

RESOLUTION 3.10

**GUIDELINES TO ADDRESS THE IMPACT OF ANTHROPOGENIC NOISE ON MARINE MAMMALS
IN THE ACCOBAMS AREA**

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area:

Recognizing that anthropogenic ocean noise is a form of pollution, caused by the introduction of energy into the marine environment, that can have adverse effects on marine life, ranging from disturbance to injury and death,

Aware that some types of anthropogenic noise can travel hundreds or even thousands of kilometers underwater and is not restricted by national boundaries,

Concerned that, over the last century, noise levels in the world's oceans generally, and in the Agreement area in particular, have increased as a result of human activities such as, but not exclusively, commercial shipping, oceanographic and geophysical research, military testing and training, fishing activities, shoreline development, oil and gas exploration and aquaculture,

Recalling that according to Art. 236 of the United Nations Convention on the Law of the Sea, the Convention's provisions regarding the protection and preservation of the marine environment do not apply to warship, naval auxiliary, other vessels or aircraft owned or operated by a State and used, for the time being, only on government non-commercial service. However, each State shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such vessels or aircraft owned or operated by it, that such vessels or aircraft act in a manner consistent, so far as is reasonable and practicable, with the said Convention,

Conscious that the Scientific Committee recommends that Parties and non-Parties carefully consider and act upon the recommendations and guidelines developed and endorsed by the Scientific Committee in order to address the issue of the impact of anthropogenic noise on marine mammals in the ACCOBAMS area,

Aware of the work on noise undertaken by *inter alia* the International Whaling Commission Scientific Committee, the European Union, the OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic, the NATO Undersea Research Center (NURC), the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas, the United States Marine Mammal Commission, the United States National Marine Fisheries Service and other governmental and nongovernmental organizations,

Recalling that

- Article II requires the Parties to apply conservation, research and management measures to the assessment and management of human–cetacean interactions, on the basis of the precautionary principle,
- the Conservation Plan, which is a full part of the Agreement, requires the Parties to:
 - a) carry out impact assessments to provide a basis for allowing or prohibiting the continuation or the development of activities that might affect cetaceans or their habitats in the Agreement area and to establish the conditions under which such activities may be conducted, and
 - b) regulate the discharge at sea of pollutants believed to have adverse effects on cetaceans, and to adopt within the framework of other appropriate legal instruments stricter standards for such pollutants,

Recalling also Resolution 2.16 on Assessment and impact assessment of man-made noise; Resolution 2.8 on Framework guidelines on the granting of exceptions for the purpose of non-lethal in situ research; Resolution 2.14 on

Protected Areas and Cetacean Conservation; CMS (Bonn Convention) Resolution 8.22 of 2005 Adverse Human Induced Impacts on Cetaceans,

Taking note of the work done by the ACCOBAMS Scientific Committee,

Aware that further work is needed to finalize this particular issue,

1. *Urges* Parties to act in accordance with the following principles as soon as possible:
 - a) Noise should be considered a potentially significant threat to marine mammals and other marine wildlife; this threat can range from continuous noise (e.g. disturbance, masking, site avoidance) with long-term effects to acute exposure with potential short-term harmful and even lethal effects;
 - b) Particular attention should be given to the management of habitats that host sensitive species, such as beaked whales;
 - c) Priority should be assigned to high-quality research to map the range of doses of noise to which animals are exposed and to define the exposure doses that might affect the welfare and survival of marine mammals. Specific research is also required to characterize human activities that produce or might produce underwater noise;
 - d) Consideration of the effects of underwater noise should be included in Environmental Impact Assessments and in the consequent design of mitigation procedures for any activity that might introduce noise underwater;
 - e) Underwater noise levels should be considered a quality parameter in assessments of habitats, zoning and managing in specially protected areas of Mediterranean interest (SPAMI) under the Protocol concerning Specially Protected Areas and Biological Diversity of the Mediterranean to the Barcelona Convention on the Protection of the Marine Environment and the Coastal Region of the Mediterranean (hereinafter SPA & Biodiv. Protocol) and other marine protected areas and in other issues related to marine life. This parameter should be considered a priority for the protection of critical habitats and where noise might affect essential behaviour (e.g. feeding, reproduction, nursing);
 - f) Underwater noise should be reduced; specific guidelines will be required to set limits to the noise irradiated underwater by ships and motorboats, whatever their function, and by any other noise-producing activity. Especially high priority should be accorded to high-power sources and both offshore and coastal construction works.
2. *Encourages* Parties to sponsor research in the ACCOBAMS area to detect and localize beaked whales by passive methods;
3. *Being aware* that controlled exposure experiments on beaked whales can carry significant levels of risk, Parties contemplating such activities in the ACCOBAMS area should inform the ACCOBAMS Scientific Committee in advance of any commitment of resources and should permit them only when stringent criteria are met, including: (1) the exhaustion of all possible alternatives, such as the opportunistic study of beaked whales in established acoustic ranges; (2) the availability of monitoring methods with a high probability of detecting both target and non-target animals in real time, across the area of potential exposure; and (3) an experimental design that is sufficient to satisfy clear, specific management objectives and is part of a long-term study of population status and health;
4. *Further encourages* Parties to develop quieter and environmentally safer acoustic techniques and to use the best available control techniques and other mitigation measures to reduce the effect of man-made noise sources in the Agreement area;
5. *Urges* Parties and the management authorities of marine protected areas in the ACCOBAMS area to include consideration of high-power noise sources in their management plans;

