

## France Voluntary Report to the Conservation Committee for the Year 2014

### 1. General legal aspects

#### *National Regulations*

All cetaceans are protected by national regulations. A recent decree issued in July 2011 insures better protection of all marine mammals occurring in the French territories. Under this decree, it is prohibited to harass, catch, kill, or voluntarily disturb any individual of all cetacean species across the French territory and in waters under its jurisdiction. Under this decree, habitat destruction and degradation are also prohibited. In addition to this, the same decree also stipulates that transport and trade of any cetacean, dead or alive, or of products processed from cetaceans are similarly forbidden.

Article 105 of the law for biodiversity adopted in August 2016 states that protection of marine mammals insured under the 2011 decree is applicable not only within the territorial sea but also within the economic exclusive zone.

Besides this species-oriented conservation strategy, an active site-oriented conservation strategy has been developed after the adoption, in April 2006, of the law relative to the establishment of Marine Natural Parks and the creation of the Agency for Marine Protected Areas whose aims are: to support public policies in the field of marine protected areas, regarding both their creation and their management, to manage the human and financial resources dedicated to Marine Natural Parks, to give technical and administrative support to managers of marine protected areas. Among the network of MPA, several Marine Natural Parks (*Parcs Naturels Marins, PNM*) have been created. The *PNM d'Iroise*, located off the west coast of Brittany, was established in 2007; the *PNM du Golfe du Lion*, located in the north-western Mediterranean Sea, was created in 2011; the *PNM de Mayotte* and *PNM des Glorieuses* are two contiguous marine natural parks spreading over 110,000 km<sup>2</sup> in the northern Mozambique Channel, south-west Indian Ocean, established in 2010 and 2012 respectively. More recently, the *PNM des Estuaires Picards et de la Côte d'Opale* and the *PNM du Bassin d'Arcachon* have been created in 2012 and 2014 respectively. Finally, the *PNM de l'estuaire de la Gironde et de la mer des Pertuis* and the *PNM du Cap Corse et de l'Agriate* were created in 2015 and 2016 respectively. The *PNM de Martinique* to be created soon would terminate this series of Marine Natural Parks. Although none of these parks has been specifically designated for the conservation of cetacean, most of them are home to significant populations of cetaceans (see below under 'conservation actions'). Finally, the Coral Sea Marine Park, extending over its 1.3 million-km<sup>2</sup> EEZ, was created by the Government of New Caledonia in April 2014, and, in the Caribbean, the EEZ around Martinique, Guadeloupe, Saint Martin and Saint Barthelemy was declared in 2010 a sanctuary for marine mammals named the *Agoa* sanctuary.

#### *EU Regulations*

As a member of the European Union, France implements European regulations on cetacean conservation. Three principal legal frameworks are particularly relevant, the habitat Directive, the Common Fishery Policy and the Marine Strategy Framework Directive.

Under the Habitat Directive, all species of cetaceans are listed in appendix IV relative to protected species and two coastal-dwelling species, the harbour porpoise, *Phocoena phocoena*, and the bottlenose dolphin, *Tursiops truncatus*, are listed in appendix II which implies the designation of sites, called *Natura* 2000 sites, for their protection. At present, the *Natura* 2000 network covers 40,000 km<sup>2</sup> at sea (the harbour porpoise, *Phocoena phocoena* and the common bottlenose dolphin *Tursiops truncatus* are listed in a number of sites) and consultations are conducted for the designation of offshore N2000 sites that would complement the existing network.

Under the Common Fishery Policy, regulation EC/812 of April 26th, 2004, determine how to assess, monitor and mitigate small cetacean by-catch in commercial fisheries. Since 2005, a yearly report is produced and some mitigation strategies are being tested. Target fisheries are those known to generate significant incidental catches of small cetaceans, mostly harbour porpoise (*P. phocoena*), short-beaked common dolphin (*Delphinus delphis*) and common bottlenose dolphins (*T. truncatus*).

