

**DRAFT RESOLUTION 8.9
FOLLOW-UP PROCEDURE**

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

Having examined the report of the third meeting of the ACCOBAMS Follow-up Committee,

1. *Adopts* the following Resolutions:

**RESOLUTION 8.9.A
DECISIONS ON THE RECOMMENDATIONS BY THE FOLLOW-UP COMMITTEE ON SUBMISSIONS**

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

Acting upon recommendation FC3.1 of the Follow-up Committee,

Considering that, according to Art. 12, para. 1, of the Rules on the ACCOBAMS Follow-up Procedure, “the Meeting of the Parties may decide, upon consideration of recommendations of the Committee and taking in account the capacity of the Party concerned and factors such as the cause, type, degree and frequency of non-follow-up, to: a) endorse the measures recommended by the Committee; b) take any other non-confrontational action it deems appropriate”,

Convinced that it is appropriate to ensure visibility to the recommendations of the Follow-up Committee on submissions to the follow-up procedure and to the relevant decisions by the Meeting of the Parties,

1. *Decides* that the Meeting of the Parties shall take its decisions on the recommendations by the Follow-up Committee relating to submissions to the follow-up procedure in the form of *ad hoc* Resolutions.

**RESOLUTION 8.9.B
FOLLOW-UP SUBMISSION BY OCEAN CARE ON THE ASSESSMENT AND CONTROL
BY GREECE OF MILITARY ACTIVITIES AROUND SOUTH-EAST CRETE**

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

Acting upon recommendation FC3.2 of the Follow-up Committee,

Having examined the considerations and recommendations of the Follow-up Committee, as recorded in the reports of its second and third meetings,

Basing itself on the motivations stated in the above-mentioned reports,

*Delegates are kindly invited to bring their own documents to the Meeting.
This document will be available only in electronic format during the Meeting.*

Considering that the 7th Meeting of the Parties “endorsed the measures recommended by the Follow-up Committee” (para. 64 of the report of the 7th Meeting of the Parties),

Considering that the Party concerned did not provide the requested information to the ACCOBAMS Secretariat and recalling that the follow-up procedure is a non-confrontational procedure that requires the co-operation of the ACCOBAMS Parties,

1. *Finds* that:

- the second part of the submission is not admissible and not founded;
- the first part of the submission is admissible;
- it is likely that the atypical mass stranding of beaked whales brought to its attention through this submission was the result of the military exercises taking place from 31 March to 10 April 2014, in which the Party concerned was also involved;

2. *Invites*:

- the Party concerned 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, commending the Party concerned for what is being done in this direction;
- the Party concerned to provide information to the ACCOBAMS Secretariat about how, since 2014, the Guidelines annexed to Resolution 4.17 and the Guidelines annexed to Resolution 7.13, which in 2019 replaced the previous ones, have been implemented;
- the Secretariat to share the information received from the Party concerned with the Scientific Committee;

3. *Requests*:

- the Follow-up Committee to remain seized of the submission;
- the Secretariat to transmit this Resolution to the Party and the Partner concerned.

RESOLUTION 8.9.C

FOLLOW-UP SUBMISSION BY OCEAN CARE ON THE ASSESSMENT AND CONTROL BY SPAIN OF PETROLEUM EXPLORATION ACTIVITIES AROUND THE BALEARIC ISLANDS

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

Acting upon recommendation FC3.3 of the Follow-up Committee,

Having examined the considerations and recommendations of the Follow-up Committee, as recorded in the reports of its second and third meetings,

Basing itself on the motivations stated in the above-mentioned reports,

Considering that the 7th Meeting of the Parties “endorsed the measures recommended by the Follow-up Committee” (para. 64 of the report of the 7th Meeting of the Parties),

Bearing in mind that the 7th Meeting of the parties adopted Resolution 7.13 on noise, which “strongly encourages Parties to contribute to the ACCOBAMS register for impulsive noise sources, especially by sharing their data” and “calls

the Parties for the development of a co-operation mechanism to identify the source of long-distance underwater noise in order to address its long-distance effects”,

1. *Finds* that there is no evidence that the authorities of the State concerned either authorized noise producing activities from July 2012 to July 2013, nor were negligent in controlling what was taking place in the waters or seabed subject to the Spanish jurisdiction;
2. *Declares* the follow-up procedure closed as regards the implication of Spain;
3. *Requests* the Follow-up Committee to ensure the follow-up of Resolution 7.13, in so far as it “strongly encourages Parties to contribute to the ACCOBAMS register for impulsive noise sources, especially by sharing their data” and “calls the Parties for the development of a co-operation mechanism to identify the source of long-distance underwater noise in order to address its long-distance effects”;
4. *Stresses* the importance of monitoring impulsive noise sources and the need for awareness and workshops in this regard at the national and regional level, in light of Scientific Committee recommendation 14.6 on noise;
5. *Requests* the Secretariat to transmit this Resolution to the Party and the Partner concerned.

