

REPORT OF THE FOURTH MEETING OF THE ACCOBAMS FOLLOW-UP COMMITTEE



Nice, 2-3 September 2025

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

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1. OPENING OF THE MEETING

1. The Fourth Meeting of the ACCOBAMS Follow-up Committee took place in Nice on Tuesday 2nd and Wednesday 3rd September 2025.
2. The following Committee Members took part in the Meeting: Mrs. Imane TAI (Chairperson), Mr. Gaby KHALAF, Mrs. Aurélie MOULINS, Mr. Romulus-Marian PAIU. The Follow-up Committee took note of the justified absence of Mr. Bayram ÖZTÜRK and of the absence of Mrs Sarah CHENITI (alternate).
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 at the Meeting: Mr. Simone PANIGADA.
4. The following Observers attended the Meeting: Mr. Nicolas ENTRUP, Mrs. Valérie Pimentel and Mr. Carlos BRAVO, from OceanCare, Mrs. Mia MARTY, from Monaco Oceanographic Institute.
5. The Executive Secretary of ACCOBAMS, Mrs. Maÿlis SALIVAS, the Assistant to the Executive Secretary, Mrs. Camille MONTIGLIO, the Intern at the ACCOBAMS Secretariat, Mrs. Salomé CALLEY and the ACCOBAMS legal advisor, Mr. Tullio SCOVAZZI represented the ACCOBAMS Secretariat.
6. The following representants of ACCOBAMS Parties attended the Meeting: Mrs. Marie Thérèse GAMBIN for Malta, Mr. Lavrentios VASILIADES for Cyprus, Mrs. Naciba LABIDI and Mr. Souad LAMOUTI for Algeria.
7. The full list of participants is attached as [Annex 1](#) to the present report.
8. The Executive Secretary opened the Meeting on Tuesday 2nd September 2025. She welcomed all members and observers. She recalled that the ACCOBAMS Follow-up Committee had been created at the Fifth Meeting of the Parties in 2013 so that Parties could make use of the Follow-up Procedure as a non-confrontational cooperation means for preventing and settling disputes.
9. She recalled that observers were granted the right to intervene and are given the floor usually after the Committee members have expressed their views. The following order should be followed: Committee Members, Observer Parties and Observer Partners.

2. ADOPTION OF THE AGENDA

10. Following the presentation of the Draft Agenda and Timetable, the Executive Secretary invited the Follow-up Committee members to review or/and adopt it, making amendments if necessary.
11. The ACCOBAMS Follow-up Committee adopted by consensus the reviewed agenda, as shown in [Annex 2](#). It was proposed to address the question of amendments of the Rules of Procedure of the Follow-up Committee under agenda item 7 "Other Business". The Follow-up Committee members adopted the proposal by consensus.

3. IMPARTIALITY AND CONFIDENTIALITY AGREEMENT

12. The Chairperson recalled that, according to Article 3, paragraph 11, of the Rules of the Follow-up Committee: “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 invited to provide the ACCOBAMS Secretariat with official letters specifying that they “*will perform their functions impartially and conscientiously*” They were also invited to sign the “Confidentiality agreement undertaking for Follow-up Committee Members”.
14. The Secretariat confirmed that all the Follow-Up Committee members attending the Meeting provided the two requested documents.

4. CONSIDERATION OF NEW SUBMISSION

15. Since the last Meeting of the Follow-up Committee, the ACCOBAMS Secretariat has received one formal submission, which has been presented and discussed during the Fourth Meeting of the Follow-up Committee.
16. This submission presented by OceanCare—an ACCOBAMS Partner—raises concerns regarding the conservation status of two cetacean species in the Mediterranean: the sperm whale (*Physeter macrocephalus*) and the fin whale (*Balaenoptera physalus*). Specifically, it highlights the difference between their current classification as “Vulnerable” under the legal protection status of species in waters under Spanish jurisdiction and their “Endangered” status on the IUCN Red List, as well as in ACCOBAMS Resolution 8.12.
17. Spanish authorities have informed the Secretariat that they are not be able to attend the meeting due to current institutional workload. Nevertheless, Spain has provided information by its letter of April 11th 2025 which is included in the document before the Follow-up Committee and has manifested its openness to dialogue and to the provision of additional clarifications.
18. The Committee was invited to review the submission and Spain’s response in detail, and to engage in constructive discussion aimed at formulating recommendations that support the conservation objectives of ACCOBAMS and reflect the shared responsibility of all Contracting Parties.
19. Since OceanCare was attending the Meeting, the Chair invited its representatives to present their views during the consideration of the submission. After the presentation some members of the Follow-up Committee asked questions.
20. In accordance with Article 4, para. 6, of the Rules on the ACCOBAMS Follow up Procedure, this submission was discussed later without Observers in order to elaborate the Committee’s considerations and recommendations.
21. The considerations and recommendations, adopted by consensus, regarding this submission are presented as [Annex 3](#) to this report.