The EU marine strategy Framework Directive was adopted by the European Union in June 2008 and is going to provide the main context in which the French policy for monitoring and protecting cetaceans among others will develop in the future. In particular, marine strategies to be developed by each Member State must contain a detailed assessment of the state of the environment, a definition of "good environmental status" at regional level and the establishment of clear environmental targets and monitoring programs, including of cetacean populations. In this context, marine mammal issues are mainly dealt with under descriptors 1 (biodiversity), 4 (food web), 10 (marine debris) and 11 (energy and noise). A marine mammal monitoring program has been proposed in 2014 combining sighting survey and stranding network data collection. This program is part of the overall surveillance program of MSFD as developed by each EU Member State (MS), including France, in collaboration with other MS that are parties to the OSPAR and Barcelona conventions or the ASCOBANS and ACCOBAMS agreements. The marine mammal monitoring plan is gradually coming into force from 2014-2017.

## **2. Specific programs of cetacean conservation**

### *2.1 Conservation oriented research*

The French Government contributed funding and scientific or logistic support to a number of recent research projects, either, European, national or local, whose objectives are relevant to cetacean conservation.

#### *National level*

The national stranding scheme provides a yearly synthesis on beached cetaceans allowing baseline data to be collected about species diversity, units to conserve, causes of death, pathologies, population demographic compositions, ecological parameters and levels of contaminants. Back calculation of cetacean carcass trajectories allows their origin to be determined.

Within the scope of our EC commitments regarding the *Natura* 2000 network at sea, the Ministry of Ecology has delegated the operational implementation of a knowledge acquisition program on seabirds and marine mammals (*Programme d'Acquisition de Connaissances sur les Oiseaux et mammifères Marins: PACOMM*) to the Agency for marine protected areas (*Agence des aires marines protégées: AAMP*). The goal was to assess the initial state of seabird and cetacean populations and their conservation status in *Natura* 2000 sites and within the perimeters, either defined or under examination, of natural marine parks and offshore

*Natura* 2000 sites to be considered for further designation to supplement the existing network. The program was based on a combination of visual aerial surveys, site based acoustic monitoring surveys were conducted, telemetry studies, and local site-based approaches. It started in January 2011 and ended up in December 2014.

From 2008 onwards, an inventory of cetaceans and other top pelagic predators was initiated throughout the French EEZ in overseas territories in order to support the national policy for the establishment of future marine protected areas as well as to set a reference situation for upcoming monitoring programs of the pelagic megafauna across these poorly documented regions of the ocean. This inventory has been sequentially covering EEZ areas in the Atlantic, the Indian Ocean, Micronesia and Polynesia by using a standard methodology of multitarget aerial survey, known as the REMMOA surveys, *Recensement des Mammifères marins et autres Mégafaunes pélagiques par Observations Aériennes*, Census of marine Mammals and other pelagic Megafauna by Aerial Sightings). Surveys across the EEZ around the French Caribbean Islands and off Guiana were carried out in 2008. From December 2009 to April 2010, the southwest Indian Ocean survey was conducted regionally under a framework provided by the Indian Ocean Commission (IOC), a regional agreement that include Comoros, France-Réunion Island, Madagascar, Mauritius and the Seychelles. The EEZ of French Polynesia has been surveyed in agreement with the Polynesian Government in the austral summer 2010-11 and a similar effort has finally been deployed in the southwest Pacific around New Caledonia and Wallis-and-Futuna from October 2014 - January 2015 in collaboration with the authorities of New Caledonia and of Wallis-and-Futuna.

In addition, from 2011-2014 regional scientific vessel-based surveys were organised both in the wet and dry seasons under the *Agoa* Sanctuary scientific programme within the French Antilles EEZs, and occasionally within adjacent waters of the Dutch Caribbean Islands, in close collaboration with the Regional Activity Center of the Cartagena Convention protocol on Specially Protected Areas and Wildlife (SPAW/ RAC).

More recently France contributed both finically and technically to the cetacean survey project SCANS-III that aimed at estimating cetacean abundance in European waters of the Atlantic seaboard from the Lofoten Islands in Norway, to the Gibraltar Strait (Spain), and from the coast line to the limit of the EEZ. The survey involved 7 aircrafts and 3 vessels from late June to early August 2016, under coordination by University of Saint Andrews, UK. Similarly, France has committed itself to contributing to the funding of a comparable survey, called the ACCOBAMS survey initiative, to be conducted in the summer 2018 across the Mediterranean and Black Seas.

