

REPORT OF THE SECOND MEETING OF THE ACCOBAMS FOLLOW UP COMMITTEE



Monaco, 5-6 March 2018

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REPORT OF THE SECOND MEETING OF THE ACCOBAMS FOLLOW UP COMMITTEE

I. OPENING OF THE MEETING

1. The Second Meeting of the ACCOBAMS Follow up Committee was convened in Monaco (Auditorium Rainier III) on Monday 5th March and Tuesday 6th March 2018.
2. Members and alternate Members of the Committee, mentioned below, took part in the Meeting: Mr. Victor ESCOBAR PAREDES (Chair of the Committee), Mr. Draško HOLCER (Vice-Chair of the Committee), Mr. Tilen GENOV, and Mrs Imane TAI.
3. In accordance with the amendments to the Rules to the Follow up Procedure (Resolution 6.8), a member of the ACCOBAMS Scientific Committee has been appointed to participate to the Meeting: Mr. Joan GONZALVO.
4. One observer also attended the Meeting: Mr. Nicolas Entrup from OceanCare.
5. The ACCOBAMS Permanent Secretariat was represented by the Executive Secretary of ACCOBAMS (Mrs. Florence DESCROIX-COMANDUCCI), the Programme Officer, the ACCOBAMS legal advisor and the consultant in charge of the assessment of the level of effectiveness of the ACCOBAMS Strategy 2014 – 2025.
6. The full list of participants is attached in [Annex 1](#) to the present report.
7. The Meeting was opened at 9:00 am, Monday 5th March 2018, by the Chair of the Committee who welcomed all participants. He underlined the importance of this Meeting which was the first meeting discussing submissions received by the ACCOBAMS Permanent Secretariat.
8. The ACCOBAMS Executive Secretary welcomed also all participants. She recalled that the ACCOBAMS Follow up Committee was created during the Fifth Meeting of the Parties in 2013 and that Parties were encouraged to make use of the Follow up Procedure as a non-confrontational means for preventing and settling disputes.

II. ADOPTION OF THE AGENDA

9. After a presentation by the Secretariat of the Provisional Agenda and the Timetable, the Chair invited the Follow up Committee members to review and adopt it, making amendments where necessary.
10. It was proposed to discuss two issues under the Agenda Item “Any Other Business”: the ACCOBAMS National reports and the late response by Parties concerned by a submission.
11. The ACCOBAMS Follow up Committee adopted the reviewed agenda, as it appears in [Annex 2](#).

III. ADMINISTRATIVE ISSUES

III-1. Impartiality and Confidentiality agreement

12. According to Article 3, paragraph 11, of the Rules on the ACCOBAMS Follow up Procedure (Annex 1 of the Resolution 6.8), “the Committee members and their alternates shall serve in their personal capacity and shall act

objectively in the best interest of the Agreement. Every Committee member shall, before taking up his or her duties, make a solemn declaration that he or she will perform his or her functions impartially and conscientiously”.

13. The Follow up Committee members were requested to complete official letters specifying that they “will perform their functions impartially and conscientiously” ([Annex 3](#)).
14. Moreover, according to Article 11 of the Rules on the ACCOBAMS Follow up Procedure (Annex 1 of the Resolution 6.8), “the procedure before the Committee and the documents examined by the Committee are confidential, unless the Party concerned agrees to their publicity.”
15. The Follow up Committee and Observers were also invited to sign the “Confidentiality agreement undertaking for Follow up Committee Members” ([Annex 4](#)).

III-2. Information by the Secretariat

16. The ACCOBAMS Executive Secretary presented to the ACCOBAMS Follow up Committee members an overview of all submission received by the Secretariat since the First Meeting of the Follow up Committee (2nd March 2016). The ACCOBAMS Permanent Secretariat has received four submissions, all by one ACCOBAMS Partner that has reservations about a Party’s follow up with its obligations under the Agreement:
 - Submission by OceanCare on the assessment and control by Greece of military activities around South-East Crete;
 - Submission by OceanCare on the assessment and control by Spain of petroleum exploration activities around the Balearic Islands;
 - Submission by OceanCare on the assessment and control by Portugal of petroleum exploration activities in the Algarve and Alentejo basins;
 - Submission by OceanCare on the failure by Albania, Algeria, Croatia, Cyprus, Egypt, France, Greece, Italy, Lebanon, Libya, Malta, Monaco, Montenegro, Morocco, Slovenia, Spain, Syria, Tunisia to implement the ACCOBAMS Conservation Plan for Mediterranean common dolphins.
17. The ACCOBAMS Executive Secretary also reminded to the Follow up Committee the requests of the Sixth Meeting of the Parties to ACCOBAMS (22-25 November 2016, Monaco) to review under Agenda item 5, and according to Article 6, paragraph 1d, of the ACCOBAMS Follow up Procedure, the legal and technical issues of implementation and follow up:
 - of existing obligations and commitments related to seismic and military activities producing underwater noise,
 - relating to interactions between humans and dolphins addressed by Resolution 3.13 (Dolphin interaction programme).

The ACCOBAMS Permanent Secretariat has compiled relevant documents, prepared by ACCOBAMS bodies on these issues, in order to assist the Follow up Committee members.

18. The ACCOBAMS Executive Secretary also informed the Follow up Committee that, in accordance with the recommendation of the First Meeting of the Follow up Committee which recommended “*to include in the National Report all the “general issues of implementation and follow up” on which the Meeting of the Parties could request a report to be prepared by the Follow up Committee*”, a Resolution regarding format for National implementation reports was adopted under Resolution 6.9 during the Sixth Meeting of the Parties to ACCOBAMS (22-25 November 2016, Monaco). The new formats were approved by the Eleventh Meeting of the Bureau to ACCOBAMS (14-15 December 2017, Monaco) and they are under development by a web designer.

IV. CONSIDERATION OF SUBMISSIONS BY THE FOLLOW UP COMMITTEE

19. Since 2014, the ACCOBAMS Permanent Secretariat has received 4 submissions. Each submission was discussed by Members of the Follow up Committee and relevant recommendations will be adopted.

IV-1. Consideration of submission by OceanCare on the assessment and control by Greece of military activities around South-East Crete and adoption of the relevant recommendation

20. After a presentation by the ACCOBAMS Executive Secretary of the reservation by OceanCare on the assessment and control by Greece of military activities around South-East Crete, the participants took note of the presentation sheet as presented in [Annex 5](#).
21. Since OceanCare was attending the Meeting, its representative was invited by the Chair to present his views during the consideration of this submission.
22. In accordance with Article 4, para. 6, of the Rules on the ACCOBAMS Follow up Procedure, this submission was discussed later without the Observer (OceanCare representative) in order to elaborate the considerations and recommendations.
23. The considerations and recommendations, adopted by consensus, regarding this submission are presented here below:

**ACCOBAMS FOLLOW UP COMMITTEE CONSIDERATIONS AND RECOMMENDATIONS
on the Submission by OceanCare on the Assessment and Control by Greece of
Military Activities around South-East Crete**

The ACCOBAMS Follow up Committee,

Composed of Mr. Victor Escobar Parades (Chairperson), Mr. Tilen Genov, Mr. Drasko Holcer, Mrs. Imane Tai;
Meeting in Monaco on 5 and 6 March 2018;

Having considered the submission and information presented by the ACCOBAMS Partner OceanCare on 10 February 2016, as well as and the written reply and supporting information sent by the Party concerned, Ministry of Environment and Energy, on 7 April 2016;

Having considered the views presented by the representative of OceanCare on 5 March 2018 during the consideration of the submission;

Noting that the Party concerned did not participate in the consideration of the submission by the Committee on 5 March 2018;

Having elaborated and discussed the subject of the submission;

Adopts by consensus the following considerations and recommendations to be transmitted to the Meeting of the Parties and to the Party concerned, under Art. 6, paras. 3 and 4, of the ACCOBAMS Follow up Procedure (hereinafter AFuP), as well as to the Partner concerned.

The submission is divided in two parts, namely:

“1. Greek authorities did not assess and control military maneuvers and especially active sonar around south east Crete, in a manner consistent with ACCOBAMS Resolution 4.17, that may have resulted in the atypical mass stranding of Cuvier’s beaked whales (*Ziphius cavirostris*) in 2014;

2. The ACCOBAMS Secretariat has not received or communicated a response from the Greek authorities within six months, and has subsequently failed to bring the matter to the attention of the Follow up Procedure Committee. (Resolution 5.4, Article 8(2))”

The first part of the submission is admissible, as none of cases of inadmissibility listed in Art. 9, para. 3, AFuP occurs.

As shown in the relevant documents, it has been confirmed that the ACCOBAMS Secretariat did receive and communicate within six months the response by the authorities of the Party concerned and brought the matter to the attention of the Committee. Consequently, the second part of the submission is not founded. In addition, it should be noted that the second part of the submission is not admissible, in so far as it relates to an alleged behaviour by the ACCOBAMS Secretariat, given that submissions can be made by ACCOBAMS Partners only if they “have reservations about a Party’s follow up with its obligations under the Agreement” (Art. 9, para. 1, AFuP).

Coming to the merit, OceanCare alleges that the Greek authorities did not assess and control military maneuvers and especially the use of active sonar around South-East Crete, in a manner consistent with Resolution 4.17 (Guidelines to address the anthropogenic noise on cetaceans in the ACCOBAMS area), and that this likely caused the atypical mass stranding of Cuvier’s beaked whales in 2014.