5. FOLLOW-UP ON PREVIOUS SUBMISSIONS

- a) Submission by OceanCare on the assessment and control by Greece of military activities around South-East Crete and 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
22. Since both submissions were received in 2016 and remain pending due to the absence of any significant responses (as noted below), the Committee decided to discuss them jointly.
23. The first submission was originally received by the ACCOBAMS Secretariat in February 2016 and has been considered in previous Committee meetings (FC2 in 2018 and FC3 in 2022). It raised concerns about the possible link between military sonar exercises and the atypical mass stranding of Cuvier's beaked whales (*Ziphius cavirostris*) in April 2014.
24. Despite repeated invitations and the transmission of Resolution 8.8.B to the concerned Party, the Secretariat received no further information from Greece regarding the implementation of the Guidelines to address the impacts of anthropogenic noise on cetaceans in the ACCOBAMS Area since 2014.
25. The second submission was originally received in December 2016, and has been considered in previous Committee meetings (FC2 in 2018 and FC3 in 2022). It raised concerns about the implementation of the agreed actions outlined in Resolution 2.20, which later was replaced by Resolution 4.13. While Morocco, Spain, and Malta have provided partial responses, the majority of Parties have not submitted any information to date.
26. The Secretariat received the response of Cyprus which was distributed to Committee members and Observers.
27. Despite repeated invitations and the transmission of Resolution 8.8.E to the concerned Parties, the Secretariat received no further information from fourteen Parties regarding the implementation of the agreed actions outlined in Resolution 2.20, which later was replaced by Resolution 4.13.
28. During the subsequent discussion, interventions were made by some members of the Follow-up Committee and by the OceanCare representative.
29. In accordance with Article 4, para.6, of the Rules on the ACCOBAMS Follow up Procedure, the follow-up of these submissions was discussed later without Observers in order to elaborate the Committee's considerations and recommendations.
30. The considerations and recommendations, adopted by consensus, regarding the follow-up of these submissions are presented as [Annex 4](#) to this report.

6. UPDATE ON IMPLEMENTATION ISSUES AS REQUESTED BY MOPs

a) Existing obligations and commitments related to seismic and military activities producing underwater noise

31. The Follow-up Committee Members were invited to provide guidance on the follow up of existing obligations and commitments related to seismic and military activities in the ACCOBAMS Area since the 3rd Meeting of the Follow-up Committee (online, 29-30 March 2022).
32. The representative of OceanCare pointed out that a mistake is contained in paragraph 1 of the conclusions related to seismic activities of the Third Meeting of the Follow-up Committee in the sense that Marine Mammals Observers/ Passive Acoustic Monitoring operators cannot be considered as an impact assessment tool but are part of a monitoring process.
33. The conclusions and recommendations of the Follow-up Committee on the follow-up of existing obligations and commitments in relation to seismic and military activities producing underwater noise in the ACCOBAMS Area, adopted by consensus, are shown in [Annex 5](#).

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

34. The Follow up Committee Members were invited to provide guidance on the follow up of Interactions between humans and dolphins by Resolution 3.13 (Dolphin interaction programme) since the 3rd Meeting of the Follow up Committee (Online, 29-30 March 2022).
35. The conclusions and recommendations of the Follow-up Committee on the follow-up of existing obligations and commitments in relation to interactions between humans and dolphins addressed by Resolution 3.13, adopted by consensus, are shown in [Annex 6](#).

7. OTHER BUSINESS

36. As decided at the beginning of the Meeting, the Follow-up Committee examined the issue of amendments to the Rules of the ACCOBAMS Follow-up Procedure (Resolution 6.8).
37. The Chairperson gave the floor to the legal advisor who explained that the proposed amendment do not change the substance of the Follow-up procedure but introduce some procedural improvements which seem useful in the light of Committee's previous practice.
38. The Committee's members approved by consensus the proposed draft Resolution as shown in [Annex 7](#) and requested the Secretariat to circulate it to the Bureau for approving the submission to the next Meeting of the Parties of the draft Resolution amending the Rules of Procedure of the Follow-up Committee.