#### *Regional level*

Several regional projects were aimed at determining cetacean biodiversity, as well as habitat and resource use by cetaceans in many focal areas (Brittany, Mediterranean, New Caledonia, Mayotte, Martinique and Guadeloupe, Southern Ocean). Among those, the research projects carried out in Brittany on resident bottlenose dolphins, in the Mediterranean Sea, on fin whales and delphinids, in New Caledonia on humpback whales, and around Mayotte on humpback whales and delphinids are explicitly related to MPAs already established (the *Pelagos* marine mammal sanctuary in the Mediterranean; the whale sanctuary around New Caledonia, and the *PNMs* of Iroise and of Mayotte).

Of these regional projects, the GDEGeM (*Grand Dauphin, Etudes et Gestion en Méditerranée*) project was of the most prominent one. It aimed at investigating population structure and connectivity and estimating abundance of the common bottlenose dolphin populations across the NW Mediterranean Sea, by using a combination of biopsy-based (genetics, ecological

tracers,...) and photo-identification based (Capture-Mark-Recapture analyses) approaches. The project involved many NGOs and laboratories and is going to end up in December 2016.

## 2.2 Conservation actions

Cetacean conservation actions are mostly oriented toward a zonal protection with the aim of improving knowledge, public awareness and reducing human activities with potential impact on cetaceans.

### *Marine Natural Parks*

The 2006 law on Marine Natural Parks (*Parcs Naturels Marins, PNM*) allowed the designation of several marine protected areas selected *inter alia* for the abundance and diversity of cetaceans living in these areas. The *PNM d'Iroise* located at the western end of Brittany, northwest France, is home to two resident groups of bottlenose dolphin, *Tursiops truncatus*, as well as harbour porpoises, *Phocoena phocoena*. The *PNM du Golfe du Lion* off the French Western Mediterranean coasts host several species of dolphins, as well as sperm and fin whales. The *PNM des Estuaires Picards et de Côte d'Opale* encompasses most of the first hotspot of harbour porpoise density in France. The Marine Natural Parks of Mayotte and *Glorieuses*, in north of the Mozambique Channel, are part of an important breeding ground for the humpback whale *Megaptera novaeangliae* (stock C) and in general are hotspots of cetacean diversity. The Coral Sea Marine Park of New Caledonia is a breeding ground for part of stock E humpback whales and is home to 23 species of marine mammals.

The first aim of these newly created MPAs is to establish their management plan. Typically all MPAs have to have their management plan set up within three years after their creation. So far, this step has been completed by the *Iroise*, *Mayotte*, and *Golfe du Lion* MNPs; it is in progress in the others.

All cetacean species are protected and whale-watching activities are regulated in French Polynesia and New Caledonia. These sanctuaries are contiguous with several other national whale sanctuaries in the southern Pacific Ocean, thus creating a vast region where collaboration in cetacean conservation and research can be facilitated. In 2006, France, along with several other Pacific countries, has signed the Memorandum of Understanding for the conservation of cetaceans and their habitats in the Pacific islands region, under the CMS (Convention for the protection of Migratory Species).

### *Marine mammal sanctuary*

#### CREATION AND PARTNERSHIP AGREEMENTS

A marine mammal sanctuary has been officially created in 2010 in the Caribbean region around the *Overseas Countries* of Martinique and Guadeloupe, Saint Barthelemy and Saint Martin named *Agoa*. The *Agoa* Sanctuary is home to a diversity of delphinids, hosts several resident groups of sperm whales *Physeter macrocephalus* and is a breeding ground for part of the Caribbean stock of north Atlantic humpback whales. Its management plan was adopted in 2012.

In 2011, during the second ICMMPA (International Conference on Marine Mammal Protected Areas) meeting which was held in Martinique, a sister sanctuary agreement was signed between Stellwagen bank, off the coasts of Massachusetts, USA, and *Agoa*. Later, other bilateral sister agreements led to the creation of a network of MMPAs dedicated to the conservation of the humpback whale along its migratory route in the eastern North Atlantic and involving marine mammal sanctuaries of Bermuda, the Dominican Republic, and the Dutch Caribbean Islands in addition to the two above mentioned sanctuaries.

In addition, in order to foster collaboration and synergies at a regional level a common declaration has been adopted at the second ICMPPA meeting underlining the importance of

strengthening regional cooperation between marine mammals sanctuaries.