On this question the Party concerned stated:

- in the letter from the Greek authorities to the ACCOBAMS Secretariat, dated 7 April 2016, that after the military exercise of 2014 there “has not been information of mass stranding of marine mammals in the area of south Crete”, and

- in the letter from the Greek authorities to the ACCOBAMS Secretariat, dated 21 May 2014, that, from 31 March to 10 April 2014, Greek Military Navy participated in a transnational military exercise performed by the military Navies of Israel, the United States and Greece, which took place in the marine area of Israel (Haifa) up to South-East Crete. The letter reports that, from 1 to 10 April, in total, 5 to 10 Cuvier’s beaked whales were stranded in an area of 70 km. It also points out that “during the exercise, the sonar device of the Greek unit started from the lowest possible power and increased gradually with a step of 5 db. The maximum sonar device power can come up to 225 db and the frequency of emission is in the area of medium frequencies. Greek Navy has edited and follows a specific order, which is in line with the Resolutions of ACCOBAMS. Till now there has been no incident of marine mammal stranding linked with an exercise of the Greek Military Navy. Further on, a presentation to inform the Greek Navy on the new developments of MOP 5, as regards addressing the impact of anthropogenic noise on cetaceans, is planned.”

The Committee is not in a position to determine with total precision what were the reasons for the atypical mass stranding of beaked whales which occurred in the first ten days of April 2014 around South-East Crete. Nor it is possible to determine whether this could be the result of the use of sonar by Greece or by another State non-Party to ACCOBAMS. However, given this situation, the Committee finds that it is likely that the mass stranding brought to its attention was the result of the military exercises taking place from 31 March to 10 April 2014, in which Greece was also involved.

In this regard, the Committee notes that the use of sonar is a well-known source of anthropogenic underwater noise and that it can be detrimental to the maintenance of a favourable conservation status for cetaceans, as it is required by Art. II, para. 1, ACCOBAMS. To address this concern, the ACCOBAMS Parties adopted Resolution 4.17, which includes a set of “Guidelines to address the impact of anthropogenic noise on cetaceans in the ACCOBAMS area”. Some of the Guidelines specifically address military sonar and civil high power sonar and are consequently applicable also to military activities.

The Committee acknowledges the reported efforts and commitments by the Greek Navy to be in line with the ACCOBAMS Resolutions addressing the impact of anthropogenic noise on cetaceans (see the above mentioned letter of 21 May 2014). These last developments are a matter of appreciation by the Committee.

It would be helpful, as a way to address the issues raised by the submission, if the Party concerned were to provide information to the ACCOBAMS Secretariat about how the Guidelines annexed to the Resolution 4.17 have been implemented after 2014 till now. This will, in particular, enable the Scientific Committee to assess whether there are difficulties in implementing the Guidelines annexed to the Resolution 4.17 and if any other actions are needed.

All this considered, the Committee,
finds that the second part of the submission is not admissible and not founded;
finds that the first part of the submission is admissible;
finds that it is likely that the atypical mass stranding of beaked whales brought to its attention by this submission was the result of the military exercises taking place from 31 March to 10 April 2014, in which Greece was also involved;
invites Greece to pursue all efforts to be in line with the ACCOBAMS Resolutions addressing the impact of anthropogenic noise on cetaceans, such as Resolution 4.17, and commends Greece for what is being done in this direction;
invites Greece to provide information to the ACCOBAMS Secretariat about how the Guidelines annexed to the Resolution 4.17 have been implemented after 2014 till now;
invites the Secretariat to share the received information from Greece with the Scientific Committee;
invites the Secretariat to transmit these considerations and recommendations to the Meeting of the Parties, as well as to the Party and the Partner concerned.

Monaco, 6 March 2018.

IV-2. Consideration of submission by OceanCare on the assessment and control by Spain of petroleum exploration activities around the Balearic Islands and adoption of the relevant recommendation

24. After a presentation by the ACCOBAMS Executive Secretary of the reservation by OceanCare on the assessment and control by Spain of petroleum exploration activities around the Balearic Islands, the participants took note of the presentation sheet as presented in [Annex 6](#).
25. Since OceanCare was attending the Meeting, its representative was invited by the Chair to present his views during the consideration of this submission.
26. In accordance with Article 4, para. 6, of the Rules on the ACCOBAMS Follow up Procedure, this submission was discussed later without the Observer (OceanCare representative) in order to elaborate the considerations and recommendations.
27. The considerations and recommendations adopted by consensus, regarding this submission, are presented here below:

ACCOBAMS FOLLOW UP COMMITTEE CONSIDERATIONS AND RECOMMENDATIONS On the Submission by OceanCare concerning Spanish Assessment and Control of Petroleum Exploration Activities (Specifically Seismic Surveys) around the Balearic Islands

The ACCOBAMS Follow up Committee,

Composed of Mr. Victor Escobar Parades (Chairperson), Mr. Tilen Genov, Mr. Drasko Holcer, Mrs. Imane Tai;

Meeting in Monaco on 5 and 6 March 2018;

Having considered the submission and information presented by the ACCOBAMS Partner OceanCare on 10 February 2016, as well as and the written reply and supporting information sent by the Party concerned, Ministry of Agriculture, Food and Environment, on 12 April 2016;

Having considered the views presented by the representative of OceanCare on 5 March 2018 during the oral consideration of the submission;

Noting that the Party concerned did not participate in the consideration of the submission by the Committee on 5 March 2018;

Having elaborated and discussed the subject of the submission;

Adopts by consensus the following considerations and recommendations to be transmitted to the Meeting of the Parties and to the Party concerned, under Art. 6, paras. 3 and 4, of the ACCOBAMS Follow up Procedure (hereinafter AFuP), as well as to the Partner concerned.

The submission is divided in two parts, namely:

“1. Spanish authorities did not assess and control petroleum exploration activities (specifically seismic surveys) around the Balearic Islands in 2013, in a manner consistent with ACCOBAMS Resolution 4.17, and have risked species vulnerable to loud implosive noise pollution—sperm whales (*Physeter macrocephalus*) in important habitat;

2. The ACCOBAMS Secretariat has not received or communicated a response from the Spanish authorities within six months, and has subsequently failed to bring the matter to the attention of the Follow up Procedure Committee. (Resolution 5.4, Article 8(2))”

The first part of the submission is admissible, as none of cases of inadmissibility listed in Art. 9, para. 3, AFuP occurs.

As shown in the relevant documents, it has been confirmed that the ACCOBAMS Secretariat did receive and communicate within six months the response by the authorities of the Party concerned and brought the matter to the attention of the Committee. Consequently, the second part of the submission is not founded. In addition, it should be noted that the second part of the submission is not admissible, in so far as it relates to an alleged behaviour by the ACCOBAMS Secretariat, given that submissions can be made by ACCOBAMS Partners only if they “have reservations about a Party’s follow up with its obligations under the Agreement” (Art. 9, para. 1, AFuP).

Coming to the merit, OceanCare alleges that in 2013 the Spanish authorities did not assess and control petroleum exploration activities (specifically seismic surveys) around the Balearic Islands, in a manner consistent with Resolution 4.17, with the consequent risk for species vulnerable to noise pollution, such as sperm whales.

In its letter, the Party concerned confirms that unidentified noise was recorded, adding that all the inquiries it has made were not able to identify the sources and excluding that any authorizations to produce noise were ever issued in that period by the Spanish authorities.

In this regard, the Committee notes that offshore exploration and exploitation is a well-known source of anthropogenic underwater noise and that it can be detrimental to the maintenance of a favourable conservation status for cetaceans, as it is required by Art. II, para. 1, ACCOBAMS. To address this concern, the ACCOBAMS Parties adopted Resolution 4.17, which includes a set of “Guidelines to address the impact of anthropogenic noise on cetaceans in the ACCOBAMS area”. Some of the Guidelines specifically address seismic surveys and airgun uses.

However, in this specific case there was no evidence at all that the authorities of the State concerned either authorized noise producing activities from July 2012 to July 2013 or were negligent in controlling what was taking place in the waters or seabed subject to the Spanish jurisdiction.

The fact that underwater noise can be detected at long distance from the place where it is produced leads the Committee to conclude that, in this specific case, the noise could have originated from activities beyond the control of the Spanish authorities.

The Committee further remarks that, at present, no ACCOBAMS Resolution specifically relates to cases where a source of noise of distant origin affects cetaceans found in the waters subject to the jurisdiction of an ACCOBAMS Party and calls for Parties to co-operate to address the situation. The Meeting of the Parties could consider the possibility to elaborate such a Resolution and to encourage the reporting of data in the noise register.

All this considered, the Committee,
finds that the second part of the submission is not admissible and not founded;
finds that the first part of the submission is admissible;
finds there is no evidence that the authorities of the State concerned either authorized noise producing activities from July 2012 to July 2013 or were negligent in controlling what was taking place in the waters or seabed subject to the Spanish jurisdiction;
recommends for consideration by the Meeting of the Parties the elaboration of a Resolution calling for the development of a co-operation mechanism among Parties to identify the source of long distance underwater noise in order to address its transboundary effects;
invites the Secretariat to transmit these considerations and recommendations to the Meeting of the Parties, as well as to the Party and the Partner concerned.

Monaco, 6 March 2018

IV-3. Consideration of submission by OceanCare on the assessment and control by Portugal of petroleum exploration activities in the Algarve and Alentejo basins and adoption of the relevant recommendation

28. After a presentation by the ACCOBAMS Executive Secretary of the reservation by OceanCare on the assessment and control by Portugal of petroleum exploration activities in the Algarve and Alentejo basins, the participants took note of the presentation sheet as presented in [Annex 7](#).
29. Since OceanCare was attending the Meeting, its representative was invited by the Chair to present his views during the consideration of the submission.
30. In accordance with Article 4, para. 6, of the Rules on the ACCOBAMS Follow up Procedure, this submission was discussed later without the Observer (OceanCare representative) in order to elaborate the considerations and recommendations.
31. The considerations and recommendations adopted by consensus, regarding this submission, are presented here below:

ACCOBAMS FOLLOW UP COMMITTEE CONSIDERATIONS AND RECOMMENDATIONS On the Submission by OceanCare on the Assessment and Control by Portugal of Petroleum Exploration Activities in the Algarve and Alentejo Basins

The ACCOBAMS Follow up Committee,

Composed of Mr. Victor Escobar Parades (Chairperson), Mr. Tilen Genov, Mr. Drasko Holcer, Mrs. Imane Tai;

Meeting in Monaco on 5 and 6 March 2018;

Having considered the submission and information presented by the ACCOBAMS Partner OceanCare on 25 July 2016;

Having considered the views presented by the representative of OceanCare on 5 March 2018 during the consideration of the submission;

Noting that the Party concerned did not participate in the consideration of the submission by the Committee on 5 March 2018;

Having elaborated and discussed the subject of the submission;

Adopts by consensus the following considerations and recommendations to be transmitted to the Meeting of the Parties and to the Party concerned, under Art. 6, paras. 3 and 4, of the ACCOBAMS Follow up Procedure (hereinafter AFuP), as well as to the Partner concerned.