8. CLOSURE OF THE MEETING

39. Following the customary exchange of courtesies, the Chairperson closed the Fourth Follow up Committee Meeting at 12.30 pm, on Wednesday 3rd September 2025.

ANNEX 1 - LIST OF PARTICIPANTS

MEMBERS OF THE FOLLOW UP COMMITTEE

Members nominated by Parties:

Gaby KHALAF CNRS Lebanon Senior Consultant National Centre for Marine Sciences 189 Jounieh - Lebanon Tel: +961 330 3969 biyar@cnrs.edu.lb	Full term / <i>mandat complet</i> : 2023-2028
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Members nominated by ACCOBAMS Partners:

Aur�lie MOULINS CIMA Foundation Via Magliotto, 2, 17100 Savona (Italy) (+39) 019 230271 aurelie.moulins@cimafoundation.org	Full term / <i>mandat complet</i> :2020-2025
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ANNEX 2 –AGENDA**1. OPENING OF THE MEETING****2. ADOPTION OF THE AGENDA****3. IMPARTIALITY AND CONFIDENTIALITY AGREEMENT****4. CONSIDERATION OF NEW SUBMISSIONS**

Submission by Ocean Care on the failure by Spain to update the conservation status of the sperm whale (*Physeter macrocephalus*) and the fin whale (*Balaenoptera physalus*) in the Mediterranean from the current category of 'vulnerable' to 'endangered' according to the IUCN Red List status of cetacean species and the ACCOBAMS Resolution 8.12.

5. FOLLOW-UP OF PREVIOUS SUBMISSIONS

- a. Follow-up submission by Ocean Care on the Assessment and control by Greece of military activities around south-east Crete.
- b. 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, Tunisia to implement the ACCOBAMS Conservation Plan for Mediterranean common dolphins.

6. UPDATE ON IMPLEMENTATION ISSUES AS REQUESTED BY MOPs

- a. Existing obligations and commitments related to seismic and military activities producing underwater noise.
- b. Interactions between humans and dolphins addressed by Resolution 3.13 (Dolphin interaction programme).

7. OTHER BUSINESS**8. CLOSURE OF THE MEETING**

ANNEX 3 - RECOMMENDATION FC4.1 FOLLOW-UP SUBMISSION BY OCEAN CARE ON THE FAILURE BY SPAIN TO UPDATE THE CONSERVATION STATUS OF THE SPERM WHALE (*PHYSETER MACROCEPHALUS*) AND THE FIN WHALE (*BALAENOPTERA PHYSALUS*) IN THE MEDITERRANEAN FROM THE CURRENT CATEGORY OF 'VULNERABLE' TO 'ENDANGERED' ACCORDING TO THE IUCN RED LIST STATUS OF CETACEAN SPECIES AND THE ACCOBAMS RESOLUTION 8.12

The Follow-up Committee,

composed of Mrs. Imane TAI (Chairperson), Mr. Gaby KHALAF, Mrs. Aurélie MOULINS, Mr. Romulus-Marian PAIU;

taking note of the justified absence of Mr. Bayram ÖZTÜRK and of the absence of Mrs Sarah CHENITI (alternate);

meeting on 2nd and 3rd September 2025 in Nice;

considering the submission by OceanCare on the failure by Spain to update the conservation status of the sperm whale (*Physeter macrocephalus*) and the fin whale (*Balaenoptera physalus*) in the Mediterranean from the current category of 'vulnerable' to 'endangered' according to the IUCN red list status of cetacean species and the ACCOBAMS Resolution 8.12;

after having examined the submission by OceanCare, having heard their oral interventions at the meeting and having considered the reply by Spain, as resulting from the documents annexed to the meeting document;

finding that the submission is admissible;

Adopts by consensus the following recommendations to be transmitted to the 9th Meeting of the Parties and to the Party concerned, under Art. 6, para 4, of the ACCOBAMS Follow-up Procedure, as well as to the Partner concerned:

The Follow-up Committee recommends

that the Meeting of the Parties, on the basis on the findings and the motivations of the Follow-up Committee, adopts a Resolution stating that:

- Resolution 8.12 on IUCN Red List status of cetacean species in ACCOBAMS Area by inviting Parties to take note of the IUCN Red List status of cetacean species and by urging them to implement measures to address the threats posed by the populations assessed and to update their national Red Lists, with particular regards to Critically Endangered and Endangered populations, constitutes a strong recommendation addressed to all ACCOBAMS Parties;
- Accordingly, Parties are under an obligation to start a process under their national legislation to review the conservation status of the species in question and to take a decision within reasonable time about a possible change of their status, either following the recommendation in Resolution 8.12 or, if not, justifying their decision under convincing reasons;