RESOLUTION 8.9.D

FOLLOW-UP SUBMISSION BY OCEAN CARE ON THE ASSESSMENT AND CONTROL BY PORTUGAL OF PETROLEUM EXPLORATION ACTIVITIES IN THE ALGARVE AND ALENTEJO BASINS

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

Acting upon recommendation FC3.4 of the Follow-up Committee,

Having examined the considerations and recommendations of the Follow-up Committee, as recorded in the reports of its second and third meetings,

Basing itself on the motivations stated in the above-mentioned reports,

Considering that the 7th Meeting of the Parties “endorsed the measures recommended by the Follow-up Committee” (para. 64 of the report of the 7th Meeting of the Parties),

Taking note that a written reply was provided by Portugal through a letter sent on 31 October 2019,

Taking also note that a statement by Ocean Care was forwarded to the Follow-up Committee,

1. *Recalls* that ACCOBAMS Parties are bound, inter alia, to apply the precautionary principle (Art. II, para. 4. ACCOBAMS) and to require impact assessments 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”, replaced by Resolution 7.13, which sets “Guidelines to address the impact of anthropogenic noise on cetaceans in the ACCOBAMS area”;

2. *Takes note* that, after the presentation of the submission, the Portuguese legislation on petroleum exploration and exploitation activities has been strengthened and improved under the environment point of view, so to ensure an approach guided by the precautionary principle and that today all activities of petroleum exploration and exploitation fall under the environmental impact assessment regime, according to the characteristics of the project and its location;
3. *Believes* that useful guidance in addressing problems in petroleum exploration and exploitation activities can also be found in the Follow-up Committee's recommendation related to seismic activities in the ACCOBAMS Area, approved at the Third Meeting of the Follow-up Committee;
4. *Appreciates* the statement by the Party concerned that it is deeply committed to the protection and safeguarding of sea life, specifically cetaceans, in full respect of ACCOBAMS;
5. *Declares* the follow-up procedure closed;
6. *Requests* the Secretariat to transmit this Resolution to the Party and the Partner concerned.

RESOLUTION 8.9.E

FOLLOW-UP SUBMISSION BY OCEAN CARE 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 MEDITERRANEAN COMMON DOLPHINS

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

Acting upon recommendation FC3.5 of the Follow-up Committee,

Having examined the considerations and recommendations of the Follow-up Committee, as recorded in the reports of its second and third meetings,

Basing itself on the motivations stated in the above-mentioned reports,

Considering that the 7th Meeting of the Parties "endorsed the measures recommended by the Follow-up Committee" (para. 64 of the report of the 7th Meeting of the Parties),

Considering that written replies were provided by Morocco, Spain and Malta,

Taking note that during the 7th Meeting of the Parties Albania, Algeria, Egypt, France, Lebanon, Malta and Morocco made remarks regarding the modalities and the difficulties in ensuring the implementation of the Conservation Plan for short-beaked common dolphins in the Mediterranean Sea,

Aware that fifteen Parties concerned have not provided to the Follow-up Committee information on the issue raised in the submission and recalling that the follow-up procedure is a non-confrontational procedure that requires the co-operation by the ACCOBAMS Parties,

1. *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;
2. *Regrets* that it now appears that the Conservation Plan for short-beaked common dolphins in the Mediterranean Sea, as welcomed by Resolution 2.20 and recalled by Resolution 4.13, has not yet been fully implemented;
3. *Is* confident that the forthcoming Conservation Management Plan for *Delphinus delphis* which is now under elaboration by the Scientific Committee, will address the encountered difficulties in a satisfactory way;
4. *Considers* that there is an urgent need to have a Conservation Management Plan in place for the Mediterranean area and to have it implemented at national and transboundary level, as evidenced by the recent (December 2021) IUCN Red List assessment of the Inner Mediterranean subpopulation of common dolphins as Endangered, and of the Gulf of Corinth subpopulation as Critically Endangered;
5. *Stresses* that the proper implementation of Conservation Management Plans is critical to ensure the credibility of the ACCOBAMS mandate as an effective intergovernmental agreement of regional cooperation;
6. *Invites*:
 - the fifteen Parties concerned, namely Albania, Algeria, Croatia, Cyprus, Egypt, France, Greece, Italy, Lebanon, Libya, Monaco, Montenegro, Slovenia, Syria and Tunisia, to provide information to the Follow-up Committee, through 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;
 - the Secretariat to share the information received from Parties with the Scientific Committee;
7. *Reserves* to take further decisions on the replies submitted, at a later stage, when more national replies will be collected;
8. *Requests*:
 - the Follow-up Committee to remain seized of the submission;
 - the Secretariat to transmit this Resolution to the Party and the Partner concerned.