The Committee finds that the submission is admissible, as none of cases of inadmissibility listed in Art. 9, para. 3, AFuP occurs.

The submission alleges that the Portuguese authorities did not assess and control petroleum exploration activities (specifically seismic surveys), in a manner consistent with ACCOBAMS Resolution 4.17.

The Committee regrets that no written or oral information on the subject of the submission has been provided to it by the Party concerned, preventing the Committee from gathering all the relevant views on the present submission. The information on whether or not environmental impact assessments and public consultations are required under the domestic legislation, and have in fact been carried out in the case of the offshore concessions granted by Portugal in the Algarve and Alentejo Basin, should be easily available to the Party concerned.

The Committee notes that the submission includes exploration concessions located in an area falling under the scope of the ACCOBAMS Area and in an area falling under its subsequent extension, which is not yet in force, and consequently limits its considerations only to the former one.

The Committee is mandated to limit its action to cases where there are “reservations about a Party’s follow up with its obligations under the Agreement” and cannot elaborate, as the submission does, on whether there are other obligations, such as those arising from European Union instruments, under which the Party concerned is bound to carry out Environmental Impact Assessments and public consultations for the activities in question.

The Committee finds it appropriate to recall that ACCOBAMS Parties are bound, *inter alia*, to require impact assessment for allowing or prohibiting activities that may affect cetaceans or their habitat, such as offshore exploration and exploitation (see ACCOBAMS Annex 2, para. 1, c) and that, to address the concern of underwater noise, the ACCOBAMS Parties adopted a number of Resolutions, including Resolution 4.17, which sets “Guidelines to address the impact of anthropogenic noise on cetaceans in the ACCOBAMS area”. Moreover, under Art. II, para. 4, the Parties are bound to apply the precautionary principle in implementing the conservation, research and management measures prescribed in Annex 2 to the Agreement.

All this considered, the Committee,

finds that the submission is admissible;

regrets that the Party concerned has not provided information on the issue raised in the submission and invites Portugal to ensure co-operation to address the submission;

recalls that ACCOBAMS Parties are bound, *inter alia*, to apply the precautionary principle (Art. II, para. 4. ACCOBAMS), to require impact assessment for allowing or prohibiting activities that may affect cetaceans or their

habitat, such as offshore exploration and exploitation (see ACCOBAMS Annex 2, para. 1, c) and that, to address the concern of underwater noise, the ACCOBAMS Parties adopted Resolution 4.17, which includes a set of “Guidelines to address the impact of anthropogenic noise on cetaceans in the ACCOBAMS area”;

invites the Secretariat to transmit these considerations and recommendations to the Meeting of the Parties, as well as to the Party and the Partner concerned;

invites the Meeting of the Parties to consider the next steps, if need be.

Monaco, 6 March 2018

IV-4. Consideration of submission by OceanCare on the failure by Albania, Algeria, Croatia, Cyprus, Egypt, France, Greece, Italy, Lebanon, Libya, Malta, Monaco, Montenegro, Morocco, Slovenia, Spain, Syria, Tunisia to implement the ACCOBAMS Conservation Plan for Mediterranean common dolphins and adoption of the relevant recommendation

32. After a presentation by the ACCOBAMS Executive Secretary of the reservation by OceanCare on the failure by Albania, Algeria, Croatia, Cyprus, Egypt, France, Greece, Italy, Lebanon, Libya, Malta, Monaco, Montenegro, Morocco, Slovenia, Spain, Syria, Tunisia to implement the ACCOBAMS Conservation Plan for Mediterranean common dolphins, the participants took note of the presentation sheet as presented in [Annex 8](#).
33. Since OceanCare was attending the Meeting, its representative was invited by the Chair to present his views during the consideration of the submission.
34. In accordance with Article 4, para. 6, of the Rules on the ACCOBAMS Follow up Procedure, this submission was discussed later without the Observer (OceanCare representative) in order to elaborate the considerations and recommendations.
35. The considerations and recommendations adopted by consensus, regarding this submission, are presented here below:

ACCOBAMS FOLLOW UP COMMITTEE CONSIDERATIONS AND RECOMMENDATIONS

On the Submission by OceanCare on the Failure by Albania, Algeria, Croatia, Cyprus, Egypt, France, Greece, Italy, Lebanon, Libya, Malta, Monaco, Montenegro, Morocco, Slovenia, Spain, Syria and Tunisia to Implement the ACCOBAMS Conservation Plan for the Mediterranean Common Dolphins

The ACCOBAMS Follow up Committee,

Composed of Mr. Victor Escobar Parades (Chairperson), Mr. Tilen Genov, Mr. Drasko Holcer, Mrs. Imane Tai;
Meeting in Monaco on 5 and 6 March 2018;

Having considered the submission and information presented by the ACCOBAMS Partner OceanCare on 1st December 2016, as well as the written replies and supporting information sent by Morocco on 20 March 2017 and by Spain on 2 March 2018;

Having considered the views presented by the representative of OceanCare on 5 March 2018 during the consideration of the submission;

Noting that the eighteen Parties concerned did not participate in the oral consideration of the submission by the Committee on 5 March 2018;

Having elaborated and discussed the subject of the submission;

Adopts by consensus the following considerations and recommendations to be transmitted to the Meeting of the Parties and to the Parties concerned, under Art. 6, paras. 3 and 4, of the ACCOBAMS Follow up Procedure (hereinafter AFuP), as well as to the Partner concerned.

The Committee finds that the submission is admissible, as none of cases of inadmissibility listed in Art. 9, para. 3, AFuP occurs.

The Committee regrets that no written or oral information on the subject of the submission has been provided to it by sixteen among the eighteen Parties concerned, preventing the Committee from gathering all the relevant views on the present submission.

The submission alleges that eighteen Parties, being all Parties bordering the Mediterranean Sea, have not sufficiently implemented the agreed actions contained in the Conservation Plan for Mediterranean common dolphins, as referred to in Resolution 2.20, subsequently replaced by Resolution 4.13.

The Committee recalls that, under Resolution 4.13, the implementation of the Conservation Plan for short-beaked common dolphins in the Mediterranean Sea (Mop2, doc. 49), is a high priority in the region and, accordingly, this Resolution urges Parties and invites range States to take a number of actions, based on international co-ordination and adequate funding.

The Committee also notes that the only two Parties that have provided information on the present submission have referred only to general legislation and measures for the protection of cetaceans, without mentioning any specific measure of implementation of the Conservation Plan for Mediterranean common dolphins.

The Committee emphasizes that, although the distribution of common dolphins can be uneven in the waters falling under the jurisdiction of Parties and in the Mediterranean basin, the Plan sets forth obligations falling on every Mediterranean Party.

All this considered, the Committee,
finds that the submission is admissible;
regrets that sixteen Parties concerned have not provided information on the issue raised in the submission and invites them to ensure co-operation to address the submission;
recalls that ACCOBAMS Parties are bound, *inter alia*, to apply Resolution 4.13, which stresses that the implementation of the Conservation Plan for short-beaked common dolphins in the Mediterranean Sea, is a high priority in the region;
invites all the Parties concerned to provide information to the ACCOBAMS Secretariat on specific measures taken for the implementation of the Conservation Plan for short-beaked common dolphins in the Mediterranean Sea, or any other measures considered relevant for their protection;
invites the Secretariat to share the information received from Parties with the Scientific Committee;
invites the Secretariat to transmit these considerations and recommendations to the Meeting of the Parties, as well as to the Parties and the Partner concerned;
invites the Meeting of the Parties to consider the next steps, including giving priority to the review and updating of the Conservation Plan for short-beaked common dolphins in the Mediterranean Sea.

Monaco, 6 March 2018

V. REVIEW GENERAL ISSUES OF IMPLEMENTATION AND FOLLOW UP UNDER THE AGREEMENT AS REQUESTED BY MOP6

36. During the Sixth Meeting of the Parties to ACCOBAMS (Monaco, 22-25 November 2016), Parties took note of the report of the ACCOBAMS Follow up Committee and approved the six recommendations it contained, especially Recommendation 4 stating that priority is given to consideration of specific submissions and then to general issues of implementation and follow up. Recommendations 2 and 3 requested to review, under Article 6, paragraph 1,d, of the ACCOBAMS Follow up Procedure, the legal and technical issues of implementation and follow up:

- of existing obligations and commitments related to seismic and military activities producing underwater noise,
- relating to interactions between humans and dolphins addressed by Resolution 3.13 (Dolphin interaction programme).

