

France voluntary report to the Conservation Committee for the year 2009

1. General legal aspects

All cetaceans are protected by national regulations (decree of July 27th 1995, defining the list of protected marine mammals). Under this decree, it is prohibited to harass, catch or kill any individual of all cetacean species across the French territory and in the waters under its jurisdiction. In addition to this, the same decree also stipulates that the transport and the trade of any cetacean, dead or alive, or of products processed from cetaceans are similarly forbidden.

Besides this species-oriented conservation strategy, a site-oriented conservation strategy is now facilitated by 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, both concerning their creation and their management,
- manage the human and financial resources dedicated to Marine Natural Parks,
- and give technical and administrative support to managers of marine protected areas.

As a member of the European Union, France endorses European regulations on cetacean conservation. Two principal legal frameworks are particularly relevant: the Habitat Directive and the Common Fishery Policy. Under the Habitat Directive, all species of cetaceans are listed in the 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, 95 marine Natura 2000 sites have been designated by France (the harbour porpoise, *Phocoena phocoena* is present in 36 sites, the common bottlenose dolphin *Tursiops truncatus* in 61, among other cetaceans).

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.

The newly implemented EU marine strategy Framework Directive was adopted by the European Union in June 2008 and will provide the main context in which the French policy for monitoring and protecting cetaceans 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.

2. Specific programmes of cetacean conservation

2.1 Conservation oriented research

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

At national levels several actions can be identified. The national stranding scheme provides yearly synthesis on beached cetaceans allowing baseline data to be collected about species diversity in the area, causes of death, pathologies, population demographic structure, ecological parameters and levels of contaminants. From 2008 onwards, an inventory of cetaceans and other top pelagic predators was initiated throughout the French EEZ in oversea territories in order to support the national policy for the establishment of future marine protected areas. This inventory will sequentially cover EEZ areas in the Atlantic, the Indian Ocean, Micronesia and Polynesia by using a standard methodology. Surveys around French oversea territories in the Caribbean and off Guiana were carried out in 2008. From December 2009 to April 2010, the southwest Indian Ocean survey was conducted regionally under the 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 will be surveyed in the austral summer 2010-11 and a similar effort will be deployed in the southwest Pacific around New Caledonia and Wallis and Futuna in a spirit of regional collaboration (details available in SC/62/E14).

Several regional projects are 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 various delphinids, in New Caledonia on humpback whales, and around Mayotte on humpback whales and delphinids are explicitly related to conservation areas already established (the *Pelagos* marine mammal sanctuary in the Mediterranean; the whale sanctuary around New Caledonia, and the Marine Nature Parks of Brittany and of Mayotte). Noteworthy is also the project carried out around the Crozet Islands, where large whales are being monitored in an extended region of the south-west Indian Oceans, by triads of hydrophones that have been deployed there under the Comprehensive nuclear Test Ban Treaty Organization. This initiative has been extended to the wider southwest Indian Ocean by the deployment a several new static acoustic stations in order to understand seasonal occurrence patterns of endangered large whales in the area.

The REPCET project is under way, still in its initial development phase. It is aimed at lowering ship strike risk in the northwest Mediterranean by warning commercial ship crews of the presence of fin whales thanks to a satellite relay system allowing real time plotting and broadcasting of the positions of large whales. At present the soft-ware is being tested in field condition from a limited number of merchant and passenger ships. The aim of this testing period is to verify the functioning and the ergonomomy of the software.

2.2 Conservation actions

Cetacean conservation actions are mostly oriented toward a zonal protection. The new law, passed in 2006 on Marine Natural Parks, will allow the designation of several marine protected areas selected *inter alia* for their specific abundance and diversity of cetaceans. The *Iroise* Marine Natural Park located at the western end of Brittany, northwest France, has been established in 2006 and is now developing its management plan. The area is home to two resident groups of bottlenose dolphin, *Tursiops truncatus*, as well as harbor porpoises, *Phocoena phocoena*.

In January 2010 a new Marine Nature Park has been created in Mayotte, north of Mozambique Channel, that includes the whole lagoon and a large fraction of the EEZ. This region is an important breeding ground for the humpback whale (stock C) and in general is an important hotspot of cetacean diversity. The first aim of this newly created MPA will be to establish its management plan, in which it would have to consider *inter alia* the protection of breeding humpback whales, *Megaptera novaeangliae*, and of a diverse community of tropical delphinids and other toothed whales.

Other MPAs will be defined later on, both in metropolitan France and its over-seas territories.

The authorities of New Caledonia and French Polynesia have already declared their EEZ as whale sanctuaries, in order to reinforce strategies of cetacean conservation and conservation-oriented research in these areas of remarkable diversity. 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 will be facilitated. In September 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.

A marine mammal sanctuary is underway in the Caribbean region around the *Departments* of Martinique and Guadeloupe, named *Agoa*. A steering committee has been created which is dealing with all legal, scientific and public awareness aspects. A workshop held in Dominica discussed the possibility to consider a regional approach with other countries in the Caribbean.

France, together with Italy and Monaco, has created the whale sanctuary *Pelagos* which encompasses both territorial and international waters of the north-western Mediterranean. This area is summer home range and critical feeding habitat to 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. Many scientific research projects have been undertaken in the sanctuary, which are aimed at assessing distribution and abundance of fin whales and small cetaceans, assessing the impact induced by human activities such as fisheries, boat traffic and ship-strikes, noise, whale-watching, and developing mitigation measures. The ship strikes issue is central to the management of the *Pelagos* sanctuary; in this perspective liaising with commercial shipping companies and mobilizing their officers is a priority to ensure the proper transmission of information needed to feed the IWC ship strike data base. On another hand, the last meeting of Parties of this agreement recommended among others to prepare the designation of *Pelagos* as a Particularly Sensitive Sea Area (PSSA) by the International Maritime Organization (IMO). Beside the ship-strike issue, the technical and scientific committee of *Pelagos* is also involved other environmental issues such as whale-watching activities, off-shore competition and pollutions.

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) and the Convention on Migratory Species (CMS).

3.2 Regional agreement relevant to cetacean conservation

Beside *Pelagos*, France is a member state of ASCOBANS and ACCOBAMS agreements under CMS for the protection of cetaceans in European seas. In September 2006, France has signed the Memorandum of Understanding for the conservation on cetaceans and their habitats in the Pacific islands region, under the CMS.

France is also a member of the Cartagena Convention (Caribbean Region) and Barcelona Convention (Mediterranean Region) 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.