

FRANCE VOLUNTARY CETACEAN CONSERVATION REPORT

For the year 2006

This voluntary report on cetacean conservation actions presented by the government of France in 2006 is intended to be updated yearly.

1. General legal aspects

All cetaceans are protected by national regulations (order of July 27th 1995, defining the list of protected marine mammals). Under this order, it is prohibited to 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 order 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 a law relative to the establishment of Marine Natural Parks (*Parcs Naturels Marins*) and the Agency which has competency on establishment and management of these areas. The first Parc Naturel Marin will be the one for the Iroise sea (Mer d'Iroise), off Brittany which host bottlenose and common dolphins.

As a member state of the European Union, France implements on its territory and its waters the European regulations on cetacean conservation. Two principal legal frameworks are particularly relevant: the Habitat Directive and the Common Fishery Policy. Under the Habitat Directive (92/43/CEE), all species of cetaceans are listed in the appendix III relative to protected species and two coastal-dwelling species, the harbour porpoise, *Phocoena phocoena*, and the bottlenose dolphin, *Tursiops truncatus*, are listed in the appendix II which implies the designation of specially managed areas called Natura2000 sites. Under the Common Fishery Policy, the regulation EC/812 of April 26th, 2004, determines how to assess, monitor and mitigate small cetacean by-catches in commercial fisheries. The first national implementation report has been submitted to the European Commission in 2006.

2. Specific programmes of cetacean conservation

2.1 Conservation oriented research

The French Government provides 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.

Among those, the EU-funded SCANS-II project aims at assessing small cetacean abundance in European coastal waters of the North Sea and the Atlantic and developing monitoring tools and strategies. SCANS II ended in 2006 and in 2007, a geographically complementary program (CODA) for which France is committed to, will be conducted in European EEZ. Two projects, the EU-funded PETRACET (for PELagic TRAWl and CETaceans) and the government-funded PROCET (for *PRO*tection des *CET*acés) projects, are aimed at assessing the importance of cetacean by-catch in French pair-trawl fisheries. Several French research institutions take part to the EU project NECESSITY, whose objectives with regards to small cetaceans are to characterise the part of the common dolphin population that is most exposed to by-catch in pelagic pair-trawls and to develop mitigation strategies.

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.

Several local projects are aimed at determining cetacean biodiversity, including at sub-specific level, as well as habitat and resource use by cetaceans in many focal regions (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* whale sanctuary in the Mediterranean; the whale sanctuary around New Caledonia) or in project (Brittany and 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 Test Ban Treaty. An article on this project has been submitted this year to the IWC scientific committee.

2.2 Conservation actions

Cetacean conservation actions are mostly oriented toward a zonal protection. The new law on Marine Natural Parks will allow the designation of several marine protected areas selected *inter alia* for their specific abundance of cetaceans.. Other sites will be defined later on, both in metropolitan France and its over-seas territories.

The governments 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 cetaceans species are protected and whale-watching activities are regulated in French Polynesia (see the Review of commercial humpback whale watching activities in the South Pacific submitted by France : IWC/59/8). 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 on cetaceans and their habitats in the Pacific islands region, under the CMS.

A marine mammals sanctuary is underway in the Caribbean region around the *Departments* of Martinique and Guadeloupe (see document IWC/59/CC7 for further details).

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 vast 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 whale-watching, and developing mitigation measures (see documents IWC/59/CC8 and IWC/59/10).

Underwater sounds and specially military sonar: France has adopted since 2005 a general precautionary principle, with the aim of providing French navy's operators with simple, consistent procedures. Regulation guideline is frequently updated in order to factor in major release of studies.

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

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) which 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.