37. In this context, participants were be invited to discuss these two issues.

V-1. Existing obligations and commitments related to seismic and military activities producing underwater noise

38. Participants were invited to discuss ACCOBAMS Parties obligations and commitments related to **seismic activities**.

39. Members of the Follow up Committee were invited to review the legal and technical issues of implementation and follow up of existing obligations and commitments related to seismic activities producing underwater noise. Due to lack of time, the review presented here below was open for comments to all Members of the Follow up Committee until 1st May 2018:

I - OBLIGATIONS TO PARTIES TO IMPLEMENT MEASURES IN CONNECTION TO SEISMIC ACTIVITIES
<p>The obligations of Parties to implement measures in connection with seismic activities are based on Article II of ACCOBAMS which requires the Parties to apply conservation, research and management measures to address the assessment and management of human–cetacean interactions, on the basis of the precautionary principle.</p>
II- IMPLEMENTATION OF THE CONSERVATION PLAN COMMITMENT
<p>To implement the Conservation Plan commitments, as set under Annex II of the Agreement, Parties are required to adopt a number of measures applying also to seismic activities. In particular:</p> <p><i>“The Parties shall undertake, to the maximum extent of their economic, technical, and scientific capacities, the following measures for the conservation of cetaceans, giving priority to conserving those species or populations identified by the Scientific Committee as having the least favourable conservation status, and to undertaking research in areas or for species for which there is a paucity of data.”</i></p> <p>The relevant sections of Annex II of the Agreement addressing the commitment by Parties related to seismic activities, are:</p> <p>1. <i>“Adoption and enforcement of national legislation</i></p>

*Parties to this Agreement **shall adopt** the necessary legislative, regulatory or administrative measures to give full protection to cetaceans in waters under their sovereignty and/or jurisdiction and outside these waters in respect of any vessel under their flag or registered within their territory engaged in activities which may affect the conservation of cetaceans.*

- c) *require **impact assessments** to be carried out in order to provide a basis for either allowing or prohibiting the continuation or the future development of activities that may affect cetaceans or their habitat in the Agreement area, including fisheries, offshore exploration and exploitation, nautical sports, tourism and cetacean-watching, as well as establishing the conditions under which such activities may be conducted;*

When referring to impact assessment, the Committee recommends to use the best available impact assessment tools, such as Environmental Impacts Assessment under the EU instruments, the ESPOO procedure or any other tools as appropriate. The Committee also recommends to share information about practices used by the Parties.

2. ***“Assessment and management of human-cetacean interactions***

*Parties shall, in co-operation with relevant international organizations, collect and analyse data on direct and indirect interactions between humans and cetaceans in relation to inter alia fishing, **industrial** and touristic activities, and land-based and maritime pollution. When necessary, Parties shall take appropriate remedial measures and shall develop guidelines and/or codes of conduct to regulate or manage such activities.”*

The Committee considers that seismic activities fall under the category of “industrial activities” and therefore, Parties have to collect, analyze and report data on direct and indirect interactions between humans and cetaceans in relation to such activities. In that context, the noise register that is being developed under Resolution 6.17 is relevant. In addition, the Parties should implement the relevant ACCOBAMS Guidelines.

3. ***“Habitat protection***

Parties shall endeavour to establish and manage specially protected areas for cetaceans corresponding to the areas which serve as habitats of cetaceans and/or which provide important food resources for them. Such specially protected areas should be established within the framework of the Regional Seas Conventions (OSPAR, Barcelona and Bucharest Conventions), or within the framework of other appropriate instruments.”

The Committee recommends to take special care when managing seismic activities in specially protected areas or in their vicinity and exchange information on the actions taken by Parties. The impact that such activities may have in the cetacean acoustic habitat is also an issue that should be addressed.

4. ***“Research and monitoring***

Parties shall undertake co-coordinated, concerted research on cetaceans and facilitate the development of new techniques to enhance their conservation. Parties shall, in particular:

- a) *monitor the status and trends of species covered by this Agreement, especially those in poorly known areas, or species for which little data are available, in order to facilitate the elaboration of*

conservation measures;

- b) co-operate to determine the migration routes and the breeding and feeding areas of the species covered by the Agreement in order to define areas where human activities may need to be regulated as a consequence;*
- c) evaluate the feeding requirements of the species covered by the Agreement and adapt fishing regulations and techniques accordingly;*
- d) develop systematic research programmes on dead, stranded, wounded or sick animals to determine the main interactions with human activities and to identify present and potential threats; and*
- e) facilitate the development of passive acoustic techniques to monitor cetacean populations.”*

The Committee recommends that all these elements shall be taken into consideration in connection with seismic activities.

5. ***“Capacity building, collection and dissemination of information, training and education***

Taking into account the differing needs and the developmental stages of the Range States, Parties shall give priority to capacity building in order to develop the necessary expertise for the implementation of the Agreement. Parties shall co-operate to develop common tools for the collection and dissemination of information about cetaceans and to organize training courses and education programmes. Such actions shall be conducted in concert at the sub-regional and Agreement level, supported by the Agreement secretariat, the Co-ordination units and the Scientific Committee and carried out in collaboration with competent international institutions or organizations. The results shall be made available to all Parties. In particular, Parties shall co-operate to:

- a) develop the systems for collecting data on observations, incidental catches, strandings, epizootics and other phenomena related to cetaceans;*
- b) prepare lists of national authorities, research and rescue centres, scientists and non-governmental organizations concerned with cetaceans;*
- c) prepare a directory of existing protected or managed areas which could benefit the conservation of cetaceans and of marine areas of potential importance for the conservation of cetaceans;*
- d) prepare a directory of national and international legislation concerning cetaceans;*
- e) establish, as appropriate, a sub-regional or regional data bank for the storage of information collected under paragraphs a) to d) above;*
- f) prepare a sub-regional or regional information bulletin on cetacean conservation activities or contribute to an existing publication serving the same purpose;*
- g) prepare information, awareness and identification guides for distribution to users of the sea;*
- h) prepare, on the basis of regional knowledge, a synthesis of veterinary recommendations for the rescue of cetaceans; and*

- i) *develop and implement training programmes on conservation techniques, in particular, on observation, release, transport and first aid techniques, and responses to emergency situations.”*

The Committee recommends Parties to provide data in MEDACES and in the noise register with the technical assistance of the Secretariat, as need be.

6. ***“Responses to emergency situations”***

Parties shall, in co-operation with each other, and whenever possible and necessary, develop and implement emergency measures for cetaceans covered by this Agreement when exceptionally unfavourable or endangering conditions occur. In particular, Parties shall:

- a) *prepare, in collaboration with competent bodies, emergency plans to be implemented in case of threats to cetaceans in the Agreement area, such as major pollution events, important strandings or epizootics; and*
- b) *evaluate capacities necessary for rescue operations for wounded or sick cetaceans; and*
- c) *prepare a code of conduct governing the function of centres or laboratories involved in this work.*

In the event of an emergency situation requiring the adoption of immediate measures to avoid deterioration of the conservation status of one or more cetacean populations, a Party may request the relevant Co-ordination unit to advise the other Parties concerned, with a view to establishing a mechanism to give rapid protection to the population identified as being subject.”

The Committee considers that seismic activities can determine “exceptionally unfavourable or endangering conditions” leading to emergency situations and, therefore, emergency responses should be considered.

The Committee recommends to exchange information on codes of conduct already implemented, data collected during those events, in particular when a link with seismic activities is suspected.

III – IMPLEMENTATION OF THE BINDING COMMITMENT

In implementing the binding commitment, it is recommended that the ACCOBAMS Parties use the relevant Guidelines and implement the relevant Resolutions.

The Committee did not have time to address them fully.

40. Participants were then invited to discuss ACCOBAMS Parties obligations and commitments related to **military activities**.

41. Members of the Follow up Committee reviewed the legal and technical issues of implementation and follow up of existing obligations and commitments related to military activities producing underwater noise. Due to lack of time, the review presented here below was open for comments to all Members of the Follow up Committee until 1st May 2018.

I - OBLIGATIONS TO PARTIES TO IMPLEMENT MEASURES IN CONNECTION TO MILITARY ACTIVITIES

The obligations of Parties to implement measures in connection with military activities are based on Article II of ACCOBAMS which requires the Parties to apply conservation, research and management measures to address the assessment and management of human–cetacean interactions, on the basis of the precautionary principle.

II- IMPLEMENTATION OF THE CONSERVATION PLAN COMMITMENT

To implement the Conservation Plan commitments, as set under Annex II of the Agreement, Parties are required to adopt a number of measures applying also to military activities. In particular:

“The Parties shall undertake, to the maximum extent of their economic, technical, and scientific capacities, the following measures for the conservation of cetaceans, giving priority to conserving those species or populations identified by the Scientific Committee as having the least favourable conservation status, and to undertaking research in areas or for species for which there is a paucity of data.”

The Committee understands that military activities are in principle within the scope of application of ACCOBAMS, as there is no provision in the Agreement that excludes its application to such activities. Military activities are consequently not allowed if they result in the “taking” of cetaceans, as defined under article 1, para I of the Bonn Convention, meaning “taking, hunting, fishing, capturing, harassing, deliberate killing, or attempting to engage in any such conducts”.

The Committee is fully aware of Article 236 of the United Nations Convention on the Law of the Sea, which states: “The provisions of this Convention regarding the protection and preservation of the marine environment do not apply to any 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”. In this regard, the Committee notes that the second sentence of Article 236 obliges the UNCLOS Parties to operate State vessels and aircraft in the manner consistent with UNCLOS, so far as reasonable and practicable and without impairing operations or operational capabilities. Moreover, Article 237 of the UNCLOS does not prejudice agreements, such as ACCOBAMS, which may be concluded in furtherance of the general principles of UNCLOS. Such principles include the general principle of preservation and protection of the environment.

1. ***“Adoption and enforcement of national legislation***

*Parties to this Agreement **shall adopt** the necessary legislative, regulatory or administrative measures to give full protection to cetaceans in waters under their sovereignty and/or jurisdiction and outside these waters in respect of any vessel under their flag or registered within their territory engaged in activities which may affect the conservation of cetaceans.*

The most relevant parts concerning the commitment by Parties, related to military activities, are:

- c) *require impact assessments to be carried out in order to provide a basis for either allowing or prohibiting the continuation or the future development of activities that may affect cetaceans or their habitat in the Agreement area, including fisheries, offshore exploration and exploitation, nautical sports, tourism and cetacean-watching, as well as establishing the conditions under which such activities may be conducted; “*

When referring to impact assessment, the Committee recommends to use the best available impact assessment tool. It is also recommended to share information about practices used by the Parties in connection with impact assessment related to different military activities.

2. “Assessment and management of human-cetacean interactions

Parties shall, in co-operation with relevant international organizations, collect and analyse data on direct and indirect interactions between humans and cetaceans in relation to inter alia fishing, industrial and touristic activities, and land-based and maritime pollution. When necessary, Parties shall take appropriate remedial measures and shall develop guidelines and/or codes of conduct to regulate or manage such activities.”

