise emissions during seismic surveys and wind farm construction;
6. *Further recommends* that in order to improve the conservation outcomes of decisions on human activities in the marine environment and in application of the precautionary principle:
 - (a) potential impacts of all activities, including chronic, cumulative and synergistic impacts on cetaceans, be taken into account;
 - (b) uncertainty be integrated into management frameworks setting environmental limits and triggers, or recovery and conservation targets;
 - (c) the collection of data be required to determine the extent to which the ecosystem will be altered and the likely resulting impacts, and this data be made publicly accessible to facilitate management decisions and Environmental Impact Assessments in both the short- and the long-term;
7. *Calls upon* Parties and *invites* non-Party Range States to collaborate closely with neighbouring states when reviewing the potential impact of planning decisions on cetaceans and their habitats, and to consider:
 - (a) appropriate ways of undertaking such reviews collectively;
 - (b) ways of taking into account effects of activities requiring licensing, as well as of those not carried out under specific permits;
 - (c) acceptable mechanisms for sharing the burden of effects and impacts of activities between countries;
8. *Welcomes* the efforts of the private sector and other stakeholders to reduce their environmental impact and *strongly encourages* them to continue making this a priority;

9. *Urges* the private sector and other stakeholders to undertake baseline monitoring and controlled impact studies prior to planning new activities in an area; and
10. *Requests* the Advisory Committee to continue monitoring new available information on cumulative anthropogenic impacts in the marine environment and their effective management and mitigation and to make recommendations to Parties as appropriate.