- IUCN Red List assessments can be considered as a fully reliable expert document about species conservation status and the same can be said about relevant recommendations of the ACCOBAMS Scientific Committee;
- It appreciates that the Government of Spain has started the process for reviewing the status of the sperm whale and fin whale Mediterranean sub-populations according to the legal protection status of species in waters under national jurisdiction and that it has shown full openness to dialogue and willingness to provide additional information;
- It recommends to the Government of Spain to provide as soon as possible further information to the Follow-up Committee about the procedure to be followed for modifying the conservation status of the sperm whale and fin whale Mediterranean sub-populations and about the existence of a time-schedule for completing the undergone procedure;
- Given the general importance of the matter, it entrusts the ACCOBAMS Secretariat with the task of asking all the ACCOBAMS Parties to provide information about the procedure to be followed for modifying the conservation status of cetacean species under national legislation and about the existence of a time-schedule for completing the procedure and to circulate such information to the Meeting of the Parties and to the Follow-up Committee;
- It requests the Scientific Committee to consider this information in the relevant ACCOBAMS/IWC Conservation Management Plans;
- It requests the Follow-up Committee to remain seized of the present submission.

ANNEX 4 - RECOMMENDATION FC4.2 FOLLOW-UP SUBMISSION BY OCEAN CARE ON THE ASSESSMENT AND CONTROL BY GREECE OF MILITARY ACTIVITIES AROUND SOUTH-EAST CRETE AND FOLLOW UP 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

The Follow-up Committee,

composed of Mrs. Imane TAI (Chairperson), Mr. Gaby KHALAF, Mrs. Aurélie MOULINS, Mr. Romulus-Marian PAIU;

taking note of the justified absence of Mr. Bayram ÖZTÜRK and of the absence of Mrs Sarah CHENITI (alternate);

meeting on 2nd and 3rd September 2025 in Nice;

deciding to join the examination of the two follow-up submissions because of their analogous questions that they raise;

recalling that both the submissions have been already discussed in the Follow up Committee Meetings and that the Follow-up Committee remains seized of the matter by the Meeting of Parties.

Adopts by consensus the following recommendations to be transmitted to the Meeting of the Parties and to the Party concerned, under Art. 6, para 4, of the ACCOBAMS Follow-up Procedure, as well as to the Partner concerned:

The Follow-up Committee recommends

that the Meeting of the Parties, on the basis on the findings and the motivations of the Follow-up Committee, adopts a Resolution stating that:

- The follow-up Committee was established under resolution 5.4 adopted by consensus by the Meeting of the Parties which encouraged Parties to make use of the follow-up procedure as a non confrontational means for preventing and settling disputes;
- This implies an obligation by all States Parties to cooperate in good faith in the procedure before the Follow-up Committee;
- Under Resolution 8.8.B the Meeting of the Parties invited Greece 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 and that under Resolution 8 .8.E the Meeting of the Parties invited Albania, Algeria, Croatia, Cyprus, Egypt, France, Greece, Italy, Lebanon, Libya, Malta, Monaco, Montenegro, Morocco, Slovenia, Spain, 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;
- It appreciates the provision of answers by Cyprus, Malta, Morocco and Spain about the implementation of this Conservation Plan;

- The persistent lack of answers and cooperation by fourteen Parties affects both the credibility and the effectiveness of the Follow up Committee, of the Meeting of the Parties and of the Agreement itself;
- To facilitate the provision of information, it decides to amend the format of the National Report by including a section on cooperation with the Follow-up Committee, if applicable;
- It requests the Follow-up Committee to remain seized of the present submission.

ANNEX 5 - CONCLUSIONS AND RECOMMENDATIONS ON FOLLOW UP OF EXISTING OBLIGATIONS AND COMMITMENTS RELATED TO SEISMIC AND MILITARY ACTIVITIES PRODUCING UNDERWATER NOISE IN THE ACCOBAMS AREA

The Follow-up Committee,

composed of Mrs. Imane TAI (Chairperson), Mr. Gaby KHALAF, Mrs. Aurélie MOULINS, Mr. Romulus-Marian PAIU;

taking note of the justified absence of Mr. Bayram ÖZTÜRK and of the absence of Mrs Sarah CHENITI (alternate);

meeting on 2nd and 3rd September 2025 in Nice;

having reviewed at its Third Meeting (Online, 29-30 March 2022), on the request of the Meeting of the Parties, the legal and technical issues of implementation and follow-up of existing obligations and commitments related to military activities producing underwater noise in the ACCOBAMS Area:

adopts by consensus the following conclusions and recommendations:

The Follow-up Committee:

Acknowledges the ACCOBAMS Scientific Committee and the Secretariat efforts in implementing the Committee's previous recommendations, notably:

- The establishment of the ACCOBAMS Emergency Task Force for Stranding Events (AETFS), which has already responded to several atypical mass strandings.
- The organization of the Joint ACCOBAMS-ASCOBANS Workshop with Navies (Toulon, November 2024), which significantly advanced dialogue and collaboration between military and scientific stakeholders.
- The continued development of the ACCOBAMS Noise Register and support for passive acoustic monitoring initiatives.

Acknowledges that the creation of the AETFS was based on its own recommendation and expresses satisfaction with its operationalization. It encourages Parties to actively engage with the Task Force, ensure timely reporting of stranding events, and support training and capacity-building efforts;

Encourages Parties to share information on each seismic activity, particularly through the ACCOBAMS Noise Register and by sharing MMO/PAM reports;

Recommends that Parties avoid or minimize noise-generating activities in protected areas and Cetacean Co-occurrence with Human Activities (CCHs), and include updated maps (e.g. IMMAs, PSSAs, SPAMIs) into planning and risk assessment processes;

Encourages Parties to reserve permits for industrial activities in their national area for industrial companies employing ACCOBAMS Highly Qualified MMOs/PAM operators;

Encourages the Secretariat to facilitate the consultation of a list of certified ACCOBAMS Marine Mammals Observers (MMOs)/ Passive Acoustic Monitoring operators (PAMs);

Welcomes the organisation of the second Joint ACCOBAMS/ASCOBANS Workshop with Navies (October 2024, Toulon, France) and *encourages* Parties to discuss and endorse the proposed recommendations during MOP9;

Invites the Secretariat to maintain active dialogue with Parties and stakeholders, and to facilitate future workshops and collaborative initiatives on this topic;

Recommends that it remains seized of this issue and continue monitoring the implementation of relevant ACCOBAMS Resolutions (6.17, 6.18, 7.13, 8.17).

ANNEX 6 - CONCLUSIONS AND RECOMMENDATIONS ON FOLLOW UP OF EXISTING OBLIGATIONS AND COMMITMENTS RELATED TO INTERACTIONS BETWEEN HUMANS AND DOLPHINS BY RESOLUTION 3.13 (DOLPHIN INTERACTION PROGRAMME)

The Follow-up Committee,

composed of Mrs. Imane TAI (Chairperson), Mr. Gaby KHALAF, Mrs. Aurélie MOULINS, Mr. Romulus-Marian PAIU;

taking note of the justified absence of Mr. Bayram ÖZTÜRK and of the absence of Mrs Sarah CHENITI (alternate);

meeting on 2nd and 3rd September 2025 in Nice;

convinced that the question of semi-enclosed facilities for cetaceans is becoming an increasing concern in several ACCOBAMS Parties:

adopts by consensus the following conclusions and recommendations:

The Follow-up Committee:

Acknowledges the effort of the ACCOBAMS Secretariat and the Scientific Committee for the implementation of the Committee's previous recommendations concerning interactions between humans and dolphins under Resolution 3.13, in particular the establishment of the ACCOBAMS Advisory Committee on Semi-Enclosed Facilities;

Endorses the Draft Resolution 9.19 on Semi-Captivity (Passport and Guidelines) and *encourages* its adoption at MOP9;

Recommends the ACCOBAMS Scientific Committee to further assess the presence of interactions between humans and cetaceans in the wild (feeding, swimming with, etc.);

Recommends the ACCOBAMS Secretariat to consult Parties about their legislation on such interactions;

Recommends that it remains seized of this issue and continue monitoring the implementation of Resolution 3.13.

ANNEX 7 - DRAFT RESOLUTION - AMENDMENTS TO THE 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:

Recalling Article III, paragraph 8 c), of the Agreement and Resolution 5.4 on the establishment of the ACCOBAMS Follow-up Procedure,

Stressing that this Follow-up Procedure is to be considered as a means for preventing disputes and for facilitating the implementation of the Agreement,

Noting with appreciation the work accomplished by the Follow-up Committee,

Desirous to improve and facilitate the functioning of the ACCOBAMS Follow-up Procedure,

1. *Decides* to amend Annex 1 (Rules on the ACCOBAMS Follow-up Procedure) to Resolution 6.8:
2. *Approves* the amended text of the Rules on the ACCOBAMS Follow-up Procedure, as annexed to this Resolution (amendments in bold);
3. *Approves* the submissions form as annexed to this Resolution;
4. *Encourages* the Parties, the Permanent Secretariat and the ACCOBAMS Partners to make use of the Follow-up Procedure as a non-confrontational means for preventing and settling disputes;
5. *Decides* that the present Resolution replaces Resolution 6.8.