The Committee encourages Parties to provide information on military activities relevant to human-cetacean interactions, in particular those producing underwater noise, and report them to the noise register.

3. “Habitat protection

Parties shall endeavour to establish and manage specially protected areas for cetaceans corresponding to the areas which serve as habitats of cetaceans and/or which provide important food resources for them. Such specially protected areas should be established within the framework of the Regional Seas Conventions (OSPAR, Barcelona and Bucharest Conventions), or within the framework of other appropriate instruments.”

The Committee recommends to take special care when assessing the impact of military activities in specially protected areas or in their vicinity, and exchange information on the actions taken by Parties to minimize the impact. An issue that should be addressed is the impact that such activities may have in the cetacean acoustic habitat.

6. “Responses to emergency situations

Parties shall, in co-operation with each other, and whenever possible and necessary, develop and implement emergency measures for cetaceans covered by this Agreement when exceptionally unfavourable or endangering conditions occur. In particular, Parties shall:

- a) *prepare, in collaboration with competent bodies, emergency plans to be implemented in case of threats to cetaceans in the Agreement area, such as major pollution events, important strandings or epizootics; and*

b) *evaluate capacities necessary for rescue operations for wounded or sick cetaceans; and*

c) *prepare a code of conduct governing the function of centres or laboratories involved in this work.*

In the event of an emergency situation requiring the adoption of immediate measures to avoid deterioration of the conservation status of one or more cetacean populations, a Party may request the relevant Co-ordination unit to advise the other Parties concerned, with a view to establishing a mechanism to give rapid protection to the population identified as being subject to a particularly adverse threat.”

The Committee considers that military activities can determine “exceptionally unfavourable or endangering conditions” leading to emergency situations and, therefore, emergency responses should be considered.

III – IMPLEMENTATION OF THE BINDING COMMITMENT

In implementing the binding commitment, it is recommend that the Parties use the relevant Guidelines and implement relevant Resolutions.

The Committee did not have time to address them fully.

V-2. Interactions between humans and dolphins addressed by Resolution 3.13 (Dolphin interaction programme)

42. Participants were invited to discuss ACCOBAMS Parties obligations and commitments related to **interactions between humans and dolphins**.

43. Due to lack of time, Members of the Follow up Committee, as a first step, have identified the following legal or technical issues to be further discussed:

- Does ACCOBAMS apply only to maritime waters or to the entire territory of each Party?
- Interpretation, in this context, of “Taking” as defined in the Bonn Convention and consequently in the ACCOBAMS, meaning a continuous activity consisting in the deprivation of the freedom of the animal concerned.
- Consider that ACCOBAMS applies to any individuals of species of cetaceans which have a range that lies entirely or partly within the Agreement area or that accidentally or occasionally frequent the Agreement area, an indicative list of which is contained in Annex 1 to the Agreement.
- Are dolphinarium prohibited under ACCOBAMS?
- What is the difference between quasi-dolphinarium / dolphinarium?
- There is a need to refer to UNCLOS language.
- There is a need to refer to CITES and measures on trade.
- There is a need for an inventory of individual cetaceans kept in captivity in the ACCOBAMS area.
- There is a need to define the concepts of dolphin refuge, release, and reintroduction.
- There is a need to assess the “swimming with dolphins” activity.
- There is a need to specify educational values.

- There is a need to revise the relevant ACCOBAMS Resolutions.
 - There is a need to revise granting of exceptions (Guidelines in the Resolution 4.18) and relevant permits.
44. The Follow up Committee Members **recommended** the Parties to consider requesting the Committee to further review, under Article 6, paragraph 1, d, of the ACCOBAMS Follow up Procedure, the legal and technical issues of implementation and follow up relating to interactions between humans and dolphins addressed by Resolution 3.13 (Dolphin interaction programme), based on the relevant documents prepared by ACCOBAMS bodies, such as the Document of Scovazzi and Tani ("Taking of cetaceans, dolphinarium and quasi-dolphinarium: a legal analysis relating to ACCOBAMS Parties") and any other identified documents compiled and summarised by the ACCOBAMS Permanent Secretariat.
45. The Follow up Committee Members **invited** Parties to inform the ACCOBAMS Permanent Secretariat of any future initiatives related to the creation of quasi dolphinarium and dolphin refuges and inform the Scientific Committee through the appropriate channels.

VI. FUTURE WORK OF THE FOLLOW UP COMMITTEE

46. The Follow up Committee members have been invited to provide the ACCOBAMS Permanent Secretariat with their comments on the two general issues of implementation and Follow up related to seismic and military activities producing underwater noise by the 1st May 2018.
47. Further discussion on the interactions between humans and dolphins, addressed by Resolution 3.13, is postponed to the next Meeting of the ACCOBAMS Follow up Committee.

VII. OTHER BUSINESS

48. Under this agenda item, the Follow up Committee members proposed to discuss the following issues:

VII-1. The ACCOBAMS National report

49. The Committee recommended that all National Reports should be updated before the Follow up Committee and should be made available to the Committee.

VII-2. Late response by the Party concerned by a submission

50. The Follow up Committee members recommended that the consideration of a late document should be decided by the Committee at the beginning of its Meeting, on a case by case basis, taking into consideration that the Procedure shall be carried out in a simple, flexible, expeditious, fair, transparent, cost-effective and non-confrontational way.

VIII. CLOSURE OF THE MEETING

51. After the customary exchange of courtesies, the Chair closed the Follow up Committee Meeting at **6.30 pm** on Tuesday 6th March 2018.

ANNEX 1 – LIST OF PARTICIPANTS

Members nominated by Parties:

Victor ESCOBAR PAREDES Head of Unit for International Marine Affairs Division for the Protection of the Sea. General Direction for the Sustainability of the Coast and the Sea. Ministry of Agriculture, Food and Environment Plaza S. Juan de la Cruz s/n 28071 Madrid - SPAIN Tel : +34 915976038 vaescobar@magrama.es	Full term mandate : 2014- 2019
Imane TAI Institut National de Recherche Halieutique Boulevard Sidi Abderrahmane, 2 Aïn Diab, 20180 Casablanca - MOROCCO Tel: +212 672 827 416 taiimane.it@gmail.com	Alternate / Suppléant

Members nominated by ACCOBAMS Partners:

Drasko HOLCER Blue World Institute of Marine Research and Conservation Kaštel 24, HR-51551 Veli Lošinj - CROATIA Tel: +385 1 4627301, 4851700 Mobile +385 91 4637424 Drasko.Holcer@hpm.hr	Full term mandate:2014- 2019
Tilen GENOV MORIGENOS - Slovenian Marine Mammal Society Kidricevo nabrezje 4 6330 Piran - SLOVENIA Tel : +386 41 981 990 tilen.genov@gmail.com	Full term mandate: 2017- 2022

MEMBER OF ACCOBAMS SCIENTIFIC COMMITTEE

Joan GONZALVO

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ACCOBAMS PERMANENT SECRETARIAT

Florence DESCROIX COMANDUCCI

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Alain JEUDY DE GRISSAC

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Tullio SCOVAZZI

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Tel: +39 02 64 48 40 15
tullio.scovazzi@unimib.it

ANNEX 2 – AGENDA

1. OPENING OF THE MEETING

2. ADOPTION OF THE AGENDA

3. ADMINISTRATIVE ISSUES

3.1. Impartiality and Confidentiality agreement

3.2. Information by the Secretariat

4. CONSIDERATION OF SUBMISSIONS BY THE FOLLOW UP COMMITTEE

4.1. Consideration of submission by OceanCare on the assessment and control by Greece of military activities around South-East Crete and adoption of the relevant recommendation

4.2. Consideration of submission by OceanCare on the assessment and control by Spain of petroleum exploration activities around the Balearic Islands and adoption of the relevant recommendation

4.3. Consideration of submission by OceanCare on the assessment and control by Portugal of petroleum exploration activities in the Algarve and Alentejo basins and adoption of the relevant recommendation

4.4. Consideration of submission by OceanCare on the failure by Albania, Algeria, Croatia, Cyprus, Egypt, France, Greece, Italy, Lebanon, Libya, Malta, Monaco, Montenegro, Morocco, Slovenia, Spain, Syria, Tunisia to implement the ACCOBAMS Conservation Plan for Mediterranean common dolphins and adoption of the relevant recommendation

5. REVIEW GENERAL ISSUES OF IMPLEMENTATION AND FOLLOW UP UNDER THE AGREEMENT AS REQUESTED BY MOP6

5.1. Existing obligations and commitments related to seismic and military activities producing underwater noise

5.2. Interactions between humans and dolphins addressed by Resolution 3.13 (Dolphin interaction programme).

6. FUTURE WORK OF THE FOLLOW UP COMMITTEE

7. OTHER BUSINESS

7.1. The ACCOBAMS National report

7.2. Late response by the Party concerned by a submission

8. CLOSURE OF THE MEETING

ANNEX 3 – STATEMENTS OF IMPARTIALITY

*Accord sur la Conservation des Cétacés
de la Mer Noire, de la Méditerranée et
de la zone Atlantique adjacente*



*Agreement on the Conservation of Cetaceans
of the Black Sea, Mediterranean Sea
and contiguous Atlantic Area*

Monaco, 5th March 2018

To the ACCOBAMS Executive Secretary

Our/Ref.: 2018- 53

Statement of impartiality

Dear Executive Secretary,

By the present Letter I undertake to perform my functions in the ACCOBAMS Follow-up Committee, created by Resolution 5.4 of the Fifth Meeting of the Parties to ACCOBAMS (5-8 November 2013, Tanger), impartially and conscientiously, taking into consideration relevant Resolutions and Rules of the ACCOBAMS.