### PELAGOS SANCTUARY

France, together with Italy and Monaco, has created in 2002 the *PELAGOS* whale sanctuary which encompasses both territorial, EEZ and international waters of the north-western Mediterranean. This area is summer home range and critical feeding habitat of the isolated population of the Mediterranean fin whale, *Baleanoptera physalus*, and a diversity of small cetaceans. The management of this valued marine natural heritage in such a heavily anthropised region should benefit to other regions with a similar environmental challenge.

The research programs going on since 2005 and funded in France by the Ministry of the Environment is underway. This program supports different projects at national level. The latest working plan has been adopted in 2015 for a six years duration.

### REAL TIME PLOTTING OF CETACEANS (REPCET)

Many populations of whales around the world are threatened by collisions with vessels. In the *PELAGOS* Sanctuary, the scientific community and several ship-owners have joined forces to deal with these accidents. The REPCET system is a collaborative computer tool for use in commercial shipping. At present, several shipping companies operating in the sanctuary are using REPCET. Every sighting of large cetaceans by watch-keeping personnel on board a vessel equipped with REPCET is transmitted by satellite in quasi-real-time to a server located on land. The server then centralizes data and sends out an alert to equipped vessels that are likely to be affected. The alerts are displayed as maps on a dedicated screen on board allowing vessel crews to adapt vigilance, speed or route accordingly. The REPCET system has recently been made compulsory for all vessels under French flags that regularly cross the *PELAGOS* sanctuary, and this disposition was expanded to the *Agoa* sanctuary in the French West Indies.

### PARTICULARLY SENSITIVE SEA AREA (PSSA)

In the line of a recommendation adopted during MoP 2009 of the *PELAGOS* Agreement, an application for the designation of *PELAGOS* as a PSSA under the provision of IMO (International Maritime Organisation) has been elaborated including a measures designed to limit ship strikes.

### WHALE-WATCHING ACTIVITIES

The unregulated practice of watching cetaceans in their natural environment is likely to result in harm both to biodiversity and to marine eco-tourism. The *PELAGOS/ACCOBAMS* high quality whale-watching label for commercial whale-watching activities was first delivered to French WW operators in July 2014. Related to the ongoing work on whale watching undertaken by IWC in order to draft an online guide related to this topic, France prepared elements related to mapping and practices of whale-watching activities in France.

### PELAGOS SANCTUARY PARTNERSHIP CHARTER

The concept of a partnership charter with towns and cities bordering the Sanctuary was launched in 2007 and became operational in 2009. By signing the charter, municipalities are committed to help sustain the protection of marine mammals and in recognition of their commitment they are authorized to fly the Sanctuary flag. To date, 82 municipalities in France, Italy and Monaco have signed the Charter. An updated list of signatories and more information on the charter is available on the website

## **3. International agreements**

### *3.1 International agreements relevant to cetacean conservation*

France is a Member State of the International Whaling Commission, the Convention on

International Trade of Endangered Species (CITES), the convention on biodiversity (CBD) and the Convention on Migratory Species (CMS).

### *3.2 Regional agreement relevant to cetacean conservation*

Beside PELAGOS, France is a Member State of the ASCOBANS and ACCOBAMS agreements for the protection of cetaceans in European seas, under the Convention for the protection of Migratory Species (CMS). In September 2006, France has signed the Memorandum of Understanding for the conservation on cetaceans and their habitats in the Pacific islands region, also under the CMS.

France is a member of the Cartagena Convention (Caribbean Region), Barcelona Convention (Mediterranean Region) and Bern convention (for Europe) whose protocols on biodiversity deal, inter alia, with the conservation of cetaceans. As a member state of OSPAR, France also participates to the conservation of cetaceans in the North-East Atlantic.

### *3.3 CCAMLR*

France is leading an eco-regional program in order to contribute to CCAMLR MPA Network. Based on the Partnership between the French MPA Agency and the French Austral Territory, this program is aiming at defining important ecological areas, particularly for top predator such as marine mammals, and new MPAs in the Crozet (planning domain 5) and Kerguelen (planning domain 6) areas as well as in the East Antarctica planning domain. A first proposal for a representative system of MPAs in East Antarctica has been presented jointly by France and Australia, since 2012 at annual meetings of the Commission CAMLR. A special workshop was organized in May 2012 for the CCAMLR planning Domain 5, including the Del Cano area.