ANNEX 1

RULES ON THE ACCOBAMS FOLLOW-UP PROCEDURE¹

Article 1 - Legal Basis

The following Follow-up Procedure (hereinafter referred to as “the Procedure”) is based on Article III, paragraph 8 c), of the Agreement.

Article 2 - Objectives and Nature of the Procedure

1. The objective of the Procedure is to monitor, facilitate and promote follow-up with the provisions of the Agreement, taking into account the specific situation of each Party and with a view to preventing disputes. The Procedure shall complement the work performed by other bodies of the Agreement.
2. The Procedure shall be carried out in a simple, flexible, expeditious, fair, transparent, cost-effective and non-confrontational way.

Article 3 - Structure and Election of the Follow-up Committee

1. A Follow-up Committee (hereinafter referred to as “the Committee”) is hereby established.
2. The Committee shall consist of five members and two alternate members elected during the Meetings of the Parties. Three of the members and one alternate member shall be elected by secret ballots by Parties from a list of candidates nominated, one by each Party. Two of the Members and one alternate member shall be elected by secret ballots by the organizations and institutions having the status of ACCOBAMS Partner (hereinafter referred to as “ACCOBAMS Partners”) from a list of candidates nominated, one by each of them. The alternate members are the candidates who immediately follow for the number of votes received the members elected by the Parties and the members elected by the ACCOBAMS Partners.
3. The alternate member elected by the Parties shall serve in the absence of a Committee member elected by the Parties. The alternate member elected by the ACCOBAMS Partners shall serve in the absence of a Committee member elected by the ACCOBAMS Partners.
4. The full term of office of the Committee members commences at the end of an ordinary Meeting of the Parties and runs until the end of the second ordinary Meeting of the Parties thereafter.
5. At the time of the first election, the term of office of two Committee members elected by the Parties and of one Committee member elected by the ACCOBAMS Partners shall be limited to the period between the end of this ordinary

¹ Amendments in bold

Meeting of the Parties and the end of the subsequent one. The Committee members in question shall be drawn by lots.

6. The Committee members elected by the Parties shall not include more than one national of the same Party.

7. Nominated candidates shall be persons of high moral character and shall have recognized competence in the fields dealt with by the Agreement, including legal matters. In the election of the Committee members, consideration shall be given to the diversity of experiences and competences and to the equitable geographical and gender distribution of membership. Members of the Bureau cannot be members of the Committee at the same time.

8. The procedure for the nomination of candidates for the Committee shall be the following:

- a) nominations shall be sent to the Secretariat of the Agreement not later than twelve weeks before the opening of the Meeting of the Parties during which the election is to take place;
- b) each nomination shall be accompanied by a *curriculum vitae* **of the candidate, including personal contact details**, in at least one of the official working languages of the Agreement;
- c) the Secretariat shall distribute the nominations and the *curricula vitae*.

~~9. In derogation to paragraph 8 above, the first election of the members of the Committee can take place at the Meeting of the Parties when the Resolution on the ACCOBAMS Follow-up Procedure is adopted, on the basis of nominations and *curricula vitae* previously submitted by the Parties and the ACCOBAMS Partners on request by the Bureau.~~

9. The Committee members shall not serve for more than two consecutive terms.

10. The Committee members and their alternates shall serve in their personal capacity and shall act objectively in the best interest of the Agreement. Committee **members and alternate members** shall, before taking up **their** duties, **sign** a solemn declaration that **they** will perform **their** functions impartially and conscientiously.

11. The Committee shall elect its own President and Vice-President. The Vice-President shall, in addition, serve as the *rapporteur* of the Committee.

Article 4 - Meetings of the Committee

1. The quorum of the Committee shall consist of three members, including at least two members elected by the Parties.

2. The Committee shall meet at least once every three years.

Depending on the workload, the Committee may decide to hold additional meetings, in particular in conjunction with other bodies established by the Agreement;

3. The Secretariat shall arrange for and service the meetings of the Committee.

4. The Committee meetings shall be open, as observers, to ACCOBAMS Parties, **to the Chairperson of the Bureau**, to one member of the Scientific Committee, as nominated by it, and, unless the Party whose follow-up is in question requests otherwise, to ACCOBAMS Partners.