With my best regards,



VICTOR ESCOBAN

*Accord sur la Conservation des Cétacés
de la Mer Noire, de la Méditerranée et
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*Agreement on the Conservation of Cetaceans
of the Black Sea, Mediterranean Sea
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Monaco, 5th March 2018

To the ACCOBAMS Executive Secretary

Our/Ref.: 2018- 53

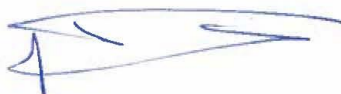
Statement of impartiality

Dear Executive Secretary,

By the present Letter I undertake to perform my functions in the ACCOBAMS Follow-up Committee, created by Resolution 5.4 of the Fifth Meeting of the Parties to ACCOBAMS (5-8 November 2013, Tanger), impartially and conscientiously, taking into consideration relevant Resolutions and Rules of the ACCOBAMS.

With my best regards,

Imane TAI



*Accord sur la Conservation des Cétacés
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With my best regards,



BRASILLO HOLCOR

*Accord sur la Conservation des Cétacés
de la Mer Noire, de la Méditerranée et
de la zone Atlantique adjacente*



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With my best regards,



ANNEX 4 – CONFIDENTIALITY AGREEMENTS

*Accord sur la Conservation des Cétacés
de la Mer Noire, de la Méditerranée et
de la zone Atlantique adjacente*



*Agreement on the Conservation of Cetaceans
of the Black Sea, Mediterranean Sea
and contiguous Atlantic Area*

Monaco, 5th March 2018

To the ACCOBAMS Executive Secretary

Our/Ref.: 2018- 52

CONFIDENTIALITY AGREEMENT UNDERTAKING FOR FOLLOW-UP COMMITTEE MEMBERS

Place: MONACO
Date: 5.3.18
Name: VICTOR ESCOBAR

Under Article 11 of the Rules for the Obligations Follow-up Procedure in the ACCOBAMS framework:

By the present agreement I undertake, in the context of the performance of my functions within the Follow up Committee, created by Resolution 5.4 of the Fifth Meeting of the Parties at ACCOBAMS, held from November 5 to 8, 2013 in Tangier, not to (non-exhaustive list): disclose, use, cede or grant access to any confidential information for the duration of my term or terms, but also once my mission or missions have been completed, and this without any time limits, regardless of the reason for termination of my term or terms.

This information includes (in a non-exhaustive manner) any scientific, administrative, economic, political, industrial or commercial data that could be gathered and/or exchanged in the context of the performance of my functions. Regardless of the form or type of support of the latter, and regardless of the purpose whether it be personal, professional or other (non-exhaustive list).

I also undertake not to send this data to third parties without prior written agreement from the concerned Party. In this case, the concerned Party is required to inform the ACCOBAMS Executive Secretary in writing before publication.

I also undertake to ensure that this agreement is respected by any persons with whom I will be brought to share all or part of this information.

I also undertake to provide maximum security in the conservation and the use of these data.

At the end of my term or terms, I undertake to return to the ACCOBAMS Executive Secretary, or to give real proof of the destruction, any confidential information that would have been sent to me, or

to which I would have had access during my term or terms within a period of 15 (FIFTEEN) days starting from the end of my term.

Failure to respect the terms of this agreement could result in legal proceedings against me at any time.

In case of dispute, the latter will be heard before the competent Monegasque Courts pursuant to the Monegasque law in force.

HANDWRITTEN NOTE "READ AND APPROVED"	SIGNATURE
Read and Approved	

VICTOR ESCOBAN

Accord sur la Conservation des Cétacés
de la Mer Noire, de la Méditerranée et
de la zone Atlantique adjacente



Agreement on the Conservation of Cetaceans
of the Black Sea, Mediterranean Sea
and contiguous Atlantic Area

Monaco, 5th March 2018

To the ACCOBAMS Executive Secretary

Our/Ref.: 2018- 52

CONFIDENTIALITY AGREEMENT UNDERTAKING FOR FOLLOW-UP COMMITTEE MEMBERS

Place: Monaco
Date: 05/06 Mars 2018
Name: Imane TAI

Under Article 11 of the Rules for the Obligations Follow-up Procedure in the ACCOBAMS framework:

By the present agreement I undertake, in the context of the performance of my functions within the Follow up Committee, created by Resolution 5.4 of the Fifth Meeting of the Parties at ACCOBAMS, held from November 5 to 8, 2013 in Tangier, not to (non-exhaustive list): disclose, use, cede or grant access to any confidential information for the duration of my term or terms, but also once my mission or missions have been completed, and this without any time limits, regardless of the reason for termination of my term or terms.

This information includes (in a non-exhaustive manner) any scientific, administrative, economic, political, industrial or commercial data that could be gathered and/or exchanged in the context of the performance of my functions. Regardless of the form or type of support of the latter, and regardless of the purpose whether it be personal, professional or other (non-exhaustive list).

I also undertake not to send this data to third parties without prior written agreement from the concerned Party. In this case, the concerned Party is required to inform the ACCOBAMS Executive Secretary in writing before publication.

I also undertake to ensure that this agreement is respected by any persons with whom I will be brought to share all or part of this information.

I also undertake to provide maximum security in the conservation and the use of these data.

At the end of my term or terms, I undertake to return to the ACCOBAMS Executive Secretary, or to give real proof of the destruction, any confidential information that would have been sent to me, or

to which I would have had access during my term or terms within a period of 15 (FIFTEEN) days starting from the end of my term.

Failure to respect the terms of this agreement could result in legal proceedings against me at any time.

In case of dispute, the latter will be heard before the competent Monegasque Courts pursuant to the Monegasque law in force.

HANDWRITTEN NOTE "READ AND APPROVED"	SIGNATURE
Read and Approved	

Accord sur la Conservation des Cétacés
de la Mer Noire, de la Méditerranée et
de la zone Atlantique adjacente



Agreement on the Conservation of Cetaceans
of the Black Sea, Mediterranean Sea
and contiguous Atlantic Area

Monaco, 5th March 2018

To the ACCOBAMS Executive Secretary

Our/Ref.: 2018- 52

CONFIDENTIALITY AGREEMENT UNDERTAKING FOR FOLLOW-UP COMMITTEE MEMBERS

Place: MONACO
Date: 5.3.2018.
Name: DRAJKO HOLCER

Under Article 11 of the Rules for the Obligations Follow-up Procedure in the ACCOBAMS framework:

By the present agreement I undertake, in the context of the performance of my functions within the Follow up Committee, created by Resolution 5.4 of the Fifth Meeting of the Parties at ACCOBAMS, held from November 5 to 8, 2013 in Tangier, not to (non-exhaustive list): disclose, use, cede or grant access to any confidential information for the duration of my term or terms, but also once my mission or missions have been completed, and this without any time limits, regardless of the reason for termination of my term or terms.

This information includes (in a non-exhaustive manner) any scientific, administrative, economic, political, industrial or commercial data that could be gathered and/or exchanged in the context of the performance of my functions. Regardless of the form or type of support of the latter, and regardless of the purpose whether it be personal, professional or other (non-exhaustive list).

I also undertake not to send this data to third parties without prior written agreement from the concerned Party. In this case, the concerned Party is required to inform the ACCOBAMS Executive Secretary in writing before publication.

I also undertake to ensure that this agreement is respected by any persons with whom I will be brought to share all or part of this information.

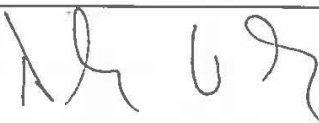
I also undertake to provide maximum security in the conservation and the use of these data.

At the end of my term or terms, I undertake to return to the ACCOBAMS Executive Secretary, or to give real proof of the destruction, any confidential information that would have been sent to me, or

to which I would have had access during my term or terms within a period of 15 (FIFTEEN) days starting from the end of my term.

Failure to respect the terms of this agreement could result in legal proceedings against me at any time.

In case of dispute, the latter will be heard before the competent Monegasque Courts pursuant to the Monegasque law in force.

HANDWRITTEN NOTE "READ AND APPROVED"	SIGNATURE
READ AND APPROVED	

Accord sur la Conservation des Cétacés
de la Mer Noire, de la Méditerranée et
de la zone Atlantique adjacente



Agreement on the Conservation of Cetaceans
of the Black Sea, Mediterranean Sea
and contiguous Atlantic Area

Monaco, 5th March 2018

To the ACCOBAMS Executive Secretary

Our/Ref.: 2018- 52

CONFIDENTIALITY AGREEMENT UNDERTAKING FOR FOLLOW-UP COMMITTEE MEMBERS

Place: MONACO

Date: 05/03/2018

Name: TILÉN GENOV

Under Article 11 of the Rules for the Obligations Follow-up Procedure in the ACCOBAMS framework:

By the present agreement I undertake, in the context of the performance of my functions within the Follow up Committee, created by Resolution 5.4 of the Fifth Meeting of the Parties at ACCOBAMS, held from November 5 to 8, 2013 in Tangier, not to (non-exhaustive list): disclose, use, cede or grant access to any confidential information for the duration of my term or terms, but also once my mission or missions have been completed, and this without any time limits, regardless of the reason for termination of my term or terms.

This information includes (in a non-exhaustive manner) any scientific, administrative, economic, political, industrial or commercial data that could be gathered and/or exchanged in the context of the performance of my functions. Regardless of the form or type of support of the latter, and regardless of the purpose whether it be personal, professional or other (non-exhaustive list).

I also undertake not to send this data to third parties without prior written agreement from the concerned Party. In this case, the concerned Party is required to inform the ACCOBAMS Executive Secretary in writing before publication.

I also undertake to ensure that this agreement is respected by any persons with whom I will be brought to share all or part of this information.

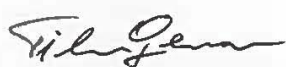
I also undertake to provide maximum security in the conservation and the use of these data.

At the end of my term or terms, I undertake to return to the ACCOBAMS Executive Secretary, or to give real proof of the destruction, any confidential information that would have been sent to me, or

to which I would have had access during my term or terms within a period of 15 (FIFTEEN) days starting from the end of my term.

Failure to respect the terms of this agreement could result in legal proceedings against me at any time.