6. *Further urges Parties* and the management authorities of marine protected areas in the ACCOBAMS area to work with the International Maritime Organization (IMO) in order to minimize exposure of cetaceans in these areas;
7. *Encourages Parties* that are also Parties to the SPA & Biodiv. Protocol to adopt the ocean noise management measures recommended in this Resolution when implementing their obligations under the Protocol to conserve biological diversity (Article 3), to adopt protection and management measures in specially protected areas and specially protected areas of Mediterranean interest (Articles 6 and 7), to protect and conserve threatened and endangered species (Articles 11 and 12), to adopt guidelines for the establishment and management of specially protected areas (Article 16), and to conduct environmental assessments in the planning of projects and activities that could significantly affect protected areas and species and their habitats (Article 17);
8. *Invites* the Secretariat and Scientific Committee to encourage, in coordination with RAC/SPA, the Meeting of the Parties to the SPA & Biodiv. Protocol to take actions consistent with this Resolution when considering the efficacy of measures adopted for the management and protection of areas and species and when examining the need for additional measures, as requested under Article 26 of the SPA & Biodiv. Protocol;
9. *Further invites* the Secretariat to coordinate efforts on this issue with other international bodies, in particular, the Secretariat of the Barcelona Convention on the Protection of the Marine Environment and the Coastal Region of the Mediterranean, the Commission on the Protection of the Black Sea Against Pollution and the Secretariat of the OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic;
10. *Urges Parties* and intergovernmental organizations to inform the Secretariat on current and reasonably foreseeable noise-producing activities occurring under their jurisdiction within the ACCOBAMS area, so far as is reasonable and practicable;
11. *Calls upon Parties* to request information on the possible impact of anthropogenic noise on marine mammals in existing procedures relating to EIA and where necessary, to develop specific measures, by the competent national authorities, for activities which produce anthropogenic noise having an impact on marine mammals;
12. *Invites Parties* to implement mitigation and monitoring measures for noise producing activities within the ACCOBAMS Area, including, avoiding key marine mammals habitats, areas of high marine mammals density and marine protected areas, and defining appropriate buffer zones around them; establish safe, precautionary and scientifically-based exclusion zones around the noise source; effectively monitoring for marine mammals in the vicinity of the source; and managing activities in the light of cumulative, seasonal, and historical impacts from multiple sources;
13. *Decides* to establish a Correspondence Working Group by the Secretariat, that will associate Parties, ACCOBAMS Partners and experts, to address anthropogenic noise deriving from activities such as seismic surveys and airgun uses, coastal and offshore construction works, the construction, the operation and the decommissioning of offshore platforms, playback and controlled exposure experiments, whale watching, blasting of residual war weapons, underwater acoustic devices, military sonar, civil high power sonar operations and shipping activities, in order to develop appropriate tools to assess the impact of anthropogenic noise on cetaceans and to further elaborate measures to mitigate such impacts;
14. *Mandates* the Executive Secretary to convene the Working Group, which shall report to the next Meeting of the Parties;
15. *Invites Parties* to report to the next Meeting of Parties about progress made on implementing this Resolution.