5. **The submitting Party or Partner and the Party whose follow-up is in question are entitled to participate in the consideration of the submission by the Committee and shall have the opportunity to present their views and any relevant information, expert advice and document.**

6. The Party whose follow-up is in question, other Parties and ACCOBAMS Partners shall not take part in the elaboration and adoption of the related Committee recommendation, nor shall they be involved in the adoption of the report of the Committee. **The Secretariat can attend the elaboration and adoption of the Committee's recommendations and reports only for the purpose to provide services to the meeting of the Committee.**

7. Without prejudice to the previous paragraphs, the Committee may, in appropriate circumstances, undertake some of its activities through electronic communications.

Article 5 - Adoption of Recommendations and Reports

1. The Committee shall make every effort to adopt its recommendations and reports by consensus. If all efforts to reach a *consensus* have been exhausted and no recommendation or report has been adopted, they shall be **adopted** by a majority of the members present and voting.

2. Any Committee member or alternate member shall, with respect to any matter that is under consideration by the Committee, avoid direct or indirect conflict of interest. When a member finds himself or herself faced with a direct or indirect conflict of interest, that member shall bring the issue to the attention of the Committee before consideration of the matter. If the majority of the other Committee members find that the conflict occurs, the concerned member shall not participate in the elaboration and adoption of a recommendation or report of the Committee in relation to that matter.

3. Any Committee member can attach his or her dissenting or separate opinion to the relevant recommendation or report.

Article 6 - Functions of the Committee

1. The Committee shall

- a) consider any submission made in accordance with Articles 7 to 9 below, with a view to determining the facts and causes of the matter of follow-up and assisting the Party concerned in its resolution;
- b) adopt recommendations that it considers appropriate to resolve such a follow-up issue;
- c) ensure the follow-up of its recommendations and of the relevant decisions of the Meeting of the Parties and report the results to the latter, based on the synthesis of the Parties implementation reports and other relevant information;
- d) at the request of the Meeting of the Parties, review general issues of implementation and follow-up under the Agreement and prepare a report, including relevant recommendations on them, to be presented at the Meeting of the Parties;
- e) report on its activities at each ordinary Meeting of the Parties and make recommendations as it considers appropriate.

2. The Committee's recommendations shall include motivations and, wherever appropriate to assist the Party concerned to implement the Agreement, legal and technical advice on the required measures, strategies and time schedules.
3. Recommendations and reports shall be finalized by the Committee not later than twelve weeks in advance of the Meeting of the Parties at which they are to be considered.
4. The Committee, through the Secretariat, shall notify the Party concerned in writing of its recommendations. The Party concerned shall be given the opportunity to comment in writing on the recommendations.

Article 7 - Submissions by Parties

1. A submission may be brought before the Committee by one or more Parties that have reservations about another Party's follow-up with its obligations under the Agreement.
2. A submission made under paragraph 1 above shall be addressed in writing to the Secretariat and shall be supported by corroborating information. The Secretariat shall, within one week of receiving a submission, send a copy of it to the Party whose follow-up is in question. Any reply and supporting information shall be submitted to the Secretariat and to the Parties involved within three **months or longer period in particular circumstances, but in no case later than six months**. The Secretariat shall transmit the submission and the reply, as well as all corroborating information, to **the submitting Party and to** the Committee, which shall consider the matter as soon as practicable.
3. A submission may be brought before the Committee by a Party that concludes that, despite its best efforts, it is or will be unable to comply fully with its obligations under the Agreement.
4. A submission made under paragraph 3 above shall be addressed in writing to the Secretariat and shall explain the specific circumstances that the Party considers to be the cause of its non-follow-up. The Secretariat shall transmit the submission and the supporting information to the Committee, which shall consider the matter as soon as practicable.
5. The Committee may decide not to proceed with a submission which it considers is:
 - a) an abuse of the right to make such submission; or
 - b) manifestly ill-founded or unreasonable; or
 - c) incompatible with the provisions of the Agreement or this Procedure.