In case of dispute, the latter will be heard before the competent Monegasque Courts pursuant to the Monegasque law in force.

HANDWRITTEN NOTE "READ AND APPROVED"	SIGNATURE
READ AND APPROVED	

Accord sur la Conservation des Cétacés
de la Mer Noire, de la Méditerranée et
de la zone Atlantique adjacente



Agreement on the Conservation of Cetaceans
of the Black Sea, Mediterranean Sea
and contiguous Atlantic Area

Monaco, 5th March 2018

To the ACCOBAMS Executive Secretary

Our/Ref.: 2018- 52

CONFIDENTIALITY AGREEMENT UNDERTAKING FOR FOLLOW-UP COMMITTEE MEMBERS

Place: MONACO
Date: 05/03/2018
Name: JOAN GONZALEZ

Under Article 11 of the Rules for the Obligations Follow-up Procedure in the ACCOBAMS framework:

By the present agreement I undertake, in the context of the performance of my functions within the Follow up Committee, created by Resolution 5.4 of the Fifth Meeting of the Parties at ACCOBAMS, held from November 5 to 8, 2013 in Tangier, not to (non-exhaustive list): disclose, use, cede or grant access to any confidential information for the duration of my term or terms, but also once my mission or missions have been completed, and this without any time limits, regardless of the reason for termination of my term or terms.

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I also undertake not to send this data to third parties without prior written agreement from the concerned Party. In this case, the concerned Party is required to inform the ACCOBAMS Executive Secretary in writing before publication.

I also undertake to ensure that this agreement is respected by any persons with whom I will be brought to share all or part of this information.

I also undertake to provide maximum security in the conservation and the use of these data.

At the end of my term or terms, I undertake to return to the ACCOBAMS Executive Secretary, or to give real proof of the destruction, any confidential information that would have been sent to me, or

to which I would have had access during my term or terms within a period of 15 (FIFTEEN) days starting from the end of my term.

Failure to respect the terms of this agreement could result in legal proceedings against me at any time.

In case of dispute, the latter will be heard before the competent Monegasque Courts pursuant to the Monegasque law in force.

HANDWRITTEN NOTE "READ AND APPROVED"	SIGNATURE
Read and approved	

Accord sur la Conservation des Cétacés
de la Mer Noire, de la Méditerranée et
de la zone Atlantique adjacente



Agreement on the Conservation of Cetaceans
of the Black Sea, Mediterranean Sea
and contiguous Atlantic Area

Monaco, 5th March 2018

To the ACCOBAMS Executive Secretary

Our/Ref.: 2018- 52

CONFIDENTIALITY AGREEMENT UNDERTAKING FOR FOLLOW-UP COMMITTEE MEMBERS

& OBSERVER

Place: MONACO
Date: 5. MARCH 2018
Name: NICOLAS ENTRUP

Under Article 11 of the Rules for the Obligations Follow-up Procedure in the ACCOBAMS framework:

By the present agreement I undertake, in the context of the performance of my functions within the Follow up Committee, created by Resolution 5.4 of the Fifth Meeting of the Parties at ACCOBAMS, held from November 5 to 8, 2013 in Tangier, not to (non-exhaustive list): disclose, use, cede or grant access to any confidential information for the duration of my term or terms, but also once my mission or missions have been completed, and this without any time limits, regardless of the reason for termination of my term or terms.

This information includes (in a non-exhaustive manner) any scientific, administrative, economic, political, industrial or commercial data that could be gathered and/or exchanged in the context of the performance of my functions. Regardless of the form or type of support of the latter, and regardless of the purpose whether it be personal, professional or other (non-exhaustive list).

I also undertake not to send this data to third parties without prior written agreement from the concerned Party. In this case, the concerned Party is required to inform the ACCOBAMS Executive Secretary in writing before publication.

I also undertake to ensure that this agreement is respected by any persons with whom I will be brought to share all or part of this information.

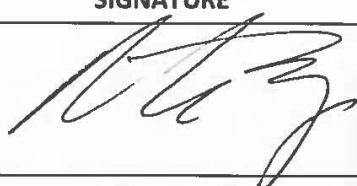
I also undertake to provide maximum security in the conservation and the use of these data.

At the end of my term or terms, I undertake to return to the ACCOBAMS Executive Secretary, or to give real proof of the destruction, any confidential information that would have been sent to me, or

to which I would have had access during my term or terms within a period of 15 (FIFTEEN) days starting from the end of my term.

Failure to respect the terms of this agreement could result in legal proceedings against me at any time.

In case of dispute, the latter will be heard before the competent Monegasque Courts pursuant to the Monegasque law in force.

HANDWRITTEN NOTE "READ AND APPROVED"	SIGNATURE
READ > APPROVED NICOLAS ENTRUP	

Accord sur la Conservation des Cétacés
de la Mer Noire, de la Méditerranée et
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Agreement on the Conservation of Cetaceans
of the Black Sea, Mediterranean Sea
and contiguous Atlantic Area

Monaco, 5th March 2018

To the ACCOBAMS Executive Secretary

Our/Ref.: 2018- 52

CONFIDENTIALITY AGREEMENT UNDERTAKING FOR FOLLOW-UP COMMITTEE MEMBERS

Place: MONACO
Date: 5 March 2018
Name: TULLIO SCOVAZZI

Under Article 11 of the Rules for the Obligations Follow-up Procedure in the ACCOBAMS framework:

By the present agreement I undertake, in the context of the performance of my functions within the Follow up Committee, created by Resolution 5.4 of the Fifth Meeting of the Parties at ACCOBAMS, held from November 5 to 8, 2013 in Tangier, not to (non-exhaustive list): disclose, use, cede or grant access to any confidential information for the duration of my term or terms, but also once my mission or missions have been completed, and this without any time limits, regardless of the reason for termination of my term or terms.

This information includes (in a non-exhaustive manner) any scientific, administrative, economic, political, industrial or commercial data that could be gathered and/or exchanged in the context of the performance of my functions. Regardless of the form or type of support of the latter, and regardless of the purpose whether it be personal, professional or other (non-exhaustive list).

I also undertake not to send this data to third parties without prior written agreement from the concerned Party. In this case, the concerned Party is required to inform the ACCOBAMS Executive Secretary in writing before publication.

I also undertake to ensure that this agreement is respected by any persons with whom I will be brought to share all or part of this information.

I also undertake to provide maximum security in the conservation and the use of these data.

At the end of my term or terms, I undertake to return to the ACCOBAMS Executive Secretary, or to give real proof of the destruction, any confidential information that would have been sent to me, or

to which I would have had access during my term or terms within a period of 15 (FIFTEEN) days starting from the end of my term.

Failure to respect the terms of this agreement could result in legal proceedings against me at any time.

In case of dispute, the latter will be heard before the competent Monegasque Courts pursuant to the Monegasque law in force.

HANDWRITTEN NOTE "READ AND APPROVED"	SIGNATURE
<i>Read and approved</i>	<i>Paul's Scroth</i>

Accord sur la Conservation des Cétacés
de la Mer Noire, de la Méditerranée et
de la zone Atlantique adjacente



Agreement on the Conservation of Cetaceans
of the Black Sea, Mediterranean Sea
and contiguous Atlantic Area

Monaco, 5th March 2018

To the ACCOBAMS Executive Secretary

Our/Ref.: 2018- 52

CONFIDENTIALITY AGREEMENT UNDERTAKING FOR FOLLOW-UP COMMITTEE MEMBERS

Place: Monaco - Second Meeting of the Follow up Committee ACCOBAMS
Date: 5th March 2018 FC2/2018/Doc
Name: Alain Jendy de Grinac

Under Article 11 of the Rules for the Obligations Follow-up Procedure in the ACCOBAMS framework:

By the present agreement I undertake, in the context of the performance of my functions within the Follow up Committee, created by Resolution 5.4 of the Fifth Meeting of the Parties at ACCOBAMS, held from November 5 to 8, 2013 in Tangier, not to (non-exhaustive list): disclose, use, cede or grant access to any confidential information for the duration of my term or terms, but also once my mission or missions have been completed, and this without any time limits, regardless of the reason for termination of my term or terms.

This information includes (in a non-exhaustive manner) any scientific, administrative, economic, political, industrial or commercial data that could be gathered and/or exchanged in the context of the performance of my functions. Regardless of the form or type of support of the latter, and regardless of the purpose whether it be personal, professional or other (non-exhaustive list).

I also undertake not to send this data to third parties without prior written agreement from the concerned Party. In this case, the concerned Party is required to inform the ACCOBAMS Executive Secretary in writing before publication.

I also undertake to ensure that this agreement is respected by any persons with whom I will be brought to share all or part of this information.

I also undertake to provide maximum security in the conservation and the use of these data.

At the end of my term or terms, I undertake to return to the ACCOBAMS Executive Secretary, or to give real proof of the destruction, any confidential information that would have been sent to me, or

to which I would have had access during my term or terms within a period of 15 (FIFTEEN) days starting from the end of my term.

Failure to respect the terms of this agreement could result in legal proceedings against me at any time.

In case of dispute, the latter will be heard before the competent Monegasque Courts pursuant to the Monegasque law in force.

HANDWRITTEN NOTE "READ AND APPROVED"	SIGNATURE
READ AND APPROVED 05/03/2018 and 06/03/2018	

**ANNEX 5 – PRESENTATION SHEET OF SUBMISSION BY OCEANCARE
ON THE ASSESSMENT AND CONTROL BY GREECE OF MILITARY ACTIVITIES AROUND SOUTH-EAST CRETE**

1- Information by the Secretariat

On 10th February 2016, the ACCOBAMS Permanent Secretariat has received from OceanCare (an ACCOBAMS Partner), Reservation concerning Greek assessment and control of military sonar activities around south east Crete.

The Greek Focal Point was contacted on this issue on 11th February 2016 and he came back to the ACCOBAMS Permanent Secretariat on 11th April 2016.