Article 8 - Submissions by the Secretariat

1. Where the Secretariat, also on request by the Scientific Committee, becomes aware of possible non-follow-up by a Party with its obligations under the Agreement, it may request the Party concerned to furnish necessary information about the matter.
2. If there is no response or the matter is not resolved within three months, or such longer period as the circumstances of the matter may require, but in no case later than six months, the Secretariat shall bring the matter to the attention of the Committee, which shall consider it as soon as practicable. The Secretariat shall immediately inform the Party

concerned of its submission. **Any reply and supporting information shall be submitted to the Secretariat within three months or longer period in particular circumstances, but in no case later than six months. The Secretariat shall transmit the reply, as well as all corroborating information, to the Committee, which shall consider the matter as soon as practicable.**

Article 9 - Submissions by ACCOBAMS Partners

1. A submission may be brought before the Committee by one or more ACCOBAMS Partners that have reservations about a Party's follow-up with its obligations under the Agreement.

2. A submission made under paragraph 1 above shall be addressed in writing to the Secretariat and shall be supported by corroborating information. The Secretariat shall, within one week of receiving a submission, send a copy of it to the Party whose follow-up is in question. Any reply and supporting information shall be submitted to the Secretariat and to the Partner involved within three months or **longer period in particular circumstances, but in no case later than six months**. The Secretariat shall transmit the submission and the reply, as well as all corroborating information, to the Committee, which shall consider the matter as soon as practicable.

3. The Committee may decide not to proceed with a submission which it considers is:

- a) an abuse of the right to make such submission; or
- b) manifestly ill-founded or unreasonable; or
- c) incompatible with the provisions of the Agreement or this Procedure.

Article 10 - Procedure before the Committee

In carrying out its functions, the Committee may:

- a) consider any relevant information submitted to it by the Party whose follow-up is in question, by other ACCOBAMS Parties, by the Secretariat or by ACCOBAMS Partners;
- b) request further information from any sources and draw upon outside expertise, as it considers necessary and appropriate;
- c) undertake, with the agreement of the Party concerned, information gathering in the territory of one Party;
- d) consult with other Agreement bodies and in particular with the Scientific Committee;
- e) request information from any Parties, through the Secretariat, on the general issues of implementation and follow-up under its consideration.

Article 11 - Confidentiality

- 1. The procedure before the Committee and the documents examined by the Committee are confidential, unless the Party concerned agrees to their publicity.
- 2. **The Committee members, alternate members, observers and members of the Secretariat attending the Committee's meeting shall sign a confidentiality agreement.**

Article 12 - Consideration by the Meeting of the Parties

1. 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.
2. The Meeting of the Parties' decisions under paragraph 1 above also include motivations.
3. The Meeting of the Parties, through the Secretariat, shall notify the Party concerned in writing of its decisions.

Article 13 - Relationship between settlement of disputes and the Follow-up Procedure

The present Follow-up Procedure shall be without prejudice to Article XII of the Agreement on the settlement of disputes.

Article 14 - Enhancement of Cooperation

In order to enhance cooperation between this and other Follow-up Procedures adopted under other treaties, the Meeting of the Parties may request the Committee to communicate, as appropriate, with the relevant bodies of those treaties and report back to it with any relevant recommendation.

ANNEX 2 SUBMISSIONS FORM

1. Name of the submitting Party or Organization / institution having the status of ACCOBAMS Partner:
(If the submission is presented by the Secretariat, indicate "Secretariat")

2. Contact person:

(Person who has the capacity to represent the submitting Party or organization / institution having the status of ACCOBAMS Partner. If the submission is presented by the Secretariat, this information is not necessary)

- Name and position:
- Address for correspondence:
- Tel.:
- E-mail:

3. Name of the Party concerned by the submission:

4. Relevant provision(s) of the Agreement concerned by the alleged non-follow-up situation:

(List as precisely as possible the provisions of the Agreement that the Party concerned is alleged not to follow-up)

5. Statement identifying the question of non-follow-up:

(Include all matters of relevance to the assessment and consideration of the submission. When a submission is made by a Party regarding its own non-follow-up, it has to provide the specific circumstances that it considers to be the cause of its situation)

6. Information supporting the submission:

(Relevant national legislation, national decisions, results of other procedures, etc. Indicate if any other domestic or international procedures have been undertaken to address the issue of non-follow-up which is the subject of the communication)

7. Any other information (existence of an environmental impact assessment (EIA), size of projects, maps of the area, etc.)

8. List of the documents annexed to the submission:

(Only copies are accepted)

Date:

Signature:

(of the person specified under No. 2 or, in case of a submission by the Secretariat, of the ACCOBAMS Executive Secretary)

This form has to be sent to the ACCOBAMS Follow-up Committee through the Secretariat at the following address:

ACCOBAMS Executive Secretary
Les Jardins d'Apolline
Bât. C 1, Promenade Honoré II
 98000 Monaco (Principality of Monaco)
 E-mail: secretariat@accobams.net