The submission from OceanCare and the reply from the Greek Focal Point were provided to the Follow up Committee Members on 26th April 2016.

2- Admissibility of the submission according to the procedure

- OceanCare is an ACCOBAMS Partner.
- Within one week of receiving the submission, the ACCOBAMS Secretariat has sent a copy of it to the Party whose follow up is in question (to the ACCOBAMS Focal Point in Greece).
- The reply and supporting information has been submitted to the ACCOBAMS Permanent Secretariat, by the Greek authorities, within three months.

The Follow up Committee members consider the reservation **as admissible according to the procedure**.

3- Reservations expressed by the ACCOBAMS Partner

OceanCare reservation is the following: Greek authorities did not assess and control military manoeuvres and especially active sonar around south east Crete, in a manner consistent with ACCOBAMS Resolution 4.17, that may have resulted in the atypical mass stranding of Cuvier's beaked whales (*Ziphius cavirostris*) in 2014.

4- Information provided by the Party whose Follow up is in question

In the letter received on 11th April 2016 by the ACCOBAMS Permanent Secretariat, the Party concerned stated that after the military exercise of 2014 there "has not been information of mass stranding of marine mammals in the area of south Crete".

5- Recommendations from the ACCOBAMS Partner sought from the Committee

- acknowledgment from Greek authorities that the military manoeuvres and especially active sonar around south east Crete in 2014 were not consistent with Resolution 4.17, and may be implicated in the atypical mass stranding of Cuvier's beaked whales (*Ziphius cavirostris*) at that time;
- assurance that all future military manoeuvres, including active sonar, in Greek waters will undergo rigorous Environmental Impact Assessments, that will be transparently available to ACCOBAMS processes.

**ANNEX 6 – PRESENTATION SHEET OF SUBMISSION BY OCEANCARE
ON THE ASSESSMENT AND CONTROL BY SPAIN OF PETROLEUM EXPLORATION ACTIVITIES
AROUND THE BALEARIC ISLANDS**

1- Information by the Secretariat

On 10th February 2016, the ACCOBAMS Permanent Secretariat has received from OceanCare (an ACCOBAMS Partner), Reservation concerning Spanish assessment and control of petroleum exploration activities (specifically seismic surveys) around the Balearic Islands.

The Spanish Focal Point was contacted on this issue on 11th February 2016 and he came back to the ACCOBAMS Permanent Secretariat on 26th April 2016.

The submission from OceanCare and the reply from the Spanish Focal Point were provided to the Follow up Committee Members on 26th April 2016.

2- Admissibility of the submission according to the procedure

- OceanCare is an ACCOBAMS Partner.
- Within one week of receiving the submission, the ACCOBAMS Secretariat has sent a copy of it to the Party whose follow up is in question (to the ACCOBAMS Focal Point in Spain).
- The reply and supporting information has been submitted to the ACCOBAMS Permanent Secretariat, by the Spanish authorities, within three months.

The Follow up Committee members consider the reservation **as admissible according to the procedure**.

3- Reservations expressed by the ACCOBAMS Partner

OceanCare reservation is the following: Spanish authorities did not assess and control petroleum exploration activities (specifically seismic surveys) around the Balearic Islands in 2013, in a manner consistent with ACCOBAMS Resolution 4.17, and have risked species vulnerable to loud implosive noise pollution—sperm whales (*Physeter macrocephalus*)—in important habitat.

4- Information provided by the Party whose Follow up is in question

In the letter received on 26th April 2016 by the ACCOBAMS Permanent Secretariat, the Party concerned confirms that unidentified noise was recorded, adding that all the inquiries it has made were not able to identify the sources and excluding that any authorizations to produce noise were ever issued in that period by the Spanish authorities

5- Recommendations from the ACCOBAMS Partner sought from the Committee

- A commitment by the Spanish authorities to communicate to the petroleum industry that unauthorised seismic exploration will not be tolerated in Spanish waters;
- Assurance that all future offshore petroleum exploration will undergo rigorous Environmental Impact Assessment, that will be transparently available to ACCOBAMS processes; and
- Details to be made transparently available about the investigation of the unauthorised seismic exploration outlined in this reservation, the name of the company responsible and the legal consequences imposed on the company for operating without a proper licence.

**ANNEX 7 – PRESENTATION SHEET OF SUBMISSION BY OCEANCARE
ON THE ASSESSMENT AND CONTROL BY PORTUGAL OF PETROLEUM EXPLORATION ACTIVITIES
IN THE ALGARVE AND ALENTEJO BASINS**

1- Information by the Secretariat

On 25th July 2016, the ACCOBAMS Permanent Secretariat has received from OceanCare (an ACCOBAMS Partner), Reservation concerning Portugal's assessment and control of petroleum exploration activities in the Algarve and Alentejo Basins.

The Portuguese Focal Point was contacted on this issue on 26th July 2016.

On 20th October 2016 and then in 1st February 2017, the Portugal Focal Point requested the ACCOBAMS Permanent Secretariat to consider the possibility of extending the deadline for sending information related to the follow up submission

Up to date the ACCOBAMS Permanent Secretariat has still no received any information related to the follow up submission

2- Admissibility of the submission according to the procedure

- OceanCare is an ACCOBAMS Partner.
- Within one week of receiving the submission, the ACCOBAMS Secretariat has sent a copy of it to the Party whose Follow up is in question (to the ACCOBAMS Focal Point in Portugal).
- The reply and supporting information has not been submitted to the ACCOBAMS Permanent Secretariat, by the Portuguese authorities, within three months.

Even without any response from the Portuguese authorities, the Follow up Committee members consider the reservation **as admissible according to the procedure.**

3- Reservations expressed by the ACCOBAMS Partner

OceanCare reservation is the following: Portuguese authorities did not assess and control petroleum exploration activities (specifically seismic surveys), in a manner consistent with ACCOBAMS Resolution 4.17

4- Information provided by the Party whose Follow up is in question

No information received by the ACCOBAMS Permanent Secretariat.

5- Recommendations from the ACCOBAMS Partner sought from the Committee

OceanCare asserts that the Portuguese authorities did not assess and control petroleum exploration activities (specifically seismic surveys) in the Algarve and Alentejo Basins, in a manner consistent with ACCOBAMS Resolution 4.17.

OceanCare seeks evidence from the Government of Portugal that this assertion is wrong, or a commitment by the Portuguese authorities that all future offshore petroleum exploration will undergo rigorous Environmental Impact Assessment and public consultation, that will be transparently available to ACCOBAMS processes

**ANNEX 8 – PRESENTATION SHEET OF SUBMISSION BY OCEANCARE
ON THE FAILURE BY ALBANIA, ALGERIA, CROATIA, CYPRUS, EGYPT, FRANCE, GREECE, ITALY, LEBANON, LIBYA,
MALTA, MONACO, MONTENEGRO, MOROCCO, SLOVENIA, SPAIN, SYRIA, TUNISIA
TO IMPLEMENT THE ACCOBAMS CONSERVATION PLAN FOR MEDITERRANEAN COMMON DOLPHINS**

1- Information by the Secretariat

On 1st December 2016, the ACCOBAMS Permanent Secretariat has received from OceanCare (an ACCOBAMS Partner), Reservation concerning a failure of short-beaked common dolphin ACCOBAMS Party Range States to implement the ACCOBAMS' Conservation Plan for Mediterranean Common Dolphins' (Resolution 2.20).

Focal Points from Albania, Algeria, Croatia, Cyprus, Egypt, France, Greece, Italy, Lebanon, Libya, Malta, Monaco, Montenegro, Morocco, Slovenia, Spain, Syria and Tunisia were contacted on this issue on 15th December 2016.

On 5th March 2018, the ACCOBAMS Permanent Secretariat has received information related to the follow up submission for only two Countries: Morocco (received on 20th March 2017) and Spain (received on 2nd March 2018).

2- Admissibility of the submission according to the procedure

- OceanCare is an ACCOBAMS Partner.
- Since the Executive Secretary was not in the office when the submission was received, the ACCOBAMS Secretariat has sent a copy of it to the Party whose Follow up is in question (to the ACCOBAMS Focal Points in Albania, Algeria, Croatia, Cyprus, Egypt, France, Greece, Italy, Lebanon, Libya, Malta, Monaco, Montenegro, Morocco, Slovenia, Spain, Syria, Tunisia) only 2 weeks after receiving the submission.
- The reply and supporting information has been submitted to the ACCOBAMS Permanent Secretariat only by two Parties.

Even without any response from the 16 Parties from the 18 concerned, the Follow up Committee members consider the reservation **as admissible according to the procedure**.

3- Reservations expressed by the ACCOBAMS Partner

OceanCare reservation is the following: Albania, Algeria, Croatia, Cyprus, Egypt, France, Greece, Italy, Lebanon, Libya, Malta, Monaco, Montenegro, Morocco, Slovenia, Spain, Syria and Tunisia have not sufficiently implemented the agreed actions contained within the Conservation Plan for Mediterranean Common Dolphins (Resolution 2.20) in 2004.

4- Information provided by the Party whose Follow up is in question

The only two Parties that have provided information on the present submission (Morocco and Spain) have referred only to general legislation and measures for the protection of cetaceans, without mentioning any specific measure of implementation of the Conservation Plan for Mediterranean common dolphins.

5- Recommendations from the ACCOBAMS Partner sought from the Committee

OceanCare seeks evidence from the Governments of Albania, Algeria, Croatia, Cyprus, Egypt, France, Greece, Italy, Lebanon, Libya, Malta, Monaco, Montenegro, Morocco, Slovenia, Spain, Syria and Tunisia that this assertion is wrong, or a commitment by each Government that the Conservation Plan for Mediterranean Common Dolphins will be implemented and transparently reported upon as a priority in the forthcoming triennium.

OceanCare also seeks a commitment that the conservation activities of each Range State for the Mediterranean short-beaked common dolphins will be fully discussed and a set a tangible and reportable activities to secure the survival of this species will be agreed for the 202-2023 triennium agreed at ACCOBAMS MOP7.